

THE
LAWS

OF THE

State of North-Carolina

Passed in 1803.

Transcribed by the Public Printer, by order of the General
Assembly, to

One of the Justices of the Peace

of

Mecklenburg

L A W S
OF
NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the fifteenth Day of November, in the Year of our Lord one Thousand Eight Hundred and two, and in the Twenty-seventh Year of the Independence of the said State.

JAMES TURNER, ESQUIRE, GOVERNOR.

CHAP. I.

An Act to carry into effect a Contract between the State of North-Carolina, and Phineas Miller and Eli Whitney.

WHEREAS Eli Whitney, the inventor and patentee of a machine for cleaning cotton from the seeds, commonly called a Saw-Gin, has proposed and offered, in behalf of himself and Phineas Miller, assignee of one moiety of the patent-right to said machine, to sell to the State of North-Carolina, the sole and exclusive right of making, using and vending the said machine within the limits of this State: And whereas the cultivation of cotton is increasing in this State, and from the invention and use of said machine, likely to become a valuable staple article of exportation, it is expedient that the State of North-Carolina do purchase from the said Miller and Whitney, the patent-right to the making, using and vending the said new invention of a machine for cleaning cotton from its seeds, commonly called a Saw-Gin, on the terms and conditions herein after mentioned; that is to say, that there shall be laid and collected by the State of North-Carolina, on each and every saw-gin which shall be used in this State, between the passing this act and the first day of April next, a tax of two shillings and sixpence upon every saw, or annular row of teeth, which such gin may contain; and a tax of two shillings and sixpence for each and every saw, or annular row of teeth, which shall be used in said gins, in each and every year, for the term of five years thereafter. *Provided*, that the aforesaid Miller and Whitney, before they shall receive, or be entitled to receive any of the money collected by virtue of this act, shall produce their patent-right aforesaid, and satisfy the Treasurer that they are the true proprietors of the same; which tax, when collected, to be paid to the said Miller and Whitney, or their order, first deducting the Sheriff's usual commissions of six per cent. for collection, from year to year for the term aforesaid: The first payment to be made on the first day of December, in the year of our Lord one thousand eight hundred and three, and the last payment on the first day of November, in the year of our Lord one thousand eight hundred and eight: For which purpose,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the good faith of this State be, and the same is hereby declared to be pledged for the due collection of the said tax for the term aforesaid, and for the regular payment thereof, from year to year, on the day and days before mentioned; and for the passing of such laws as may be necessary for the due and faithful collection and payment of said tax, and for the purpose of carrying this contract into effect, according to its true intent and meaning.

It be further enacted, That all persons who shall use, from and after the passing of this act, any saw-gin, shall make return thereof to the first county court which shall be held in each and every county of this State, after the first day of February next; which return shall be made on oath, to be administered by some Justice of the Peace, and shall state the number of saws contained in any gin which the person making such return shall have used since the passing of this act, and before the time of making affidavit as aforesaid; and the returns shall be

1800.

Preamble.

Terms of contract.

Patent right to be produced.

Times of Payment.

Faith of the State pledged for the collection of the tax.

Provisions preparatory to paying the tax.

1803.

filed by the Clerks of the respective county courts, and a transcript or list of the same shall by them be forwarded to the Comptroller, within ninety days after the rising of their respective courts hereby appointed for giving in; and another transcript or list, within five days after the rising of each and every court as aforesaid, shall be delivered to the Sheriffs of their respective counties, which shall state particularly the names of the persons who have made returns, and the numbers of saws by each person respectively returned.

Tax of 2s. 6d.
on every saw.

III. *And be it further enacted*, That a tax of two shillings and sixpence shall be, and is hereby laid on each and every saw, or annular row of teeth, in each and every saw-gin for ginning of cotton within this State, to be paid by the owner thereof, who shall have used the same after the passing of this act, and previous to the first day of April next: And the Sheriffs of the several counties of this State are hereby authorized and empowered and directed, to levy and collect the same, under the same rules and regulations as are prescribed by law for the collection of public taxes, and shall respectively account for the same, under the same regulations and penalties as they are subject and liable to in their respective settlements with the Comptroller and Treasurer. And any person or persons failing to make return as aforesaid, shall be liable and subject to the payment of a double tax, to be collected by the Sheriffs of the respective counties, in the same manner as other double taxes are levied and collected in this State; and the said Sheriffs shall account for the same as for the public taxes, and shall pay to the Public Treasurer the one half of the double tax which he shall be bound to levy and collect. *Provided nevertheless*, that if by sickness, or other unavoidable accident, any person or persons shall be prevented from making returns of their gins as required by this act, the county courts of their respective counties shall have power to relieve them from the payment of the double tax, if the same shall be made appear, at any time before the time of collection.

Sheriffs to be
accountable.

Penalties on
persons failing
to make return.

And whereas returns will in many cases be made before the first day of April, and many persons may set up and use gins after the time prescribed by this act for making returns, and before the said first day of April next:

Persons where
gins fixed after
the time pre-
scribed for
making returns.

IV. *Be it therefore enacted*, That it shall be the duty of the Sheriffs of the counties of this State, to collect from all persons the tax aforesaid, who shall have used the said gins before the said first day of April next: *Provided nevertheless*, if the said gins shall have been set up and used between the time required by this act to be returned, and the said first day of April, the same shall be only liable to the payment of a single tax.

et c.

The tax to be
paid until the
year 1807.

V. *And be it further enacted*, That a tax of two shillings and sixpence be, and the same is hereby laid, and shall be collected annually in each and every year (exclusive of the tax herein directed to be collected for the use of said gins from the time of passing this act until the first day of April next) for the year one thousand eight hundred and three, one thousand eight hundred and four, one thousand eight hundred and five, one thousand eight hundred and six, and one thousand eight hundred and seven, on each and every saw, or annular row of teeth, contained in each and every gin for ginning of cotton, which shall be used in any and every county within the limits of this State, to be paid annually by the person owning or using the same.

Persons to make
returns of gins
with their other
taxable prop-
erty.

VI. *And be it further enacted*, That it shall be the duty of all persons, for the year one thousand eight hundred and three, and for every year thereafter to the year one thousand eight hundred and seven, inclusive, at the time of making returns of their taxable property, also to make return, on oath, to the Justice of the Peace appointed to take lists of the same, of the number of saws, or annular rows of teeth, contained in each and every gin for cleaning cotton which shall, at the time of giving in, be in his, her or their possession, for the purpose of being used in the respective years for which the same is returned; and on failure thereof, shall be liable to the same penalties he, she or they shall be liable to for failing to make return of other taxable property. And the Sheriffs of the several counties of this State, are hereby authorized and empowered to collect, for each and every year, for the term aforesaid, at the time of collecting other taxes, the said tax of two shillings and sixpence on each and every saw, or annular row of teeth, contained in any gin or gins, in their respective counties.

within each and every year, every person is or are liable to pay a tax under and in pursuance of this act, in the same manner and under the same rules and regulations as are prescribed for the collection of other taxes; and he shall account for and pay the same at the proper office, under the same regulations and penalties as are prescribed for his accounting for and paying the public taxes of this State, deducting and reserving to himself a commission of six per cent. as allowed for the collection of other taxes.

VII. *And be it further enacted*, That the Sheriffs of this State shall be bound to collect the taxes herein laid, for the years herein mentioned, from all persons who shall use any saw-gin within their respective counties, notwithstanding the same shall not be returned in any list.

VIII. *And be it further enacted*, That the Treasurer for the State shall pay the said Miller and Whitney, their agent or attorney, legally authorized by letter of attorney, under their and each of their hands and seals, or their executors or administrators, the amount of the tax herein laid for the year one thousand eight hundred and two, which shall be paid into his office by the several Sheriffs of this State as required by this act, without any deduction or abatement whatever, on the first day of December, one thousand eight hundred and three; and shall also pay on every first day of November thereafter, for the term hereinbefore mentioned, the sum which shall be annually paid into his office for the tax on cotton-gins laid by this act, and directed to be collected, to said Miller and Whitney, or their attorney legally authorized as aforesaid, or their executors or administrators. And the said Treasurer is hereby authorized, empowered and directed to take and use the same measures for enforcing the payment of the taxes herein laid, and directed to be collected by the several Sheriffs of this State, as he is authorized and empowered to take for enforcing the payment into the Public Treasury of other public taxes: *Provided nevertheless*, that the said Eli Whitney and Phineas Miller, their executors or administrators, by themselves or their attorney, authorized and empowered under hand and seal for that purpose, on or before the twentieth day of June next, make and execute a deed of assignment, bargain and sale and release, to the Comptroller, for and on behalf of the State of North Carolina, of their patent right to the exclusive making, using and vending the said machine and new invention of the saw-gin, within the limits of this State, and of all other improvements and amendments within the limits of the same, which they or either of them shall make or discover in the construction of the said machine, or the principles of the invention of the saw-gin: *And provided also*, that the said Miller and Whitney, their administrators or executors, by their said deed, agree to refund all such sums of money, notes of hand or obligations, which they or either of them, or either of their agents or attorneys, may have received for licence or licences to use the said machine, from any citizen or other person within this State; the same to be refunded to the respective persons, or their representatives, from whom the same was received; and shall also engage to deliver at the town of Wilmington, free of expence, one of the said machines for the use of this State, of the most approved size and construction fit for use.

Provided nevertheless, That nothing herein contained, shall be extended, or meant to give to any citizen, or other person or persons within the limits of this State, a right of making or selling for exportation, or exporting beyond the limits of the United States, any of the machines aforesaid, or of any of the parts thereof. *And provided also*, that if at any time hereafter, it shall appear, that any person or persons, other than the said Whitney and Miller, are rightfully and legally entitled to the patent-right of making, using and vending said machines or saw-gins, now claimed by said Whitney and Miller, and the citizens of this State, or any of them, shall thereby become liable to pay any other sum or sums than those expressed in this act, that then and in that case, the contract entered into by this State for the purchase of said Whitney and Miller's patent-right aforesaid, shall be void; and the said Whitney and Miller shall moreover be held accountable for all and every sum or sums recovered against any of the citizens of this State as aforesaid; and that these conditions be expressed in the deed of assignment, bargain and sale and release to the Comptroller, before mentioned.

1802.

Sheriffs to be bound.

When the Treasurer is to pay the Patents.

Payment of tax to be enforced.

The Patentees to make a release to the State of their patent.

Patentees to refund notes or money received from the citizens.

Machines not to be exported.

If any other person is entitled to the patent, this contract to be void.

1802.

CHAP. II.

An Act for dividing the State into Districts, for the purpose of electing Representatives to Congress.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That this State shall be divided and laid off into twelve districts, as follow: viz. the counties of Perquimons, Chowan, Currituck, Camden, Gates, Pasquotank and Hertford, shall compose the first district; the counties of Halifax, Northampton, Bertie and Martin, shall form the second district; the counties of Beaufort, Hyde, Pitt, Edgecomb, Tyrrel and Washington, shall form the third district; the counties of Lenoir, Craven, Carteret, Jones, Green, Wayne and Johnston, shall form the fourth district; the counties of New-Hanover, Brunswick, Onslow, Duplin, Sampson and Bladen, shall form the fifth district; the counties of Franklin, Warren, Granville and Nash, shall form the sixth district; the counties of Richmond, Montgomery, Anson, Moore, Cumberland and Robeson, shall form the seventh district; the counties of Wake, Orange and Chatham, shall form the eighth district; the counties of Guilford, Rockingham, Caswell, Person and Randolph, shall form the ninth district; the counties of Cabarrus, Rowan and Mecklenburg, shall compose the tenth district; the counties of Burke, Lincoln, Buncombe and Rutherford, shall form the eleventh district; the counties of Surry, Stokes, Iredell, Wilkes and Ashe, shall form the twelfth district; each of which districts shall be entitled to elect and send one Representative to the Congress of the United States; and the person elected in each district, shall be a resident or inhabitant of that district for which he is elected, during the space or term of one year, before and at the time of his election.

Each district to elect one Representative.

Times and places of election.

In 1803 and 1804 and every two years thereafter.

How to be conducted.

No person to vote but in the county where he resides.

Penalty on voting more than once.

Manner of closing the polls.

II. And be it further enacted by the authority aforesaid, That the election shall be held on the same days, and at the same places as are now prescribed by law, for holding elections for members to represent the several counties in the General Assembly of this State, in August, in the year one thousand eight hundred and three, and at the same times and places in the year one thousand eight hundred and four, and at the same times and places every two years thereafter; and the same are to be conducted by the Sheriffs of the several counties within this State, and the deputies of said Sheriffs, in like manner as the annual elections of members of the General Assembly are, except that the Inspectors of the elections and Clerks of the polls shall be sworn to act with justice and impartiality, which oath shall be administered by any Justice of the Peace then present; and each and every freeman entitled to vote for a member of the House of Commons in the General Assembly of this State, shall and may vote for a Representative to Congress.

Provided nevertheless, That no person shall be entitled to vote at any election except in the county where he resides: And provided further, That if any person whatsoever shall vote more than once in any election for members of the General Assembly, or for a Representative to Congress, for his county or district, on conviction thereof, shall forfeit and pay the sum of ten pounds, to be recovered before a single Justice of the Peace, one half to the use of the person suing for the same, the other half to be applied to the use of the county. And in counties where separate places of elections have been, or shall be established by law, the elections directed by this act, shall be conducted by the returning officer, in the same manner as elections for members of the General Assembly heretofore had, each officer making return of the poll agreeably to this act.

III. And be it further enacted by the authority aforesaid, That immediately after the election so closed in each county, the Sheriff or other returning officer shall, in presence of the Inspector of the election, cast up the scrolls, and make out two correct statements of the number of suffrages given in his county to each candidate, one of which statements shall be by the Inspectors filed in the Clerk's office of their respective counties; after the same is duly certified by the said returning officer; and a majority of the Inspectors, and the Sheriff or other returning officer, by himself or deputy, shall attend with the other, on the day and at the places hereinafter mentioned, and at the same time and place, the poll for the different counties shall, by the said Sheriff or their deputies, or other returning officers (as the case may be) in presence of three Justices of the Peace,

who are to be summoned by the Sheriff or other returning officer of the county wherein they shall meet for that purpose, be examined and compared: and a certificate under the hands and seals of the said returning officers, shall be given to the candidate in each district, for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes, the said returning officers shall determine which of them shall be the Representative; and if no decision is by them made, then they shall decide the same by drawing, in like manner as the Grand Jury is drawn for in the Superior Courts.

1802.

When an equality of votes, the returning officers to determine, &c.

IV. *And be it further enacted by the authority aforesaid,* That each and every person who shall be duly elected a Representative under this act, shall, upon obtaining a certificate of his election, according to the direction above-mentioned, obtain from his Excellency the Governor, a commission certifying his appointment as a Representative of this State; which commission the Governor is hereby empowered and required, on such certificate being produced to him, to issue.

Representatives to obtain commissions from the Governor.

V. *And be it further enacted by the authority aforesaid,* That the Sheriffs or other returning officers, shall meet on the Thursday next after each election, at the court-house of the county first mentioned in their respective districts: *Provided always,* That if any accident shall happen to either of the returning officers, which may prevent any or either of them from meeting on the day aforesaid, the returns of each and every officer shall be received on the day following, and the Sheriff or other returning officer failing to attend at the time and place above-mentioned, shall forfeit and pay the sum of fifty pounds, to be recovered for the use of the State, upon due proof thereof, in any court of law within this State, by an action of debt, by the Treasurer of the State for the time being.

Returning officers to meet at the elections.

VI. *And be it further enacted,* That the Sheriff or other returning officer, holding elections in pursuance of this act, shall be allowed the sum of twenty-five shillings for every thirty miles travelling to and returning from the places of comparing the polls, and the same sum for every day they shall necessarily attend in complying as aforesaid, which shall be paid by the Treasurer on affidavit of the Sheriff or returning officer, for their services as aforesaid, including ferriages.

Allowance to returning officers.

VII. *And be it further enacted by the authority aforesaid,* That if in any event it shall become necessary that this State shall be represented in Congress at an earlier period than the time of the election before provided for by this act, the Governor for the time being, shall be, and he is hereby authorized and required to direct and appoint the time of holding the elections for Representatives in Congress from this State, at such earlier time as shall be deemed necessary and proper.

The Governor to cause the elections to be held earlier if necessary.

VIII. *And be it further enacted,* That all acts and clauses of acts heretofore made, which come within the meaning and purview of this act, be and the same are hereby repealed and void.

Former acts repealed.

CHAP. III.

An Act to raise a Revenue for the payment of the Civil List and contingent charges of Government for the year one thousand eight hundred and three.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and three, a tax of eight-pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, and a tax of two shillings on every poll, shall be levied, collected and accounted for in the same manner as directed by the several acts of Assembly in such case made and provided.

Tax on lands, town lots and polls.

II. *And be it further enacted,* That a tax on all stud-horses and jack-asses within this State, of the whole sum which the owner or keeper of such stud-horse or jack-ass, shall ask and receive for the season of one mare, shall be levied, collected and accounted for in the same manner as such taxes have been heretofore levied, collected and accounted for.

On stud-horses and jack-asses.

III. *And be it further enacted,* That all free males between the ages of twenty-one and fifty years, and all slaves between the ages of twelve and fifty years, shall be subject to pay a poll-tax.

What polls are taxable.

1802.
Fourth and
fifth sections of
the act of 1802
revived.

No sinking
fund-tax.

IV. *And be it further enacted*, That the fourth and fifth sections of an act of the General Assembly, passed at Raleigh in the year one thousand eight hundred and one, entitled "An act to raise a revenue for the payment of the civil list and contingent charges of government for the year one thousand eight hundred and two," be revived and continued in full force.

V. *And be it further enacted*, That no sinking fund tax shall be collected for the year one thousand eight hundred and three.

CHAP. IV.

An Act for the relief of the Tuscarora Nation of Indians.

Preamble.

WHEREAS the Indians composing the Tuscarora Nation, have by their Chief Sacarusa, and others, regularly deputed and authorized, requested the concurrence of the General Assembly of this State to enable them to lease or demise, for a number of years, the residue of their lands situate in the county of Bertie, in such manner that the whole of the leases on said land shall terminate at the same period:

Chiefs authorized to lease their lands.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Chief Sacarusa, Longboard and Samuel Smith, or a majority of them, be, and they are hereby authorized to lease and to farm let, the undemised residue of the lands allotted to the Tuscarora Nation in Bertie county, for a term of years that shall expire and end when the lease made by the Tuscarora Nation to Robert Jones and others, in the year one thousand seven hundred and sixty-six, shall end and expire, and also extend the term or terms of the leases already made or granted for a shorter term, to a term or terms which shall expire at the same time with the said lease made in the year one thousand seven hundred and sixty-six, in such parcels and on such rents and conditions as may be approved by the Commissioners appointed in pursuance of this act, and which may best promote the interest and convenience of the said Indian Nation.

And to extend leases already made.

And whereas some difficulties have arisen respecting the receipt and payment of the rents on some of the present leases,

To make alterations with respect to rents

II. *Be it further enacted*, That the said Chiefs, or a majority of them, be, and they are hereby authorized to make such alterations, by covenant or agreement, respecting the payment and receipt of any of the rents due, or that may become due on any of the existing leases, as the Commissioners appointed in pursuance of this act, or a majority of them, shall approve.

Whereas the said Indian Chiefs are ignorant of the usual forms of business, and may want advice and assistance in transacting the business respecting their lands, for remedy whereof, and to prevent their being injured,

Governor to appoint three Commissioners for carrying this act into effect.

III. *Be it further enacted*, That the Governor shall appoint three Commissioners for the purpose of carrying the provisions of this act into effect; and no lease, grant, demise, covenant or agreement made by said Indian Chiefs as aforesaid respecting said lands, or the rents thereof, shall be good or valid in law, unless the same shall be approved by said Commissioners, or a majority of them, and such approbation shall be expressed in writing, and annexed or endorsed on such lease, covenant or agreement, and registered in the Register's office of the county of Bertie, together with said lease or agreement; and the said Commissioners shall receive the sum of twenty-five shillings per day for their compensation, and expenses, to be paid out of the monies received by the said Chiefs on leasing said lands.

Leases to be confirmed by act of Assembly.

IV. *And be it further enacted*, That the occupancy and possession of the tenants under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under this act, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora Nation, to all intents and purposes as if the said Nation, or the Indians thereof, or any of them, actually resided on said lands.

Whereas the said Chiefs Sacarusa, Longboard and Samuel Smith, being duly and fully authorized and empowered by the said Tuscarora Nation, have consented that the Indian claim to the use, possession and occupancy of said lands, shall cease and be extinguished, when the said lease made in the year one thousand seven hundred and sixty-six, to Robert Jones and others, shall expire.

LAWS OF NORTH-CAROLINA:

V. *Be it enacted*, That from and after the twelfth day of July, which shall be in the year one thousand nine hundred and sixteen, the whole of the lands allotted to the said Tuscarora Indians, by an act of the General Assembly passed at Newbern, on the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty-eight, shall revert to, and become the property of the State, and the Indian claim thereto, shall, from that time, be held and deemed forever extinguished. 1802.
The land to revert to the State in 1916.

VI. *And be it further enacted*, That after the said lands shall revert to the State, if the same, or any part thereof, shall be vacant, the same shall not be liable to the entry or entries of any person or persons, without an express act of the Legislature to that effect: *Provided always*, That it shall not be lawful for any person or persons to make any entry or entries on the said land, after the passing of this act: *Provided always*, that nothing in this act contained, shall be construed so as to effect the title of any individual: *Provided nevertheless*, That no lot or parcel of lands laid off under the direction of said Commissioners, shall exceed two hundred acres: *And provided further*, That no lease shall be made but by public auction, of which due notice shall be given in the Halifax and Edenton newspapers. If any vacant land not to be entered but by an express act.
Provisos.

CHAP. V.

An Act to prevent the vile practice of Duelling within this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person sending, accepting, or being the bearer of a challenge for the purpose of fighting a duel, though no death ensues, shall ever after be eligible to any office of trust, honour or profit in this State, any pardon or reprieve notwithstanding; and shall further be liable to be indicted, and on conviction before any of the courts in this State having cognizance thereof, shall forfeit and pay a sum not exceeding one hundred pounds to the use of the State. Punishment for sending, accepting or being the bearer of a challenge.

II. *And be it further enacted*, That if any person fights a duel in consequence of a challenge sent or received, and either of the parties should be killed, then the survivor, on conviction thereof, shall suffer death without benefit of clergy; and all their aiders or abettors shall be considered accessories before the fact, and likewise suffer death without benefit of clergy. For fighting a duel, where one party is killed.

CHAP. VI.

An Act to amend an act, entitled "An act directing the mode of recovering debts of twenty pounds and under."

BE it enacted by the General Assembly of the State of North-Carolina, That from and after the first day of May next, Justices of the Peace shall have jurisdiction of all debts and demands of twenty-five pounds and under, agreeable to the restrictions of the before recited act, *Provided always* That the same stay of execution on sums from twenty to twenty-five pounds, shall be the same as is provided for sums between ten and twenty pounds in the before recited act. And whereas executions are not made returnable on any certain day from the issuing thereof, whereby great injury often results to the party recovering, by reason of constables neglecting to perform their duty; therefore, Justices to have jurisdiction of debts of 25l.
Stay of execution to be the same as for debts between 10 and 20l. in former act.

II. *Be it enacted*, That from and after the aforesaid first day of May next, all executions issued by a Justice of the Peace, shall be made returnable in the same time as is provided for the return of warrants in the before recited act; and when any execution shall be returned not fully satisfied and discharged, it shall and may be lawful for any Justice of the Peace of said county, to issue another execution for the sum so remaining due on the former execution. Executions issued by a Justice shall be returnable in the same time as warrants.

And whereas doubts have arisen how recoveries may be had upon judgments had before Justices of the Peace of twelvemonths standing, where execution hath not issued; for remedy whereof;

III. *Be it enacted*, That where judgment shall be had and execution not issued within twelvemonths thereafter, it shall be lawful to sue for and recover the same by warrant, before a Justice of the Peace, and that the former judgment shall be evidence of the debt, subject to such deductions as the defendant may make appear on trial to have been paid, in full or in part of said former judgment. Executions not issued in twelve months to be recovered by warrant.

1803.

Persons pre-
vented from at-
tending a trial
from unavoida-
ble causes may
appeal.

IV. *And be it further enacted*, That whenever it shall hereafter happen that judgment shall be entered against either plaintiff or defendant, he, she or they not being present, that at any time within ten days after such judgment, the person or persons against whom such judgment hath been given, on making oath before any Justice of the county where such judgment may be entered, that he, she or they was or were prevented from attending on the day of trial by bodily infirmity, mistaking the day of trial, or other sufficient cause, and that he, she or they are likely to be injured by such judgment, that then and in that case, it shall and may be lawful for such Justice to grant an appeal to the next county court, or stay of execution, on such person or persons entering into bond with sufficient security, as in other cases of granting appeals or staying of execution from the judgment of the Justice; and it shall also be the duty of such Justice, to give to the party craving such appeal, a written order to the Constable, or other person having such judgment in his or their hands, commanding him to return said judgment, together with such other papers and documents as may be in their hands relative to such judgment, to him the said Justice before the next county court; and also commanding said officer to give notice to the party in whose favour such judgment hath been given, of an appeal being granted thereon; and that it shall be the duty of the Justice, on receiving such judgment and other papers, to make return thereof, together with the appeal bond and affidavit of the party craving such appeal, to the next ensuing court of his county, to be tried as other appeals from Justices judgments.

All forfeitures
not exceeding
25l may be re-
ceived by war-
rant.

V. *And be it further enacted*, That all forfeitures and penalties incurred by virtue of the General Assembly not exceeding twenty five pounds, shall and may be received by warrant before any Justice of the Peace, any law to the contrary notwithstanding.

CHAP. VII.

An Act making further provision for the Redemption of the Certificate Debt of this State.

Preamble.

FORASMUCH as justice and sound policy require that the certificate debt of this State should be redeemed whenever the finances of the State are adequate thereto, and it appearing that there is now in the public chest, monies unappropriated commensurate to its redemption, therefore,

Treasurer to
purchase the
principal and
interest of the
debt.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Public Treasurer for the time being, and he is hereby authorized and directed, to purchase in for the use and benefit of the people of this State, after the first day of January next, the principal and interest of all the certificates heretofore issued, agreeably to the acts and under the authority of the Legislature of this State, which shall be presented to him before the first day of December next; those issued at Warrenton in the year one thousand seven hundred and eighty-six; those issued by Patrick Travis, Commissioner of Cumberland county; those issued for services in the Western country, commonly called "Chickamauga Certificates," and all those not at present receivable at the Treasury Office, excepted, paying and giving for each pound of the principal and interest which shall be presented to him and purchased as aforesaid, the sum of fifteen shillings, reckoning and allowing interest on any of said certificates bearing interest, to the day of purchase: *Provided always*, That no certificate shall bear interest after the first day of December next.

If presented by
1st of December
next.

Exceptions.

At 15s. in the
pound.

No certificate
to bear interest
after 1st of De-
cember.

Act to be pub-
lished.

II. *And be it further enacted*, That the Treasurer shall cause this act to be published at least three weeks in one or more of the newspapers published in this State.

CHAP. VIII.

An Act to repeal the third section of an act, passed at the last session of Assembly, entitled "An act to continue in force and to amend an act passed in the year 1799, entitled 'An act directing the Judges of the Superior Courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of all persons concerned in certain frauds.'"

Act repealed

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the third section of the above recited act be, and the same is hereby repealed and made void,

CHAP. IX.

An Act to amend the several Land Laws in this State, so far as respects Surveys being made and returned into the Secretary's Office.

1802.

WHEREAS by an act of the General Assembly of this State, passed last session, all lands entered previous to the first day of January, one thousand seven hundred and ninety-eight, that may have been paid for as by law directed, and not surveyed and returned into the Secretary's Office by the first day of December, one thousand eight hundred and two, are declared lapsed lands to the citizens of this State: For remedy whereof,

Preamble

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bona fide entries of lands in this State, previous to the first day of January, one thousand seven hundred and ninety-eight, which have been paid for, shall have until the first day of January, one thousand eight hundred and four, to have said lands surveyed and returned into the Secretary's Office; and all such lands not surveyed and returned into the Secretary's Office by the day aforesaid, shall become void, and are hereby declared lapsed lands to the State, and may be thereafter entered by any person as other vacant and unappropriated lands in this State.

Entries made before 1798 & paid for, to have till 1804, to have them surveyed and returned.

II. Be it further enacted, That it shall be the duty of the Sheriffs of each county in this State, to advertise this act at each court first happening after the 1st day of April next, and moreover be published three weeks successively in the State Gazette, any law to the contrary notwithstanding.

Act to be advertised.

CHAP. X.

An Act to amend the fifth section of an Act, passed at Raleigh in the Year 1801, entitled "An act to amend the several Land Laws of this State."

WHEREAS it may so happen, that some Persons who have made entries of land in the years one thousand eight hundred, and one thousand eight hundred and one, may not have had it in their power to pay the purchase-money into the Treasury of the State by the first day of December, one thousand eight hundred and two, and thereby be injured by their entries lapsing: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all claimants of entries of lands made in the years one thousand eight hundred, and one thousand eight hundred and one, who shall not have paid for the same before the first day of December, one thousand eight hundred and two, shall have until the twentieth day of December, one thousand eight hundred and three, to pay the purchase-money into the Treasury for the same; and all entries so paid for are declared to be as good and valid in law, as if the same had been paid for according to the fifth section of an act passed in the year one thousand eight hundred and one, entitled "An act to amend the several land laws in this State;" and the said entries shall, within two years after the said twentieth day of December, one thousand eight hundred and three, perfect their entries by grant; and all entries not perfected by grant within the time aforesaid, shall be deemed lapsed, and shall revert to the State, any thing to the contrary notwithstanding.

Entries of land made in 1800 and 1801, not paid for, to have till Dec. 20, 1803.

II. And be it further enacted, That the provisions of this act shall not extend or be construed to extend to give relief or further indulgence to any person or persons, who have, by any entry or entries, entered land to a greater amount than six hundred and forty acres.

Not to extend to entries of more than 640 acres.

CHAP. XI.

An Act to amend an act directing the manner in which Confiscated Lands shall in future be disposed of, passed in the year one thousand eight hundred and one.

WHEREAS by the above recited act, it is not mentioned what credit shall be given by the Commissioner appointed under the above act, for the lands by him sold, nor how long the same shall be advertised before sale; and for making said act more perfect,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, when any Commissioner of confiscated property, shall have information of any confiscated land within his district, it shall be his duty to seize said lands for

Commissioner to seize confiscated land and cause it to be sold.

1802. the use of the State, and shall cause the same to be sold at public sale, on a credit of one year for one moiety, and two years thereafter for the other moiety, for the most that may be gotten for the same, first giving two months notice by advertisement in the Raleigh Register, or in any Gazette published in the district where the land lieth, and by advertisement to be set at the court-house of said district, and at each of the other court-houses within the same; and if any person should lay claim to said lands, previous to the sale thereof, he shall notify the same to the Commissioner, who shall at the next succeeding court of the district, cause an issue to be made up between the State and the person so claiming the land aforesaid, and a Jury shall be impanelled to try the same, subject to the same rules and regulations as are practised in the trials of other suits at law.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Commissioner of each district, to sell the confiscated lands within his district at public sale at the court-house in the county where the land lieth, first giving forty days notice by advertisement, to be set up at the court-house and four other public places in said county where said lands may lie; and for all sales made under this act, he shall give the credit aforesaid, and take from the purchasers bond and sufficient security for the purchase money, payable to himself for the use of the State; and immediately after the expiration of the time for which credit was given, he shall proceed to collect the same; and the same being collected, shall transmit the amount thereof to the Treasury of this State, first deducting ten per cent. for his commissions on the same.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of each Commissioner, previous to his selling any of the confiscated lands under this act directed, to issue his order to the surveyor of the county where the land lieth, directing him to proceed to run out the lines of said land, and make two just and fair plans thereof, and return the same to him within forty days after the receipt of such order; for which service, together with the hire of chain-carriers, the said surveyor shall be allowed sixty shillings for each tract of land by him so surveyed and returned, to be paid by the said Commissioner, out of the first money which may come into his hands, which shall be allowed him in the settlement of his accounts with the Public Treasurer.

IV. *And be it further enacted by the authority aforesaid,* That when any tract of land shall be sold, by and under the direction of this act, the Commissioners shall endorse on each of the plats of survey of said land, the following certificate: "I A. B. Commissioner of confiscated property, for the district of _____ do hereby certify that _____ did on the _____ day of _____ in the _____ year _____ at the court-house in the county of _____ bid off the land mentioned in the within plat, for the sum of _____ and hath given bond and security for the purchase-money of the same agreeably to law;" which plats being thus certified and presented to the Secretary of State, he shall file the same in his office, and thereupon make out a grant to the purchaser, with one of the plats annexed thereto; which grant shall be executed by the Governor for the time being, and shall convey to the said purchaser, his heirs and assigns, all the estate, right and title which this State may have in and to said land.

CHAP. XII.

An Act for the relief of persons who have obtained grants for lands which are covered in whole or in part by grants of older date.

WHEREAS it is represented to this General Assembly, that in many instances, grants have been issued upon warrants, located upon lands previously located and granted by the State of North-Carolina, by which the persons claiming under the second grants, are deprived of the benefit of their warrants; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That where one or more grants have issued for the same land or part thereof, for lands granted by this State, it shall and may be lawful, on the agreement of the parties made in writing, filed with the surveyor of military land warrants appointed by this State, for said surveyor, by himself or deputy duly appointed, and sworn chain-carriers, to survey such lands and certify the quantity that may be deficient, or be lost by

the grantees or either of them, and return the surveys to the office of the Secretary of this State; whereupon the Secretary shall issue a warrant or warrants to the grantee or grantees, for so many acres of land as may be deficient or lost as aforesaid, upon which the same proceedings shall be had, as in the case of original warrants; and in case the parties grantees cannot agree, then claims for deficiencies shall be allowed upon the party claiming under the second or younger grant, producing to, and filing with the Secretary of State, a copy of the record, shewing, that in a trial at law before competent jurisdiction, that he hath lost the whole or part of the land contained in his grant.

1802.

II. *And be it further enacted by the authority aforesaid,* That no person shall have relief more than once under this act, for every tract of land he may have obtained a grant for, neither shall this act be held to any other lands than granted on warrants issued from the office of John Armstrong, or military warrants.

No person to have relief more than once.

CHAP. XIII.

An Act to ascertain in what manner disputed claims to land warrants for lands entered in the office of John Armstrong, and for military lands, shall be tried and determined.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever the Secretary of State shall advertise a claim for a warrant for lands entered in the office of John Armstrong, or for a military land warrant, and an adverse claim shall be set up by any person or persons, it shall be the duty of the Secretary of State to certify such claim and adverse claim to the superior court of law for the district in which the first claimant resides; or if the first claimant resides out of the State, then to the superior court of the district in which the second claimant resides; and if both reside out of the State, then to the superior court of law for Hillsborough district; and when the Secretary's certificate shall be filed in any court, an issue shall be made up to try the right of the contending parties, which shall be tried under the same rules and regulations as suits at common law are tried; and upon the finding of the jury, and the judgment of the court before whom such issue shall be tried, it shall be the duty of the clerk of said court, to certify under his hand and the seal of his office, such verdict and judgment, and the Secretary shall then issue a grant to the party prevailing.

When adverse claims are set up, the Secretary to certify the claim to the superior courts, &c.

Issue to be set up and tried.

II. *And be it further enacted by the authority aforesaid,* That this act shall extend to all cases where claims have been already made for land warrants, and adverse claims set up thereto, and which are not decided, and shall be in force from and after the passing thereof.

To extend to all claims not yet decided.

CHAP. XIV.

An Act giving further compensation to Witnesses and Jurors attending the Superior Courts within this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, each and every witness attending the superior courts of this State, shall receive for each and every day's attendance as a witness as aforesaid, the sum of ten shillings, and ten shillings for every thirty miles travelling to and from the said courts.

Witnesses to receive 10s. a day

II. *And be it further enacted by the authority aforesaid,* That the jurors attending the several superior courts of law within this State (where a greater allowance is not already made) shall be allowed each the sum of ten shillings for every day he shall attend such court, and the sum of ten shillings for every thirty miles in going to and returning from such court, any law, custom or usage to the contrary notwithstanding.

Jurors the same.

CHAP. XV.

An Act to empower the several County Courts within this State to appoint Patroles.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the several county courts within this State, shall have full power and lawful authority, to direct, in such manner and in such numbers, such rules, regulations and restrictions, the patroles in their respective counties shall be appointed and governed, and the said patroles when appointed

County Courts to appoint Patroles.

under their respective

1808.

subject to such rules, regulations and restrictions as their respective county courts shall ordain and establish, and under such fines and penalties as the said court shall fix and direct.

II. *And be it further enacted*, That the patrols appointed in pursuance of this act, shall have all the powers and authorities vested in the patrols, as by an act passed in the year one thousand seven hundred and ninety-four.

III. *And be it further enacted by the authority aforesaid*, That the several county courts within the State, if they shall deem it necessary, shall have full power and authority, from time to time, to lay a tax not exceeding one shilling on every taxable black poll within their respective counties, for the purpose of paying the patrols by them appointed in pursuance of this act: *Provided always*, That there shall be a majority of the acting justices present where such tax is laid as aforesaid.

V. *And be it further enacted*, That so much of the several acts as shall come within the purview and meaning of this act shall be repealed and made void.

CHAP. XVI.

An Act for the better regulation of the Sheriffs' fees.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of February next, the Sheriffs of the different counties within this State, shall be entitled, for the following services, to the fees respectively annexed thereto: for every arrest the sum of seven shillings and sixpence, for every bail bond, the sum of two shillings and sixpence, for every subpoena he shall serve, the sum of three shillings, for every attachment levied, the sum of seven shillings and sixpence, for taking replevy bond upon such attachment, the sum of two shillings and sixpence, for putting in stocks six shillings, for every commitment three shillings, for every release three shillings, for executing every writ of possession the sum of ten shillings, for calling every suit in court the sum of sixpence.

II. *And be it further enacted by the authority aforesaid*, That the fees heretofore by law prescribed for the services abovementioned, and all laws and parts of laws coming within the meaning and purview of this act, are hereby repealed and declared void.

CHAP. XVII.

An Act to prevent conspiracies and insurrections among the Slaves.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any number of negroes or other slaves, shall, at any time hereafter, consult, advise or conspire to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever, every such consulting, plotting or conspiring, shall be adjudged and deemed felony, and the slave or slaves convicted thereof in the manner prescribed by law, shall suffer death, or be transported, as hereinafter provided.

II. *Be it further enacted*, That if any negro or other slave shall be found in a state of rebellion or insurrection, or shall agree to join any conspiracy or insurrection, or shall procure or persuade others to join or enlist for that purpose, or shall knowingly and wilfully aid or assist any slave or slaves in a state of rebellion, or engaged in a conspiracy to make insurrection, as by furnishing, or agreeing, or promising to furnish, such persons with arms, ammunition, or any other article for their aid and support, every slave so offending, and being thereof legally convicted, shall be adjudged guilty of felony, and shall suffer death, or be transported, as hereinafter provided.

III. *And be it further enacted*, That if any free person shall join in any conspiracy, rebellion or insurrection of the slaves, or shall agree to join in any such conspiracy, rebellion or insurrection, or shall procure or persuade others to join or enlist for that purpose, or shall knowingly and wilfully aid or assist any slave or slaves in a state of rebellion, or engaged in a conspiracy to make insurrection, as by furnishing, or agreeing or promising to furnish such slaves with arms, ammunition, or any other articles for their aid and support, every free person so offending and being thereof legally convicted, shall be adjudged guilty of felony and shall suffer death without benefit of clergy.

And be it further enacted, That in all cases wherein a slave shall hereafter be convicted for the offences described in this act, the court may take for

evidence, the oath of one or more creditable witnesses, the confession of the offender, freely given without any undue influence, either by terror or persuasion, or the testimony of a negro or other person of colour, bond or free; but in all cases where the testimony of one negro or person of colour shall be admitted, the same shall not be deemed conclusive and sufficient to convict the person charged, unless the same shall be supported by such pregnant circumstances as to the jury on said trial shall appear convincing proof, when taken together with the testimony of such negro or person of colour.

Whereas it may not be necessary for the purpose of salutary example that all the slaves concerned in an insurrection, shall suffer death, while it might be impolitic and improper that they should remain in the State:

V. *Be it enacted by the authority aforesaid,* That in all cases of conspiracy, rebellion or insurrection by the slaves, when a sufficient example has been made; by the conviction and execution of any number concerned in such rebellion or insurrection, the court before whom the slave or slaves shall be convicted, shall have full power to commute the punishment of death for transportation out of the State, and beyond the limits of the United States, under such restrictions and upon such conditions as good policy and the public safety at the time shall require.

VI. *Be it further enacted,* That whenever a slave shall be transported in consequence of the provisions of this act, either by the owner or the State, and such slave shall ever thereafter, voluntarily return to, and be found in the State, such slave shall suffer death in pursuance of the original sentence passed against him, on proof of his identity in the usual form of law; and if such slave shall be brought into any county in this State by his or her master or mistress, or by any other person, such slave shall be forfeited (on proof thereof) to the county into which the same may be brought, which slave shall be again transported by order of the county court, and sold for the use of the county.

And whereas the civil authority may be found insufficient for the suppression and detection of a conspiracy or insurrection among the slaves in this State:

VII. *Be it therefore enacted by the authority aforesaid,* That it shall be the duty of any commissioned officer of the militia of this State, on application or order of any two or more Justices of his county, to order out the militia under his command, or such part thereof as may be necessary to detect and suppress such conspiracy, rebellion or insurrection of the negroes or other slaves; and the militia so raised, shall perform such duty and services as they shall be required to do by their commanding officer, and shall appear furnished with arms, ammunition and accoutrements, and shall receive the same pay and rations as is directed by the laws now in force.

VIII. *And be it further enacted,* That the Governor be, and he is hereby authorized and required, in all cases of conspiracy or insurrection, to take such measures for the detection or suppression of the same as the public safety at the time may require.

CHAP. XVIII.

An Act to amend an act passed in the year 1800, directing the manner of proceeding against the several officers therein mentioned.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, when any Sheriff, Clerk or Constable, within the several counties in this State, shall or may have received any money by virtue of their office or appointment, and shall fail to pay the same to the person or persons entitled to receive it, then and in that case, it shall and may be lawful for a Justice of the Peace to issue a warrant against them and their securities, and to give judgment for any sum not exceeding the jurisdiction of a Justice of the Peace, together with costs, and to award execution thereon, subject nevertheless to the right of appeal; and when it shall so happen, that any person's appointment as Sheriff, Clerk or Constable shall expire, or they be removed from office before such warrant issues, the same remedy and proceeding may be had against them as if they actually were in office, any law to the contrary notwithstanding.

1808.

CHAP. XIX.

An Act to authorize an additional allowance to the person or persons who shall hereafter be necessarily employed as Collector of arrears, and to repeal to much of the fourth clause of the second chapter of the act of 1792, as requires that all sales on executions issuing in behalf of the State, shall be made at the Court-Houses of the respective counties, and in term time.

Preamble.

WHEREAS the beneficial operation of the act of 1793, chapter the 7th, providing among other things for the appointment of collectors of arrears, has so far exhausted the outstanding debts of this State, as to render the commissions allowed by the said act to the Collectors of arrears no longer worth the attention and time of any person capable of performing the duties of that appointment and worthy of trust; and whereas for the want of the care and attention of such officers, the public executions are now again neglected and rarely returned satisfied, while the debtors move off, and the revenue of the State is thereby diminished:

Additional allowance to be made by Treasurer and Comptroller.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and three, and thenceforward, the Public Treasurer, jointly with the Comptroller, be, and they are hereby authorized and empowered to make to the person or persons who shall be necessarily employed to take charge of the public executions, such additional allowance over and above the commissions at present allowed them by law, as in their judgment they may be justly entitled to, due regard being had to the labour, expences, industry and success of the person or persons so employed as aforesaid.

Part of the act of 1792 repealed.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of the fourth clause of the second chapter of the act of one thousand seven hundred and ninety-two, as requires that all sales to be made on executions issuing in behalf, and for the use of the State, shall be had at the court-houses of the respective counties to which such executions issue, and in term time, be and the same is hereby repealed and made void; and that for the future, sales shall be made on such executions at the respective court-houses of the counties to which they may issue; but it shall be immaterial whether they be made in or out of term time, the direction of the above recited clause to the contrary notwithstanding.

Two years further time allowed for grants.

CHAP. XX.
An Act giving further time for registering grants, proving deeds, mesne conveyances and powers of attorney, which have not been proven and registered within the time heretofore limited by law.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all grants for lands which have not been registered within the time heretofore appointed by law, shall and may, within two years after the passing of this act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

Also for deeds, &c.

II. And be it further enacted by the authority aforesaid, that all deeds, mesne conveyances of lands, tenements, and hereditaments, and all powers of attorney not already proved, acknowledged and registered, shall and may within two years after the passing of this act, be acknowledged by the grantor or grantors, his or their agents or attorneys, or be proven agreeable to law; and all deeds, mesne conveyances and powers of attorney, which shall be acknowledged or proven, and registered according to the directions and provisions of this act, shall be good and valid, and take effect as fully to the use and benefit of the grantees, their heirs or assigns respectively, as if such deeds, mesne conveyances and powers of attorney, had been acknowledged, proved and registered, agreeable to the directions of any law heretofore made and in force.

CHAP. XXI.

1803.

An Act granting further time for proving and registering bills of sales and deeds of gift.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all bills of sale taken, and deeds of gifts made, and not already recorded in manner required by law, shall have a further time of twelve months allowed for probate and for registration, and shall, when thus authenticated and perpetuated, be held and deemed as valid to all intents and purposes, as if they had been proved and registered within the time required by an act passed at Fayetteville in the year one thousand seven hundred and eighty nine; any law, usage or custom to the contrary notwithstanding.

Twelve months
longer time al-
lowed.

CHAP. XXII.

An Act to prescribe the mode in which wills or deeds registered in other States, shall be admitted as evidence in this State.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in cases where inhabitants of other States, by will or deed, devise or convey property situated in this State, and the original will or deed cannot be obtained to register in the county where the land lies, or where the property shall be, in dispute, that a copy of the said will or deed (after the same has been proved and registered or deposited agreeably to the laws of the State where the persons died or made the same) being properly certified, either according to the act of Congress passed in May, one thousand seven hundred and ninety, or by the proper officer of the said State, and the further testimonial of the Governor or Commander in Chief of said State, that the person certifying is the proper officer or duly authorized by law; that then and in such case, the said copy shall be read as evidence in the Courts of this State, and shall be admitted in the same manner as a copy from any of the registers or clerks offices thereon.

Certified co-
pies of wills or
deeds to be re-
ceived in evi-
dence.

CHAP. XXIII.

An Act to repeal an act passed at the last session of the General Assembly, entitled "An act to repeal a part of the Inspection laws now in force in this State."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, the above recited act be, and the same is hereby repealed and made void.

Act repeal.

CHAP. XXIV.

An Act to amend the Quarantine Laws of this State.

WHEREAS by an act of the General Assembly, passed in the year one thousand seven hundred and ninety-three, it is made necessary that three Commissioners of Navigation, or three Justices of the Peace, should issue the necessary orders, commanding any vessel having a contagious disease on board, or coming from a place where such disease prevailed, to perform quarantine. And whereas it sometimes happens, that neither three Commissioners, nor three Justices of the Peace, can be conveniently, and in time, procured for the purpose of enforcing the above recited act, whereby the same is frequently evaded; for remedy whereof:

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any one Commissioner of Navigation, with two Justices of the Peace, or any one Justice of the Peace with two Commissioners of Navigation, to enforce and cause to be executed the above recited act, so far as regards the issuing of orders to compel vessels to perform quarantine.

What officers
may enforce
the Quarantine
law.

II. And be it further enacted, That from and after the passing of this act, the Commissioners of Navigation in the several ports of this State, shall be and they are hereby authorized and empowered to appoint Port-Physicians, and to regulate and prescribe the fees to which they shall be respectively entitled, according to the different quarantine stations which they shall be bound to attend for

Port Physicians
may be ap-
pointed.

LAWS OF NORTH-CAROLINA:

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the purpose of inspecting vessels, as required by the before recited act, and giving certificates of their situation and condition in regard to the health of their respective crews and passengers.

CHAP. XXV.

An act to fix the permanent residence of the Governor of this State.

Governor to
reside perma-
nently at Ra-
leigh.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Governor for the time being, shall reside permanently at the city of Raleigh, during his continuance in office.

Former acts
repealed.

II. And be it further enacted, That all acts and clauses of acts, coming within the purview of this act, be and the same are hereby repealed and made void.

Read three times and ratified in General Assembly, the 7th day of December,
A. D. 1808.

J. RIDDICK, S. S.
S. CALARRUS, S. H. C.

CHAP. XXVI.

An Act for the further regulation of the city of Raleigh, and to amend the acts heretofore passed for that purpose.

WHEREAS it has been found by experience, that the acts heretofore passed for the regulation of the city of Raleigh, have not fully answered the purposes for which they were intended; but on the contrary, that some of the provisions thereof have been considered as oppressive, and have occasioned dissatisfaction among the citizens:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all such parts of the act entitled "An act for the regulation of the city of Raleigh," passed in the year 1794, and which was revived and continued in force by an act of the last General Assembly, prescribing the manner of appointing Commissioners of the said city, making their continuance in office, or that of any Officer of their appointment permanent; that part which directs the manner of electing the Intendant of Police; and any clause or clauses of said act, which shall have been, or may be construed to give power to the Commissioners to call out the inhabitants of said city to labour in repairing the streets of the same be, and the same are hereby repealed.

II. *Be it enacted by the authority aforesaid,* That there shall be elected by ballot annually, at the court-house in the city of Raleigh, on the third Friday in January, by such of the citizens of said city (actual residents in and within the limits thereof) as are entitled to vote for Members of the House of Commons of the General Assembly, an Intendant of Police, and six Commissioners of and for the said city. And the Intendant of Police and Commissioners so elected, shall and may have, use, and exercise all the powers and authorities granted by the act passed in the year one thousand seven hundred and ninety-four, entitled "An act for the regulation of the city of Raleigh," to the Intendant and Commissioners of said city respectively; and in case of the death, removal, or refusal to act of the Intendant of Police, or any of the Commissioners, Treasurer, or Clerk, another person or persons shall be elected to supply his or their place or places in the manner by the before recited act directed: *Provided always,* That no person not actually residing in and within the limits of said city, and who shall not be seized in fee simple of a lot or part thereof in the said city, on which he shall reside, shall be deemed eligible to the office of Intendant or Commissioner, any law to the contrary notwithstanding.

III. *Be it further enacted,* That in order to raise a sufficient fund for repairing the streets of said city, and for effecting other useful and necessary purposes, the said Commissioners are hereby authorized to lay, levy, and collect annually, a tax not exceeding seven shillings and sixpence on every hundred pounds value of taxable property in said city, seven shillings and sixpence on all free male polls residing in said city, not possessing therein taxable property to the value of one hundred pounds, and seven shillings and sixpence on all black male polls working within the limits of said city; and that hereafter no inhabitant of said city, shall be compelled to work on the streets thereof.

IV. *Be it further enacted,* That the necessary repairing of the streets, digging of wells, erecting of pumps, or any other necessary public business in said city, shall be let to the lowest bidder, at such time and place as the Commissioners may appoint, giving notice thereof by advertisement, at least three weeks previous thereto.

V. *Be it further enacted,* That it shall be the duty of the Board of Commissioners to make out, or cause to be made out, annually, a fair transcript of their receipts and disbursements for the year, and put up the same at the door of the court-house in said city, for the general inspection of the citizens, one week at least previous to the day by this act appointed for the annual election of the said Commissioners.

VI. *Be it further enacted,* That on the election of the Intendant of Police and Commissioners as herein directed, the present Intendant of Police, Commissioners, Treasurer, and Clerk, shall deliver to the Commissioners first appointed under this act, all the books, papers, accounts, monies and other effects belonging to the Corporation then in their hands.

VII. *Be it further enacted,* That any Collector who may be appointed by the Commissioners of said city, for the purpose of collecting such taxes as shall be by them laid, shall have, and they are hereby vested with the same power and authority to distrain the property of delinquents, as Sheriffs have by law in the collection of the public taxes.

VIII. *And be it further enacted,* That no person or persons shall be licensed or permitted to sell liquors by the small measure in said city, without the permission of the Board of Commissioners of said city, or a majority of them, previously had and obtained in writing, any law, usage, or custom to the contrary notwithstanding.

IX. *And be it further enacted,* That any person who shall retail spirituous liquors by the small measure in said city, after the next February term for the county court of Wake, without having first obtained the permission of the Commissioners as aforesaid, shall forfeit and pay the sum of ten pounds, to be recovered before any jurisdiction having cognizance thereof, by any person or persons who shall, within one year after the offence is committed, sue for the same; the one half to the use of the prosecutor or prosecutors, the other half to the use of the said city, to be applied by the Commissioners towards discharging the contingent charges thereof: *Provided nevertheless,* that such persons as have already, or shall, before February term aforesaid, have obtained licence to keep an ordinary or to retail spirituous liquors by the small measure in the manner heretofore used, and by the law permitted, shall not be subject to the penalties above denounced, till after their said licence shall have expired.

X. *And be it further enacted,* That all laws, clauses or parts of laws coming within the meaning and purview of this act be, and the same are hereby repealed and made void.

CHAP. XXVII.

An Act to provide for the better regulation of the Town of Smithfield.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hardy Bryan, John Stevens, jun. John Bryan, jun. Matthias Handy, Robert Gully, jun. John A. Smith and Calvin Jones, shall be and they are hereby appointed Commissioners of the town of Smithfield, and shall have power and authority to do and perform all such acts and things as shall be heretofore pre-

cribed as belonging to the duties of their appointment; and in case of any vacancy occasioned by the death, refusal to act, or removal out of the county, of any of the said Commissioners, the remaining Commissioners or a majority of them, are hereby empowered and required, as soon thereafter as may be convenient, to nominate and appoint some freeholder in said town to supply such vacancy, by some instrument to him directed, under their hand and seals; of which record shall be made by the Clerk of the books of the Commissioners; and the person so appointed shall possess all the powers and authorities vested in the Commissioners appointed by this act.

II. *And be it further enacted by the authority aforesaid,* That all persons holding or claiming lots in said town, by and under the authority of the former Commissioners of said town, shall for themselves, their heirs and assigns, be quieted in the possession and confirmed in their titles to the same; and all lots heretofore sold by the several Sheriffs for taxes shall be confirmed to the purchaser agreeably to the deed of the said Sheriffs; and the Commissioners, or a majority of them, shall have power to convey to the drawers of any lot or lots in said town, or to his or her heirs or assigns, a good and firm title to the same, where deed or deeds shall have not been already given: *Provided,* That in all cases the signature of the Intendant duly qualified as by this act required, shall be necessary to render the deed and conveyance valid.

III. *And be it further enacted,* That the Commissioners of the town of Smithfield, shall annually on the first day of May, (or if the same shall happen on Sunday, on the day following) meet at the court-house in said town, and choose one of their own number to be Intendant of said town for the following year, and if the Commissioners shall fail or neglect to comply with this requisition, then it shall be the duty of the county court of Johnston, at the next session, to appoint some one of the Commissioners to that office; and it shall be the duty of the Intendant, and he shall be, and hereby is empowered to carry into effect all ordinances of the Commissioners; to warn at such times as he may think proper, all persons liable by law to work on the public roads, and to employ and to superintend in working on the public streets of the town, in draining ponds or marshes in the town or its vicinity, or any other employment that in his opinion will be most beneficial to the town (or that the ordinances of the Commissioners shall require) not exceeding six days in each and every year, unless the board of Commissioners shall by ordinance, require them to be employed for a longer time; he shall also receive all fines, forfeitures, and taxes; shall appoint a Clerk and Constable for said town, and shall preside at the meeting of the board of Commissioners. And the Intendant before entering upon the duties of his appointment, shall take and subscribe the following oath: "I A. B. do swear that I will well and truly execute the duties of Intendant of the town of Smithfield agreeable to law, and the ordinances of the Commissioners, to the best of my abilities;" and the Intendant and Clerk shall receive such compensation for their services as the Commissioners shall think proper to direct and allow.

IV. *And be it further enacted,* That the Commissioners of the town of Smithfield shall have power and authority, annually to levy and collect a tax not exceeding four shillings on every hundred pounds value of lots and improvements in said town, and a poll tax not exceeding four shillings on each and every poll subject to pay public tax, who hath resided or been usually employed for six months in said town; and all taxes shall be laid in that proportion, and collected in such manner, and at such times as the Commissioners shall ordain or direct; to make such ordinances as they shall deem necessary; to regulate the conduct of slaves; to prevent the selling of liquors and merchandize on the sabbath; to provide for keeping in good condition the streets, bridges and causeways; to plant and preserve trees in the streets and commons of the town; to prohibit and remove nuisances if on the public square, streets or town common, to be removed at the expence of the town, or of the person creating them, if on private lots, at the expence of the owner or occupant, he first having three days notice thereof; to drain marshes or stagnant waters in or near the town; to keep in order the wells and springs belonging to the town; to sink other wells if necessary; to appoint an Intendant; to impose such fines and inflict such punishments as may be necessary to carry into effect their rules and ordinances; the fines not to exceed five pounds where the offence is committed by a white person (besides making good the damage if any is sustained) and the punishment, where a slave, not to exceed thirty-nine lashes, which fine or punishment shall be imposed and collected or inflicted by the Intendant or any Justice of the Peace residing in said town, with the right of appeal to the county court in case of a fine, and the county court shall determine agreeably to this act and the ordinances of the Commissioners, (if the same be conformable to this act, and not inconsistent with the laws of the State) and the said fines shall be wholly for the use of the town; and if collected and received by a county magistrate or any other, shall be paid over to the Intendant accordingly: *Provided always,* That all ordinances of the board of Commissioners, shall be fairly copied by the Clerk from their records, and posted up at the court-house and one other public place in the town of Smithfield for the space of five days before the same shall have the force and efficacy of laws, and no act or proceedings of the Commissioners shall be deemed and held valid, unless the same shall have been duly recorded by the Clerk in a book to be by him kept for that purpose.

V. *And be it further enacted,* That it shall be the duty of each and every Justice of the Peace residing in the town of Smithfield, and they are hereby authorized, empowered and required, when complaint shall be made to them by any person, that this act, or any ordinance of the Commissioners which by this act they are authorized to make, has been violated and a fine or forfeiture incurred, to issue their warrant as in other cases of debt or misdemeanors, directed to the town constable, or any constable in the county, commanding the person or persons so offending, to be brought before him or some other Justice in the town, or the Intendant, where they shall be tried and judgment awarded, in the same manner as if they had transgressed the laws of the State; and it shall be the duty of the Intendant to issue his warrant as aforesaid (without waiting for complaint to be made) if he shall know of the violation of this act, and of the ordinances of the Commissioners; and the constable to be appointed for the town, and each and every constable in the county, is required to execute any precept of the Intendant when put into his hands for that purpose, and shall receive as a compensation for his services, the same fees that are allowed by law for other similar services.

VI. *And be it further enacted,* That whenever the Commissioners shall deem it necessary to lay and collect a tax, the clerk shall, by public notice at the door of the court-house, and at least one other public place in said town, require each and every person residing in said town, or owning property therein, to give in to the Intendant during the month of May, a list of the polls and taxable property which he or she may possess therein, on the first day of May, either in their own right, or as executor, administrator, guardian or otherwise; and the

Intendant shall then immediately appoint three freeholders resident in said town, to value the lots and improve-
 proven-¹⁸⁰¹ given in as aforesaid, and all others not given in, if any there be; and when so valued, the Intendant shall make out a list of the taxes required to be paid by the ordinance of the Commissioners, and proceed to collect the same; and if any person or persons shall neglect or refuse to give in his or her list of taxable property in time or manner as aforesaid, then he or she shall for such neglect, refusal or fraud, pay a double tax for all property not given in; and the Intendant, and the persons appointed by him to make the valuation, shall enlist all such property as comes within their knowledge.

VII. *And be it further enacted*, That the Intendant shall annually, on the first day of May, and as much oftener as the Commissioners shall require, make a report to the board of Commissioners, of all the taxes paid and due from each and every person for the succeeding year, and of all fines and forfeitures levied and collected, and of all monies paid, to whom paid and for what purpose; and he shall also make out a complete list of all the items of the said report, and on the first day of May in each and every year, set up the same in the court-house of said town. And when an Intendant shall go out of office, he shall render an account of all monies in his hands, and pay over the same to his successor, and in failure thereof, he shall be liable to action as in cases of debt or detainer; but no allowance shall be made on any account or charge of any Intendant for monies paid or expended, unless the same was done in conformity to an ordinance of the Commissioners.

VIII. *And be it further enacted*, That whenever the Intendant shall remove, die, or from any cause become incapable of executing the duties of his said office, then, and in that case, the Commissioners shall, as soon thereafter as possible, meet and choose a fit person from among themselves to fill the vacancy; and each and every Intendant appointed in conformity to the requisitions of this act, shall continue in office until the first day of May next following his appointment, and unless re-appointed or superceded, shall continue to the end of the session of the county court of Johnston, next following the said first day of May; and until such appointment by the Commissioners or court as before directed, John Stevens, junior, shall be Intendant of said town.

IX. *And be it further enacted*, That all persons liable by this act to work under the direction of the Intendant or Commissioners, shall be exempted from working on the public roads: *Provided*, That in the opinion of the Commissioners or Intendant, so much as six days labour in the year is not required in the town of Smithfield, then it shall be the duty of the Intendant to cause the hands who work under his direction, to work on such of the public roads leading from the town of Smithfield as he shall think proper, until the six days labour shall have been so expended, and on failure thereof, he shall be liable to indictment.

X. *And be it further enacted*, That the Commissioners of the town of Smithfield are hereby authorized and empowered to sell, in such manner as they may think proper, the lot appropriated for a public burial ground, and to purchase and appropriate for that purpose, such other lot as shall be properly situated and suitable therefor, which lot and the manner of burial shall be under the direction of the Commissioners; and from and after the first day of May next, it shall not be lawful to bury the dead in any other place in said town than the public burial ground; and each and every person who shall permit or suffer a dead body to be interred on any lot or piece of ground of his or her property, in his or her possession, care or occupancy within said town, shall forfeit and pay the sum of fifteen pounds to the use of the town, to be recovered before any jurisdiction having cognizance thereof, and the Commissioners shall not have it in their power to remit the forfeiture so incurred.

XI. *And be it further enacted*, That the Commissioners, whenever they deem it expedient and necessary, shall cause the town to be re-surveyed, and the corners of the streets and squares to be posted in a durable and conspicuous manner, which expense shall be defrayed by the town, and the re-survey, when approved by the Commissioners and posted as aforesaid, shall be deemed and held the true and legal boundaries of the streets, lots and squares of the said town. *Provided*, The present known boundaries are established, and those that are now unknown are established conformably thereto; and the Commissioners shall make out a correct plan of the town, marking and numbering each lot, and designating also the person by whom it was drawn or first purchased, according to the best information they can obtain, and conformably to the most correct plans of the town now existing; and they shall, under their hands and seals, certify and declare the same to be the true and correct plan of said town, of which duplicate copies shall be made, one of which shall be deposited in the office of the clerk of the county court of Johnston, among the records of the court, and the other shall be kept by the clerk of the town; and all deeds and conveyances of the Commissioners, and all other titles shall be governed by the aforesaid plan.

XII. *And be it further enacted*, That all monies which are now in the hands of any person for the sale of lots in said town for taxes, and which has not been legally claimed by the owner of such lot or lots, shall be paid over to the Intendant for the use of the town; and the Intendant is empowered and required to ask, demand, sue for and recover the same; and all monies which may hereafter arise from the sale of any lot or lots in said town, for taxes, whether imposed by law or by ordinance of the Commissioners, after paying said taxes and legal charges, if not claimed by the owner within twelve months after the day of sale, shall in like manner be paid over to the Intendant for the use of the town: *Provided*, That the intended sale of such lots, shall, at least six weeks previous thereto, be advertised in the State Gazette, and at the court-house and one other public place in said town.

XIII. *And be it further enacted*, That lots numbered one hundred and thirty-five and one hundred and thirty-eight and one hundred and forty, in the town of Smithfield, which yet remain unsold, shall be sold by the Commissioners in such manner as they shall direct, and the proceeds thereof be applied to the use of the town; which said lots, and all other lots heretofore conveyed by the Commissioners, or that may be hereafter conveyed, shall be to the grantee, his heirs and assigns for ever, independent of, and free from any condition requiring said lots to be improved within any limited period.

CHAP. XXVII

An Act for regulating Ordinaries and Retailers of Spirituous Liquors by the small measure, and for appointing a Standard-keeper in the Town of Fayetteville.

WHEREAS many abuses and irregularities have been found to prevail in the Town of Fayetteville, in consequence of improper persons being permitted to keep ordinaries and to retail spirituous liquors by the small measure; to remedy which in future,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the next February term of Cumberland county court, no person shall keep an ordinary, or retail spirituous liquors by the small measure in the town of Fayetteville, until he or she shall have first applied to the commissioners appointed for the government of said town, and have obtained from them a certificate of their permission for that purpose, which certificate and permission shall be valid and in force, for the term of one year from the time it is granted, and no longer; and every person who shall keep an ordinary, or retail spirituous liquors by the small measure in said town, after the said February term aforesaid, without having first obtained the permission of the commissioners aforesaid, shall forfeit and pay the sum of twenty-five pounds; to be recovered in an action of debt before any court having competent jurisdiction thereof, by any person or persons who shall, within one year after the offence is committed, sue for the same; the one half to the use of the prosecutor or prosecutors, the other half to the use of said town, to be applied by the commissioners towards the contingent charges thereof.

II. *And be it further enacted.* That every person who wishes to keep an ordinary, or to retail spirituous liquors by the small measure in said town, and who has obtained permission of the commissioners as aforesaid, may, on application to the county court of Cumberland, be ordered, at the discretion of said court, to have a licence for the purpose aforesaid; and on such licence being granted, he or she shall produce one or more securities to the said court, to be by them approved; who shall, before the licence be made out, join with him or her in a bond of the same tenor as is prescribed in the second section of an act for the regulating ordinaries and houses of entertainment, and retailers of spirituous liquors by the small measure, passed in the year 1793: And it shall be the duty of the clerk of said court, upon such bond being given and licence ordered, to prepare a licence and sign the same, which shall continue in force for one year, and no longer; and the person obtaining such licence, shall pay to the Clerk the same fees, and to the Sheriff the same tax, as by the third section of the act above recited, are directed and required.

III. *And be it further enacted.* That no person shall be permitted to retail spirituous liquors by the small measure in said town, without a licence from said court, under the penalty of twenty-five pounds, to be recovered and applied in the manner directed by the first section of this act; and the said court is enjoined and required, not to grant a licence for said purpose, or for keeping an ordinary in said town, to any person who has not obtained the permission of the commissioners, and does not produce their certificate to that effect: *Provided nevertheless.* That such persons as have already, or shall before the February term aforesaid, have obtained licence to keep an ordinary, or to retail spirituous liquors by the small measure, in the manner heretofore used, and by the law permitted, shall not be subject to the penalties above denounced, till after their said licence shall have expired.

IV. *And be it further enacted.* That upon complaint made to the commissioners, or to the magistrate of police of said town, of any ordinary keeper or retailer as aforesaid, within the bounds thereof, selling to or purchasing from any slave, without a permit from his or her owner, or of entertaining a servant or slave, or of keeping a disorderly house, it shall and may be lawful for said commissioners, or a majority of them, or for the magistrate of police alone, and he or they are hereby authorized and required to summon such ordinary keeper or retailer as aforesaid, before him or them, and on such offence being proved, to disable such person from keeping an ordinary, or retailing spirituous liquors by the small measure in said town, as if he or she had never obtained any permission or licence for that purpose: And if, after such disability and suspension pronounced, any such person shall keep an ordinary, or retail spirituous liquors by the small measure within said town, he or she shall be subject to the same penalty as is denounced by the first section of this act, to be recovered and applied in the same manner as is therein directed.

And where as the acts for regulating weights and measures in the respective counties of this State, have not the desired effect in the town of Fayetteville,

V. *Be it further enacted.* That the commissioners of said town are hereby authorized and required, at their first meeting after their annual appointment, and in each and every year thereafter, to appoint a proper person as Standard-keeper for the town of Fayetteville, who shall have the same powers within said town, be subject to the same duties and penalties, and entitled to the same fees, as Standard-keepers now are or may be by law, and that from and after the first Monday of April next, the powers and duties of Standard-keepers, appointed by the county courts, shall not extend to any person using weights and measures in said town.

VI. *And be it further enacted.* That all acts or clauses of acts that come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XXIX.

An Act for the better regulation of the town of Hillsborough.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the annual election of Commissioners and Magistrates of Police for the town of Hillsborough shall be held as heretofore directed by law, and the Sheriff of Orange county, by himself

or deputy shall meet by the Commissioners and Magistrate of Police who shall be elected, to meet at the 1802 court-house in said town on a Friday as he may appoint, within ten days after the election, to take the oaths by law required for their qualification, which said oaths the Sheriff or his deputy are hereby authorized and required to administer.

II. *And be it further enacted*, That when any vacancy or vacancies may happen by the death, removal, neglect or refusal of any of the Commissioners or Magistrate of Police, either before or after qualifying as aforesaid, the Sheriff or his deputy aforesaid, shall within ten days thereafter, or as soon as he may have knowledge thereof, from time to time, as often as vacancies may happen, notify the electors in said town by advertisement, to meet at the court-house, and elect a person or persons to fill the vacancy or vacancies.

III. *And it is further enacted*, That if the Sheriff of Orange county, by himself or deputy, shall refuse or neglect to perform the several duties by this act required, he shall forfeit and pay the sum of five pounds for each and every offence, for the use of said town, to be recovered as hereinafter directed, before any Justice of the Peace of said county.

IV. *And be it further enacted*, That the constable appointed by the county court of Orange for the town of Hillsborough, shall and he is hereby authorized and required to execute all orders, warrants or other process that may be directed to him by the Magistrate of Police for said town, and on failure or neglect thereof, he shall forfeit and pay the sum of two pounds for each and every offence, for the use of the town, to be recovered before any Justice of the Peace of said county.

V. *And be it further enacted*, That the Commissioners of said town shall hereafter appoint a Treasurer, who shall not be one of their body, and the said Treasurer shall give bond with sufficient security for the performance of his duty; and it shall be the duty of the said Treasurer, in his own name, to sue for and recover all penalties which shall accrue under this, or any of the acts heretofore passed and in force for the regulation of said town.

VI. *And be it further enacted*, That all acts and parts of acts coming within the purview and meaning of this act, are hereby repealed.

CHAP. XXX.

An Act for the better regulation of the town of Halifax.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for the court of Halifax county, to grant to any person or persons a licence or licences to keep an ordinary, house of entertainment, or to retail spirituous liquors by the small measure, within the limits of the town of Halifax or its liberties, without the consent of the Magistrate of Police and Commissioners of said town, or a majority of them, first had and obtained in writing under their hands and seals, and attested by the clerk, by the person or persons applying for the same: *Provided nevertheless*, That if in the opinion of a majority of the Justices of said county, such consent is improperly withheld, they may proceed to grant licence as heretofore.

II. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of said Commissioners, or a majority of them, at least once in every year, to wit, on or before the third Monday in February, or oftener, if they shall deem it necessary, to recommend to the court of said county, the assize of bread, and other rates of charges which it shall be proper to establish for the government of bakers, tavern keepers, and retailers of spirituous liquors by the small measure, within the limits of said town or its liberties; which said recommendation shall be in writing, under their hands and seals, and attested by the clerk, and shall be adopted by the said court, unless objected to by a majority of the Justices of said county: *Provided always*, That if the Commissioners of said town, or a majority of them, shall fail to present to said court such recommendation, it shall be lawful for said court to regulate the assize of bread and other rates of charges within the limits of said town and its liberties, as heretofore.

III. *And be it further enacted*, That when any person or persons shall be duly elected a Magistrate of Police or Commissioner for said town, and shall refuse to serve, it shall be the duty of the acting Commissioners, or a majority of them, to order the Sheriff of said county to hold another election, for the purpose of filling such vacancies, or any other that may happen by death, resignation or otherwise: which said order shall be in writing, under their hands and seals, and attested by their clerk; and on the receipt of such order, the said Sheriff is hereby authorized and required to hold such election, in the same manner and under the same regulations as heretofore established by law; giving in all cases ten days notice thereof, by public advertisement, within the limits of said town, under the penalty of twenty pounds for every neglect or refusal so to do, to be recovered by warrant before any Justice of the Peace of said county, one half to the use of the person prosecuting for the same, the other to the use of said town.

CHAP. XXXI.

An Act to establish Fairs in the Town of Halifax.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Fairs may and shall be held in the town of Halifax, twice in every year, to wit: on the first Thursday in April and October, to continue for three days, for the sale of horses, cattle, sheep, hogs, pork, and all kinds of provisions, country produce, goods, wares and merchandize, foreign and domestic.

II. *And in order to prevent impositions in the sale of horses*, *Be it further enacted*, That the Judges of the said Fairs, respectively hereinafter mentioned, shall appoint a Register for the same, whose duty it shall be to receive, at the request of the buyer or seller, and transcribe into a book to be kept for that purpose, a certificate to be given by the seller, of the age, blood and qualifications of any horse, mare or gelding, by him sold; which certificate shall be carefully filed and preserved by said Register; and if any person shall give a false certificate of the blood, age and qualifications of any horse, mare or gelding by him sold, on proof made thereof, he or she shall forfeit and pay to the purchaser, one-fifth part of the price of such horse, mare or gelding, to be recovered on complaint and information as hereinafter directed; and the person so convicted, shall never after be permitted to sell any horse, mare or gelding, at any of said Fairs.

1892 III. And for the trial of complaints and informations, and of controversies and disputes arising at said Fairs: *Be it further enacted*, That five Judges shall be appointed by the Commissioners of said town, or a majority of them, who shall have power and authority, either collectively or individually, to hear and determine instantly in all such cases, to issue citations, subpoenas and executions, and to appoint an officer or officers to execute the same, and exercise all the powers incident to a court of record.

IV. *And be it further enacted*, That every person may have recourse to the register-book; and that the Register may and shall receive for entering every certificate the sum of five shillings, for every search the sum of two shillings and sixpence, and for copy of every certificate the sum of five shillings; and that the officer or officers appointed by said Judges to serve or execute process, may and shall receive the same fees and commissions as are by law allowed to Sheriffs and Constables in like cases.

V. *And be it further enacted*, That the Commissioners of said town, or a majority of them, shall have power to fill up vacancies, which may happen among the Judges of said Fairs, by death, resignation or removal.

VI. *And be it further enacted*, That the Judges of said Fairs, shall previously to their entering on the duties of their office, take an oath before the Magistrate of Police of said town, for the faithful discharge thereof, without favour or affection, and to the best of their skill and judgment; of which the said Magistrate of Police shall give notice by public advertisement, within the limits of said town; and the said Judges, or either of them, shall thereafter administer a like oath of office to their Register and other officers, and shall return a certificate of the same to the said Magistrate of Police.

VII. *And be it further enacted*, That it shall be the duty of the Commissioners, to give annually, timely notice of said Fair, by advertisement in the North-Carolina Journal, or any other paper published in said town of Halifax, for three weeks successively, the costs of which shall be paid by their Treasurer, under their order or warrant as in similar cases; and that all acts heretofore passed, coming within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. XXXII.

An Act to empower the Commissioners therein named to lay off into lots, the land formerly laid off as town commons, adjoining the town of Warrenton, and to sell the same, and other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Mordecai Johnson, Jacob Mordecai, Oliver Fitts, Kemp P. Miller and Thomas B. Glover, or a majority of them, are hereby authorized and empowered to lay off the land adjoining the town of Warrenton, in the county of Warren, heretofore laid off in the plan of said town, as town commons, into streets and lots not exceeding in quantity more than one acre, in such manner, and such number of streets as they may deem most convenient for said town.

II. *And be it further enacted by the authority aforesaid*, That the streets and lots laid off by the said Commissioners, or a majority of them, under the authority of this act, shall be held and taken as a part of the said town of Warrenton, entitled to the same privileges, and subject to the same restrictions as the same are now under.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, shall have power to sell at public sale in the town of Warrenton, the lots directed to be laid off by this act, or so many thereof as in their discretion they may judge proper, after having advertised the sale, at least eight weeks, in the Warrenton Messenger and North-Carolina Journal, giving a credit of twelve months and taking bond with sufficient security for the payment of such sums as the said lots may sell for; and the said Commissioners, or a majority of them, are hereby authorized and empowered to appoint a Treasurer, with whom the said bonds shall be lodged for collection; which said Treasurer shall not be one of their own body, and shall enter into bond with sufficient security in the sum of five hundred pounds, for the faithful collection and accounting for all monies he may receive for such sales.

IV. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby authorized and empowered, out of the monies arising from the sale of the lots hereby directed to be laid off and sold, to purchase such lots or parts of lots laid off in the original plan of said town, or such land adjoining thereto, as they may think proper, for the purpose of laying out such cross-streets, and such lots as will render said town convenient, regular and compact; which streets and lots, when laid off, shall be considered as a part of said town, in all respects as if they had been laid off in the original plan of the same; and it shall be the duty of the Commissioners appointed by this act, to lay off the town commons into lots; to cause such lands adjoining thereto, as they may purchase or otherwise acquire, to be laid off into lots and streets; to cause a survey of the whole to be made, which, with a plat of the lots and streets so laid off, shall be registered in the office of the public register for said county.

V. *And be it further enacted by the authority aforesaid*, That the Commissioners named in this act, together with the Commissioners heretofore appointed for the said town, shall hereafter be Commissioners of the town of Warrenton, and shall have the same powers as the former Commissioners had, and in case of the death, removal, or refusal to act, of any of the Commissioners of said town, a majority of the acting Commissioners, upon the happening of either of such events, all have power to supply the vacancies occasioned thereby; and the person or persons by them chosen, shall have as full and ample power as Commissioners of said town, as if they were appointed by this act; and the Commissioners shall have power, and they are hereby authorized, from time to time, to appropriate any sum or sums of money which may be in the hands of the Treasurer to be appointed under this act, in any manner they may judge most advantageous and beneficial for said town.

VI. *And be it further enacted*, That Walter Leak, Charles Mitchell, John Crowson, Reuben Cole and John M. Alister, all of the county of Richmond, be and they are hereby appointed and empowered as Commissioners to measure and lay off, adjoining the west end of Rockingham-Town, in Richmond County, such quantity of land, as they, or a majority of them may deem expedient, into lots and public streets not exceeding twenty acres, which streets and lots, when by them laid off, they shall cause a fair plat to be made, which said plat shall be recorded in the court of said county, and registered in the Re-

gister's office; and such lots so laid off, shall be a part of Rockingham Town, and subject to any law that affects the same.

VII. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and after the passing thereof.

CHAP. XXXIII.

An Act to amend an act passed last session of the General Assembly, for the better regulation of the Town of Waverborough.

WHEREAS an act passed last session of Assembly for the above purpose, and the Commissioners, all but one, refused to act:

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that James Rhodes, Cullen Blackman, Isaac Hanley, Thomas Thompson and John Davis, shall be, and are hereby appointed the only true and lawful Commissioners to superintend and regulate all the business of said town of Waverborough; and they are hereby invested with full power and authority to bring suits for, and recover all former balances due to, or from the former Commissioners or Trustees appointed for the aforesaid town, by the aforesaid act, passed in one thousand seven hundred and eighty-six, and to give this law in evidence; and they are hereby required to pay all balances that are due from the former Trustees named in the aforesaid act of one thousand seven hundred and eighty-six, so far as assets come into their hands.

II. *And be it further enacted by the authority aforesaid,* That the Commissioners aforesaid, to wit: James Rhodes, Cullen Blackman, Isaac Hanley, Thomas Thompson and John Davis, shall be and they are hereby invested with full power and authority to meet together as often as they find it necessary, to make deeds where none have been made, and where they have been made and not recorded, to take them up and give new ones; also to make all such laws and decrees as they shall think advisable for the improvement and advantage of said town; all of which acts and deeds of the Commissioners aforesaid, to wit: James Rhodes, Cullen Blackman, Isaac Hanley, Thomas Thompson and John Davis, shall be and are hereby made binding, both in law and equity, on all parties concerned: *Provided,* That a majority of the aforesaid Commissioners last named, of the acts and deeds of the same, shall be deemed good and valid to all intents and purposes, any law to the contrary notwithstanding: *And provided also,* That a majority of the last named Commissioners shall have power to appoint others, in case of vacancies, who shall possess the same powers with those appointed by this act.

III. *And be it further enacted,* That every act, and clauses of acts, that come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XXXIV.

An Act to establish a Town on John Strother's land, on the north-east side of French Broad River, in Buncombe county, opposite, or a little above the upper Warm Springs, and for other purposes therein mentioned.

WHEREAS it has been represented to this General Assembly, that the situation on the north-east side of French Broad river, opposite, or a little above the upper Warm Springs, is very convenient for the accommodation of persons visiting said Springs in the summer season, and the establishment of a town thereon, and a ferry across French Broad River to said Springs, in the most convenient place, at or adjacent to said town, will be attended with beneficial effects and public utility; therefore,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Thomas Love, Zebulon Baird, James Britton, Samuel Chunn and Samuel Murry, senior, be, and they are hereby constituted Commissioners, who, or a majority of them, are hereby invested with full powers and authorities to contract with John Strother, for fifty acres of land, on the north-east side of French Broad River, opposite, or a little above the upper Warm Springs on said river, for the purpose of laying off a town, which shall be called and known by the name of Spaightville.

II. *And be it further enacted by the authority aforesaid,* That as soon as the Commissioners aforesaid, or a majority of them, shall have purchased from the said John Strother, fifty acres of land, situate as aforesaid, they shall proceed to lay the same off into lots of such size as they, or a majority of them, may think most beneficial; which lots shall be sold by the Commissioners, or a majority of them, for the most that can be had for the same; and the surplus of the money arising from such sales, after defraying the costs of the land, shall be applied for the sole purpose of improving said town.

CHAP. XXXV.

An act to establish an Academy in the town of Waverborough, in Arson county.

WHEREAS the establishing public seminaries of learning for the education of youth, is highly beneficial to the morals, happiness, and prosperity of the community, and consequently well worthy legislative attention,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Marshall, Robert Troy, James Goodrich, Joseph Ingram, senior, James Douglas, Joshua Prout, William Lanier, Toddy Robinson, Pleasant May, John Jennings, Esquires, the Reverend William Taylor, the Reverend John Culpepper, and the Reverend Daniel Gould, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of the Waverborough Academy; and by that name shall have perpetual succession and a common seal: And that the said Trustees, and their successors by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive, and possess all monies, goods and chattels, that shall be given for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase, or devise, to take, receive, possess, and enjoy, to them and their successors forever, any lands, tenements, and hereditaments, of what kind or nature soever, in spe-

social trust and confidence, that the same, or the profits thereof, be applied to and for the use and purposes of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, or in any manner to dispose of and convey any such lands, tenements, and hereditaments whatsoever, when the condition of the grant to them, or the will of the donor does not forbid it. And further, they the said Trustees, or a majority of them, shall be able and capable, by the name aforesaid, to sue and plead, and be sued and impleaded in any court within this State. And they shall have power to open and receive subscriptions; and in general, they shall and may do all such things as are incident to, and usually done by bodies politic, or such as may be promotive of the institution, and friendly to learning and virtue.

III. *And be it further enacted*, That the said Trustees, or a majority of them, shall have power to appoint such Professors and Tutors as to them may appear necessary; and also a Treasurer and Secretary, upon such conditions and restrictions as they may deem proper. And the said Trustees, or a majority of them, shall have the power to make all such laws and regulations for the government of the said Academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary.

IV. *And be it further enacted*, That upon the death, resignation, inability, refusal to act, or removal out of the county of Anson of any of the said Trustees, it may be lawful for the remaining Trustees, or a majority of them, to elect others in the room of such Trustee or Trustees dead, resigned, unable to attend, refusing to act, or removed; and that the Trustee or Trustees so elected shall have equal power, authority, and capacity with the Trustees hereby appointed.

V. *And be it further enacted*, That from and after the passing of this Act, the said Trustees, or a majority of them, shall be, and they are hereby declared vested with full power and authority to raise by one or more Lottery or lotteries, a sum of money not exceeding one thousand dollars, by such scheme or schemes as the said Trustees, or a majority of them, shall and may establish, to be applied towards defraying the expences of building said Academy.

VI. *And be it further enacted*, That the said Trustees, or a majority of them, shall have full power to appoint Commissioners to manage such lottery or lotteries as shall be established, and to make such rules and regulations, either respecting the sales of tickets or the payment of prizes, or for any other purpose necessary to carry into effect such scheme or schemes as may be established, as the said Trustees, or a majority of them, shall deem proper and necessary; any law, usage, or custom to the contrary notwithstanding.

VII. *And be it further enacted*, That all acts or clauses of acts coming within the purview of this act, and contrary to the intent and meaning thereof, are hereby declared null and void.

CHAP. XXXVI.

An Act to establish a Seminary of Learning at Spring-Hill, in the county of Lenoir, and to incorporate the same.

WHEREAS liberal subscriptions have been made, and a prospect of considerable additions towards establishing a Seminary of Learning at Spring-Hill, in the county of Lenoir, and as the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the Legislature:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Bryan Whitfield, Needham Whitfield, Major Croom, Matthew Motely, Richard Croom, Lewis Whitfield, William Croom, William Blackledge and Barnaba McKinn, Esquires, shall, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Spring Hill Seminary of Learning," and by the name of the Trustees of the Spring-Hill Seminary of Learning, shall have perpetual succession; and a common seal; and the said Trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, by subscription or otherwise, goods and chattels that shall be given them for the use of the said Seminary of Learning, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind nature or quality soever the same may be, in special trust and confidence that the same, or the profits thereof, shall be applied to and for the uses and purposes of establishing and endowing the said Seminary of Learning in the county of Lenoir; building or purchasing suitable and convenient houses; purchasing a library and philosophical apparatus; and supporting and paying the salaries of the Provost, and such number of Professors and Tutors as to them shall seem necessary.

II. *And be it further enacted by the authority aforesaid*, That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, grant, demise, alien or dispose of and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantee doth not forbid the same; and further, that the said Trustees and their successors for ever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, implead and be impleaded, to answer and be answered in all courts of record whatsoever, by the name of Trustees of the Spring-Hill Seminary of Learning.

III. *And be it further enacted by the authority aforesaid*, That the said Trustees, or a majority of them, shall and they are hereby authorized to choose a President, Treasurer and Secretary, and they may also choose a Rector, Professors and Tutors for the Seminary of Learning, and the same may remove at pleasure; and they shall have authority to make by laws for the government and regulation of the Seminary of Learning, and the same to alter and amend: *Provided*, That such laws shall not be repugnant to the laws of this State; and for the government of their morals, studies and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said Seminary, certifying their literary merit and progress in useful knowledge; and further, that on death, resignation, refusal or mis-

conduct of either Professors or Tutors, the Secretary, Treasurer or Steward, others shall be elected in 1809 their room and stead, a majority of the Trustees agreeing thereto.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said board of Trustees shall enter into bond with sufficient security, to the Trustees aforesaid, in the sum of two thousand pounds conditioned for the faithful discharge of the trust in him reposed, and that all monies and chattels belonging to the said corporation, that shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies and donations of whatsoever kind that may belong or accrue to the said Seminary of Learning, during his office; and at the expiration thereof, shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him, as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.

V. *And be it further enacted by the authority aforesaid,* That if any Trustee or Trustees shall neglect attending at the stated meetings of the board, for the space of one year; or if any of them shall die or resign their office, the remaining Trustees, or a majority of them, shall at their next meeting, choose another Trustee in the room of the one thus neglecting his duty, dying, or resigning his office; and the person or persons appointed to fill such vacancies, shall be, and they are hereby declared to have the same power and privileges as the Trustees named in and by this act.

VI. *And be it further enacted by the authority aforesaid,* That no lands, tenements or hereditaments which may be vested in the Trustees of the said Seminary of Learning of Spring-Hill, for the sole use and behoof of the Seminary, shall be subject to any tax for the space of ninety-nine years: *Provided,* That nothing contained in this act, shall be understood as establishing this, as one of those Seminaries of Learning mentioned in the Constitution of this State.

CHAP. XXXVII.

An Act to establish an Academy at the court-house in Caswell county.

WHEREAS a number of the citizens of said county, are desirous of establishing an Academy for the promotion of learning, at the court-house aforesaid, having by subscription, erected a convenient building on a lot appropriated to that purpose, and Trustees being already appointed by the subscribers to carry the same into effect, and it is proper that they should be incorporated, therefore:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Donoho, Solomon Graves, Jesse Carter, Alexander Murphy, David Mitchell, Richard Simpson, Marmaduke Williams, Michael Montgomery, John M'Aden, James Yancey and Henry Atkinson, esquires, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Caswell Academy," and by that name shall have perpetual succession; and that they, the Trustees, and their successors by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess and enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments of what kind or nature soever, in special trust and confidence, that the same or the profits thereof, be applied to and for the use and purposes of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said Trustees, or a majority of them, shall have the power to make all such laws and regulations for the government of the said Academy, and the preservation of order and good morals therein, as are usually made in such Seminaries, and as to them may appear necessary, and shall be able and capable to act and do all things whatever for the promotion of said Seminary, in as full and ample manner, as any body politic or corporate can or may by law.

III. *And be it further enacted,* That upon the death, resignation, inability, refusal to act, or removal of any of the said Trustees, it may be lawful for the remaining Trustees, or a majority of them, to elect others in the room of such Trustee dead, resigned, refusing to act, unable to attend or removed, and that the Trustee or Trustees so elected, shall have equal power, authority and capacity with the Trustees hereby appointed.

CHAP. XXXVIII.

An Act to establish an Academy in the county of Franklin.

Whereas the establishing of Seminaries of Learning, for the purpose of educating youth is essential to the happiness and prosperity of the community, and therefore worthy of legislative attention:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Hunt, Francis Taylor, Epps Moody, John Haywood, Joshua Perry, Archibald Davis, William Lancaster, Jeremiah Perry, junior, Richard Fenner, George Tunstall, Green Hill, William Green, Alexander Falconer and William Williams, junior, esquires, and Major Jeremiah Perry, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Franklin Academy," and by that name shall have perpetual succession; and they and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of said Academy, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents or tenements of what kind or nature soever, in special trust and confidence, that the same or the profits thereof, be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted by the authority of the same,* That the said Trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell or in any manner dispose of, and convey and issue to the purchasers of any such lands, tenements and hereditaments whatsoever, when the condition of the grant to them, or the will of the donor does not forbid;

1802 and further, the said Trustees, or a majority of them, shall be able and capable by the name aforesaid, to sue and plead, be sued and impleaded, in any court within this State; and they shall have power to open and receive subscriptions, and in general they shall and may do all such things as are incident to and usually done by bodies politic, or such as may be necessary for the promotion of learning and virtue.

III. *And be it further enacted*, That the said Trustees, or a majority of them, shall have power to appoint such Professors and Tutors as to them shall appear necessary, and also a Treasurer and Secretary, upon such conditions and with such restrictions as they may deem proper; and the said Trustees, or a majority, shall have the power to make all such laws and regulations for the government of the said Academy, and for the preservation of order and good morals therein, as are usually made in such Seminaries.

IV. *And be it further enacted*, That upon the death, removal, inability, refusal to act or resignation of any of the said Trustees, it may be lawful for the remaining Trustees, or a majority of them, to elect others in the room of such Trustee or Trustees dead, removed, unable to attend, refusing to act or resigned; and that the Trustee or Trustees so elected, shall have equal power, authority and capacity with the Trustees hereby appointed; and the said Trustees, or a majority of them, are hereby authorized and empowered to purchase such quantity of land, and at such place as they may deem expedient for erecting the building thereon, necessary for said Academy.

CHAP. XXXIX.

An Act to authorize the Trustees of the Lumberton Academy, to raise a certain sum by way of Lottery to complete the building of said Academy.

WHEREAS it is consistent with the policy of every enlightened Legislature, to promote the diffusion of learning and science:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said board of Trustees shall be and are hereby declared to be vested with full power and authority to raise a sum not exceeding four hundred pounds, by one or more lottery or lotteries, by such scheme or schemes as the said board of Trustees may think proper.

II. *And be it further enacted*, That the said Trustees shall have, and they are hereby declared to have full power to appoint, from time to time, Commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes, as they may deem necessary; any law, usage or custom to the contrary notwithstanding.

CHAP. XL.

An Act for the relief of the Mechanics of the town of Wilmington.

WHEREAS it is represented to this General Assembly, that the laws now in force, for the regulation of slaves in the town of Wilmington, and for preventing the owners of slaves from hiring to them their own time, are imperfectly executed, for the want of some proper body whose duty it shall be to see them carried into execution: for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the special duty of the Commissioners of the town of Wilmington, and they are hereby enjoined to cause to be enforced by the proper officers of the county of New-Hanover and town aforesaid, all and singular the several laws made for the regulation of slaves and people of colour within said town of Wilmington, and also all and singular the several laws made to prevent slaves from hiring themselves out, and the owners thereof, from hiring to them their own time, and upon complaint made to any one of the Commissioners of said town, it shall be his duty to direct a meeting of the Commissioners to be called for the purpose of hearing and deciding on said complaint in the usual manner of hearing and deciding on complaints in other matters.

CHAP. XLI.

An act to establish a Road and Ferry at Elizabeth-City, in Pasquotank county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Pasquotank shall be, and is authorized and empowered to appoint five discreet and proper person as Commissioners to lay off a road from Elizabeth-City to Camden county, in the nearest direction to the main post-road, leading to Indian-Town.

II. *And be it further enacted*, That the Commissioners appointed as aforesaid, shall be authorized to raise by way of one or more lottery or lotteries, the sum of two thousand dollars, for the purpose of establishing said road and ferry; and the said Commissioners, before they enter upon the duties of their office, shall give bond and security for the faithful discharge of the trust reposed in them, in such sum or sums as the county court of Pasquotank may require, payable to the chairman of said court, to be recovered on breach, for the use of the county; and said road when completed, shall be deemed a public road, free for all persons upon paying such rates as the county court of Pasquotank may direct.

III. *And be it further enacted*, That the Commissioners appointed in pursuance of this act, shall appoint a suitable and proper person as Treasurer, who shall keep a fair and regular account of all monies by him received, and shall be accountable for the same; that it shall be the duty of the said Treasurer so appointed, to make settlement with the Commissioners from time to time, in such manner as the said county court of Pasquotank may direct; and for the faithful discharge of his duty as Treasurer, as required by this act, the said Treasurer shall enter into bond and sufficient security, payable to the said Commissioners and their successors, and on breach, the same may be by them put in suit, to be recovered, subject to such application as the county court of Pasquotank may direct.

IV. *And be it further enacted*, That the profits and emoluments arising from said road and ferry, shall be vested in the justices of the county court of Pasquotank and their successors, for the use of the said county, towards defraying its contingencies for the term of ninety-nine years, any law to the contrary notwithstanding.

V. *And be it further enacted*, That in case the said road should be laid off to the injury of any persons land, the county court of Cambden, shall and may order the Sheriff to summons a jury of good and lawful men, unconnected with the parties injured, to assess such damage, and where the said road is made as by this act is intended, the aforesaid Commissioners to be appointed by this act, shall pay the same to the parties injured.

CHAP. XLII.

An Act to repeal an act, entitled "An act to regulate and fix the prices for inspecting and coopering tobacco at Fayetteville," passed in the year 1791.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act entitled "An act to regulate and fix the price for inspecting and coopering tobacco at Fayetteville," passed in the year of our lord, one thousand seven hundred and ninety-one, be, and the same is hereby repealed and made void.

CHAP. XLIII.

An Act to alter the time of electing Commissioners for the town of Statesville, in Iredell county.

WHEREAS the laws did not arrive in said county, in time to hold the election at the time fixed by law:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the election for Commissioners of said town, shall be held on the first Tuesday in March next, and on the same day every third year thereafter, under the regulations prescribed by law, any thing to the contrary notwithstanding.

CHAP. XLIV.

An Act prescribing the duty, and directing the manner of appointing port-wardens for the port of Wilmington.

WHEREAS much inconvenience has been experienced by the merchants of the town of Wilmington, and others trading thereto, for the want of proper officers to inspect and report the conditions of goods and vessels arriving in said port, which may have received damage at sea, for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of Navigation for the port of Wilmington, shall be and they are hereby authorized, empowered and directed to appoint at their first meeting which shall be held after the first day of January next, three fit persons to be wardens of the port for the port of Wilmington, who shall severally, within five days after such appointment, take the following oath, before some Justice of the Peace of the county of New-Hanover: "I A. B. do solemnly and sincerely swear, that I will faithfully, honestly and impartially execute and discharge the duty of port-warden for the port of Wilmington, by duly appraising and estimating the damage sustained on any vessel or goods arriving in, or stranded within the bounds of the port, and will make a true and fair estimate and report of and regarding the sea-worthiness of any vessel by me surveyed. And in case of the death, refusal to act, or resignation of any port-warden appointed as aforesaid, or appointed at any other time, it shall be the duty of the Commissioners of Navigation, together with such port-warden or wardens as shall be then living and acting, to elect, and they are hereby authorized and empowered to elect some other person or persons in the place and stead of the person so dying, refusing to act or resigning.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of said port-wardens, on request made by the master, owner, freighter or supercargo of any vessel arriving in said port, or stranded within the bounds thereof, to survey and make report of her situation and condition, and the causes thereof, and whether she should be repaired or condemned; to inspect the conditions of vessels which may arrive in distress, or may have suffered by gales of wind or otherwise at sea; the situation and condition of goods, wares and merchandize which may arrive in said vessel, or may have received damage at sea, and to report thereon, and the probable causes thereof; to inspect the stowage of the cargoes of vessels arriving as aforesaid, or having received damage as aforesaid before the same shall be discharged, except where vessels may be stranded, in which cases their cargoes may be inspected after the same are removed, and to report thereon, whether faulty or not, in which report shall be stated the probable causes of the damage; to make surveys of goods, wares and merchandize, and the cargoes of vessels damaged as aforesaid, and to make and report estimates of the amount of the damage sustained as aforesaid, and to make and report if required, surveys of vessels outward bound, and to report whether they are sea-worthy or not, and fit for the voyage intended.

III. *And be it further enacted*, That all goods which shall be sold by reason of their having received damage as aforesaid, and shall have been surveyed or inspected by the said port-wardens, shall be sold under their inspection and direction; and the said port-wardens shall respectively receive for their services for a survey at the town of Wilmington, the sum of fifty shillings, for a survey at the Bars, the sum of five pounds, and for a survey at Fort Johnston, the sum of seven pounds ten shillings, to be paid by the party at whose request the same is made, and recovered before any jurisdiction having cognizance thereof.

IV. *And be it further enacted*, That the surveys and reports of the said port-warden shall be considered as authentic documents, and as such received as evidence in courts of law.

CHAP. XLV.

An Act to amend the several laws now in force, to improve the navigation of Cape Fear, and Deep and Haw Rivers.

WHEREAS it is represented to this General Assembly, that the improvements contemplated by the several laws now in force for extending the navigation of Cape-Fear, and Deep and Haw-Rivers, will be

1802 much impeded by the obstructions in Cape Fear river, below the town of Averyborough, which the Company incorporated for opening said rivers, have not now a right to remove; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for said Company, to remove all obstructions of whatever nature or kind that now are, or may hereafter be in Cape Fear river, as far down as the town of Fayetteville; and (if it should be necessary) to open canals and erect locks in any part of said river above the town of Fayetteville: *Provided,* That the said Company, shall first purchase the lands where such canals and locks are to be made, agreeable to the directions of the former acts of Assembly empowering the said Company to purchase lands.

II. *And be it further enacted,* That the said Company shall have full power to demand and receive, after the said obstructions are removed, for all articles whatever, shipped from the town of Averyborough, or its vicinity, one half the tolls that are now allowed them by law: *Provided,* That nothing herein contained, shall be so construed as to impose a toll on rafts of any kind.

III. *And be it further enacted,* That the said Company shall be entitled to tolls by this act laid, until the expiration of the time mentioned in the acts heretofore passed, and now in force, for securing to the said Company, the tolls on the other parts of the rivers, included in the charter of incorporation.

CHAP. XLVI.

An Act to amend the several acts for regulating the Pilotage and Navigation of Cape Fear River.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of Navigation for Cape Fear river, shall be, and they are hereby authorized and empowered to appoint a Clerk, who shall be filed, Clerk for the Board of Commissioners; and whose duty it shall be to keep a book, and record therein, all the orders, rules and proceedings of the said Board of Commissioners.

II. *And be it further enacted,* That the said Commissioners, a majority of whom may form a Board, shall have power and authority to hear and decide on all matters of dispute between any Pilot and Master of a vessel, or between the Pilots themselves, respecting the pilotage of vessels; and any one of said Commissioners may issue a warrant against any Master of a vessel, for the recovery of any pilotage, and against any Pilot for the recovery of any demand one Pilot may have against another, relative to pilotage, and for the recovery of any forfeiture or penalty incurred by any of the acts of the General Assembly, for regulating the pilotage of Cape Fear river; which warrant shall be directed to the Sheriff or any Constable of New Hanover county, who are hereby respectively directed and enjoined to obey and execute the same, and all other process authorized by this act; and on any warrant issued as aforesaid, any one of the said Commissioners may give judgment for any sum not exceeding twenty pounds, and may issue execution thereon, in the usual manner of issuing execution on judgments given by Justices of the Peace; and any execution so issued, shall and may be levied and satisfied, agreeably to the rules and regulations prescribed for the levy of, and sale under other executions, issuing under judgments had before Justices of the Peace as aforesaid; and any Commissioner, before whom any war suit is tried, shall have power and authority to summon witnesses, and administer an oath, under the rules and regulations prescribed by law, in cases of trials before Justices as aforesaid.

III. *And be it further enacted,* That if any Pilot shall obtain a judgment before any Justice of the Peace, or before any Commissioner, against any master of a vessel for pilotage, compensation or detention, or against any other Pilot for any forfeiture or penalty, payable to him by any act of the General Assembly; or if any master of a vessel, shall obtain any judgment as aforesaid, against any pilot, for any forfeiture or penalty, made payable to him by any law of this State, there shall be no stay of execution: *Provided always,* That if any party shall consider himself aggrieved by any judgment as aforesaid, he may appeal to the ensuing county court of New Hanover; but if any judgment given against any defendant, shall be affirmed in the county court, and it shall be the opinion of said court, that the said appeal was prayed for, a nobanded for the purpose of delay, the said court shall order and adjudge the said defendant to pay at the rate of twenty per cent. on the amount of the original judgment, which shall be added thereto, and execution shall and may issue for the whole amount, as in other cases of judgments in said court.

IV. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorized and empowered to make and establish such rules and regulations respecting the arrangement and station of the Pilots, and respecting the rates of pilotage, as to them shall seem most advisable and advantageous for the navigation of said river, and shall and may lay and impose such reasonable fines and penalties for the purpose of enforcing the execution of such rules and regulations as they may, from time to time, ordain and establish, for the better regulation of the pilotage and navigation as aforesaid; and they are hereby authorized and empowered to make, ordain and establish, from time to time, such rules and regulations as to them shall seem advisable, for the purposes aforesaid, not inconsistent with the constitution of the State; and all fines annexed to said rules and regulations, shall and may be recoverable before any Justice of the Peace of New-Hanover county, or any Commissioner of Navigation; in the name of the Board of Commissioners, who are hereby authorized to warrant therefor; and when recovered, shall be applied to the repair of public wharves and docks, and improvement of the channel of said river.

V. *And be it further enacted,* That the said Commissioners shall and may appoint a Harbour-Master for the port of Wilmington, and prescribe the duties of his office, who shall be entitled to receive from the master of each vessel that shall enter said port, the sum of ten shillings.

CHAP. XLVII.

An Act to amend an act passed at Hillsborough, in the year one thousand seven hundred and eighty-four, entitled "An act for the ascertaining the fees of Pilots, and appointing Commissioners at Ocracock, Beaufort and Bogue Inlets, to take respects Beaufort Inlet.

WHEREAS the Commissioners have never been appointed for the navigation of Beaufort Inlet, as was intended by the before recited act: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Jacobiah Pigott, John Marshall, senior, George Reed, Elijah Bell, Joseph Robinson and William Fisher, junior, be and they are hereby appointed Commissioners for the navigation of Beaufort Inlet, and the port of Beaufort, and they are hereby vested with all the powers that have been heretofore given or exercised by any Commissioners that have been heretofore appointed in any port of this State.

II. And be it further enacted, That all acts and clauses of acts, which come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XLVIII.

An Act to keep open the South Yadkin River and Hunting-Creek, from the mouth of said Creek, as far as they extend through the counties of Rowan and Iredell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of April next, all fish-dams that are erected or hereafter may be erected on said creek and river, above the mouth of said creek, it shall not be lawful to extend the said dam more than two thirds across the said river and creek, under the penalty of three pounds, for every such dam erected contrary to this act, to be recovered before any Justice of the Peace, one half to be applied to the use of the poor of said county, and the other half to the person or persons who may sue for the same.

II. And be it further enacted, That all fish-dams that now are extended across either of the said water-courses aforesaid, shall within ten days after due notice being given, so to alter and conform his said fish-dam agreeable to this act, and on refusal or neglect, shall pay the sum of five pounds, for every year he refuses and neglects the same, to be recovered and applied as aforesaid.

CHAP. XLIX.

An Act to amend an act passed at the last session of the General Assembly of the State of North-Carolina, entitled "An act to open and make navigable Fishing Creek, as far as may be practicable."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the opening and navigation of said creek, as contemplated in the above recited act, shall extend to Ransom's Bridge, and farther if practicable.

III. And be it further enacted, That the books of subscription, directed to be opened by the first section of the said recited act, shall be kept open until, and the term of receiving subscriptions extend, to the first day of April, one thousand eight hundred and four; and that Thomas Blount and Daniel Barkdale, of the county of Edgecomb, be added to the number of persons authorised by said first section of said recited act, to open books of subscription, and be vested with similar powers and authorities: *Provided*, That unless one half of the capital, mentioned in the before recited act, be subscribed on or before the said first day of April, one thousand eight hundred and four, all subscriptions which shall or may have been made, shall be void.

II. And be it further enacted, That the general meeting directed by the seventh section of the foregoing recited act, to be held on the first Monday of September, annually, shall be altered to, and held on the first Monday in April, in each and every year.

IV. And be it further enacted, That all acts and parts of acts, coming within the purview and meaning of this act, are hereby repealed and made void.

CHAP. L.

An Act authorising the Administrators of Valentine Huff, late of the county of Rowan, to sell and convey a certain part of the real estate of the said Valentine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Lane and Charles Hunter, administrators on the estate of Valentine Huff, late of the county of Rowan, be, and they are hereby fully authorised and empowered to sell, alien and enfeoff, all the real estate of Frederick Huff, an idiot, one of the heirs at law of Valentine Huff, deceased, to any person or persons whatsoever, who may purchase the same; and the monies arising therefrom, the said John Lane and Charles Hunter, shall as soon as the same may be collected, account and pay to the guardian of the said Frederick Huff, an idiot as aforesaid, together with all interest accruing thereon; and the purchaser or purchasers from the said John Lane and Charles Hunter, as administrators aforesaid, shall possess, enjoy and inherit as full and complete a title or titles in fee simple, to the land conveyed as aforesaid, in as full and ample a manner in law and equity, as though such conveyance or conveyances had been made by the said Valentine Huff himself, in his lifetime, or by any other conveyance whatsoever; any thing to the contrary notwithstanding.

CHAP. LI.

An Act vesting certain lands in the different persons therein mentioned.

WHEREAS it appears to this General Assembly just and reasonable that the property of two tracts of land, situate in the county of Lincoln, on Ball's creek, and bounded on the east by the lands of James Walker and William Bates, on the south by Jeremiah Davis, and on the north by Hugh Brevard, should vest in James King and Sarah King his wife; and that three tracts of land, lying in Rutherford county, be vested in Catharine Reagan of said county; two of which tracts were entered by John Reagan, the husband of the said Catharine, and the other tract, which contains two hundred acres, was purchased of a certain John Magness.

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the property, right and title of, in, and to the above mentioned two tracts of land in Lincoln county, bounded on the east by James Walker and William Bates, on the south by Jeremiah Davis, and on the north by Hugh Brevard's, deceased, land, containing inclusive of both tracts

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eight hundred acres, shall vest fully, absolutely and completely in the said James King and Sarah King, and their heirs for ever, and they are hereby declared to have full power and authority to possess, enjoy and dispose of the same, as to them may seem most proper.

II. And be it further enacted, That the above mentioned three tracts of land, containing in the whole six hundred acre, lying in Rutherford county, the property, right and title of which shall be, and is hereby vested in Catharine Reagan, and her heirs for ever, fully, completely and absolutely; and she is hereby declared to have full power and authority to possess, enjoy and dispose of the same in such manner as to her shall seem most proper: *Provided*, nothing herein contained shall effect the lawful claim or title of any person or persons claiming as heirs at law.

And whereas it appears to the General Assembly, that Helen Tredwell, late the wife of Samuel Tredwell, of Edenton, did by her last will and testament, direct and request that certain lands lying in the county of Onslow, sold, though not conveyed by deeds in the life time of said Helen, to a certain Daniel Humphrey and Gaines Rowe, should be secured to them, in consideration of a full and fair price actually paid.

III. Be it further enacted by the authority aforesaid, That the lands sold and conveyed by Samuel Tredwell, Hannah Tredwell, Matthias E. Sawyer and Margaret his wife, by deeds bearing date the fifteenth day of April, one thousand eight hundred and two, to Daniel Humphrey and Gaines Rowe, shall be, and enure to them and their heirs and assigns, in as full and ample manner as if the said deeds had been signed by said Helen in her life time, and her acknowledgment thereof taken before competent authority; any law, usage or custom to the contrary notwithstanding.

CHAP. LII.

An Act to authorize Francis X. Martin and Robert Ogden, junior, of the town of Newbern, to dispose of Books by lottery.

WHEREAS Francis X. Martin and Robert Ogden, junior, of the town of Newbern, have represented to this General Assembly, that they have established a manufacture in the said town, for the printing and binding of books, and have suggested that their endeavours in this behalf would be aided by a law authorizing them to dispose of books by lottery:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Francis X. Martin and Robert Ogden, junior, be authorized for and during the term of two years hereafter, to vend and dispose of books by lottery, according to such scheme or schemes as they may think best, the same being first presented to the Governor for the time being, and by him approved: *Provided*, That the said Francis X. Martin and Robert Ogden, junior, do first give sufficient security, to be taken and approved also by the Governor for the time being, for the faithful performance of the trust that may be reposed in them, with regard to the premises.

CHAP. LIII.

An Act to vest in Robert Donaldson, certain lands therein mentioned.

WHEREAS it is represented to this General Assembly, that Southwell Donaldson, deceased, late of Edgecomb county, died without issue, seized and possessed of one half acre lot of land in the town of Tarborough; and whereas it further appears that the said deceased, at the time of his death, had living, and who is still alive, a brother, Robert Donaldson, a resident of the county of Edgecomb, but that the said Robert, being a native of Great-Britain, and then not having taken the necessary oaths to entitle him to inherit the said land: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Robert Donaldson be invested with the said lands, and the same are hereby declared to be vested in him the said Robert Donaldson, his heirs and assigns, free and clear from any claim on the part of the State, arising from the operation of any of the escheat laws of the State: *Provided*, He shall first take the necessary oaths of allegiance; any law to the contrary notwithstanding.

CHAP. LIV.

An Act making further compensation to the Superior Court Jurors for the districts of Halifax and Edenton.

WHEREAS by the present existing laws, the Jurors of the Superior Courts of Halifax and Edenton, are not entitled to an adequate compensation for their services: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, each Juror summoned to attend the Superior courts of Halifax and Edenton, shall for his services be entitled to twelve shillings and sixpence, for each day he shall attend as a Juror, and twelve shillings and sixpence for every thirty miles travelling to and from said court, with ferriages.

CHAP. LV.

An Act to repeal an act, entitled "An act to empower the county court of Mecklenburg to a lay a tax annually for the payment of its Jurors," passed in the year one thousand seven hundred and ninety-nine.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be void, and the same is hereby repealed.

CHAP. LVI.

An Act to repeal part of an act passed at Hillsborough in the year one thousand seven hundred and eighty-four, so far as respects Richmond county, entitled "An act to empower the several county courts therein mentioned, to lay a tax annually for the purpose of erecting or repairing the court-house, prison and stocks in each county where necessary, and for defraying the contingent charges of the county."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that part of the above recited act that

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requires a majority of the acting Justices to be present at the laying said tax, so far as respects Richmond county, is hereby repealed and made void.

II. *And be it further enacted*, That from and after the passing of this act, it shall and may be lawful for any seven Justices of said county, at the time heretofore appointed by law, to lay a tax or taxes not exceeding the sums heretofore prescribed, for the discharge of the different contingencies of said county.

III. *And be it further enacted*, That all claims now existing against said county, which shall not within six months after the first day of March next, be entered and numbered on the claim-book, kept by the clerk of said county, shall be null and void; neither shall any claim be allowed after the passing of this act, if the same be not entered on the claim-book as aforesaid, within nine months after the same is obtained; any law to the contrary notwithstanding.

CHAP. LVII.

An Act to repeal part of an act passed in 1801, entitled "An act to empower the county courts of Wilkes, Moore and Ashe, to lay a tax for the purpose of destroying wolves in said counties," and to repeal an act passed in the year 1797, giving power to the county court of Buncombe, to lay a tax for the purpose of destroying wolves and panthers."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act of the General Assembly, passed in the year one thousand eight hundred and one, entitled "An act to empower the county courts of Wilkes, Moore and Ashe to lay a tax for the purpose of destroying wolves in said counties," be and the same is hereby repealed and made void, so far as it relates to the county of Ashe.

II. *And be it further enacted*, That all acts and parts of acts authorizing the county court of Buncombe to lay a tax for the purpose of destroying wolves and panthers in said county, be and the same is hereby repealed and made void; any thing to the contrary notwithstanding.

CHAP. LVIII.

An Act to amend an act, entitled "An act to alter the mode of raising money to defray the expenses of the Jurors from the county of Burke, to the superior and county courts, and other purposes therein mentioned."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the provisions of the before recited act, for the payment of the superior and county court jurors, shall be extended also to the payment of the clerks, sheriffs and constables in the said county, in the same manner as the jurors are or shall be paid.

CHAP. LIX.

An Act to authorize and empower the County Trustee of Person, to sue for and collect from the collector of the county, the county tax for the year 1791.

WHEREAS it is represented to this General Assembly that at the court of pleas and quarter sessions held for the county of Caswell, at March term, one thousand seven hundred and ninety-two, the said court levied a county tax for the year one thousand seven hundred and ninety-one; and also did at their October term preceding, appoint a collector for the four lower districts, which by the division of the county of Caswell taking place in the month of February, one thousand seven hundred and ninety-two, now compose the county of Person; which collector took upon himself, and entered into bond and security for the collection of the same, at said October term, one thousand seven hundred and ninety-one; and whereas there is no law providing to whom the same shall be paid: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited order of court levying the taxes as aforesaid, shall and it is hereby declared to have effect, and be deemed to operate in the same manner as if the same had been made at any term previous to the division of the said county of Caswell, any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted*, That the county tax collected under the order of court aforesaid, for the four districts which now compose the county of Person, shall be accounted for with the County Trustee of Person; and he is hereby authorized and empowered to bring suit for, and collect the whole or any part of said taxes, which may not have been paid or accounted for, to the sole use of the county of Person.

III. *And be it further enacted*, That all acts or parts of acts coming within the meaning and pur view of this act, be and the same are hereby declared to be repealed and made void.

CHAP. LX.

An Act to empower the wardens of the poor for the counties of Martin and Robeson, to lay and collect an additional poor-tax.

WHEREAS the poor-tax now allowed by law within the counties of Martin and Robeson is found to be insufficient to defray the expenses of the poor within the counties aforesaid: for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the wardens of the poor for the counties of Martin and Robeson aforesaid, shall have full power and lawful authority to lay an additional poor-tax, not exceeding one shilling on each poll, and the sum of four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, for discharging the arrears due, and for the support of the poor within the counties of Martin and Robeson aforesaid; which said tax shall be collected and accounted for by the respective sheriffs of said counties, in the same manner, and under the same rules, regulations and restrictions as the poor-tax hath been heretofore collected and accounted for; any law to the contrary notwithstanding.

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CHAP. LXI.

An Act to provide for the payment of Jurors to the county court of Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, there shall be levied by the Clerk of said county court, taxed in his bill of costs, and collected by the Sheriff of said county, for the above purpose, the following sums, to wit: on each suit for land twenty shillings, for each and every other suit fifteen shillings, and on each appeal from a single Justice seven shillings and six pence.

II. *And be it further enacted,* That it shall be the duty of the Clerk of said court to collect from the Sheriff aforesaid, the sum taxed as aforesaid on his bill of costs, and pay the same within five days after the rise of every court to the County Treasurer, whose duty it shall be, on application, to pay to the Jurors aforesaid, the amount of their tickets aforesaid, if legally proved; which tickets shall be sufficient vouchers for the County Treasurer in the settlement of his accounts; any law to the contrary notwithstanding.

CHAP. LXII.

An Act authorizing the county courts therein mentioned, to lay a tax for defraying the expence incurred in suppressing the late insurrection of the negroes in said counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of Currituck, Camden, Pasquotank, Tyrrel, Martin and Perquimans, are hereby authorized and empowered to lay a tax, not exceeding two shillings on every poll, and eight pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, and not exceeding the one fourth part of what the owners of every stud horse shall receive for the season of one mare; to be levied, collected and accounted for in each of the counties aforesaid, in the same manner as other county taxes.

II. *And be it further enacted,* That the several county courts aforesaid, shall appoint three proper persons as Commissioners to examine and liquidate the accounts of the officers and soldiers who were employed in suppressing said insurrection, and others who may have furnished them with arms, provisions, and other things necessary for them, while called out to suppress the same, which shall be discharged and paid out of the monies raised and collected in pursuance of this act.

CHAP. LXIII.

An Act to alter the time of holding the county court of Johnston.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county court of Johnston shall constantly be holden on the fourth Mondays in February, May, August and November in each and every year, to which time all suits and business of what kind or nature soever, now pending in said court, shall stand adjourned, and all process whatsoever issuing from the said court, shall be made returnable; any thing to the contrary notwithstanding.

CHAP. LXIV.

An Act to alter the time of holding the county court of Caswell,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of February next, the county court of Caswell shall constantly be holden on the last Mondays of January, April, July and October in each and every year; to which time all process of what kind or nature soever, shall be made returnable, and all suits pending in the said court, shall stand adjourned; any thing to the contrary notwithstanding.

CHAP. LXV.

An Act to compel the clerk of Surry county court to keep his office at or within two miles of the court-house.

WHEREAS the inhabitants of said county experience much inconvenience on account of the great distance at which said office is kept from the court-house:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next, the clerk of the county court of Surry, shall, by himself or lawful deputy, keep his office at or within two miles of the court-house in said county; on failure so to do, he shall be deemed guilty of a misdemeanor in office; any law usage or custom to the contrary notwithstanding.

CHAP. LXVI.

An Act to empower the county court of Wayne to appoint a proper person to copy the Register's books in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of the acting Justices of the county court of pleas and quarter sessions for the said county, may, whenever they deem it necessary, appoint some proper person to purchase a well-bound book or books and transcribe therein, such part of the records in the register's office of said county, as shall in their judgment require it.

II. *And be it further enacted,* That when the person so appointed, shall have completed the said business as by this act required, the book or books wherein such entries are made, after being examined in such manner as the court shall direct, shall have the same authenticity as the originals would have been entitled to in all the courts of record in this State.

III. *And be it further enacted,* That the said court shall allow the person so appointed to transcribe said records, a sum adequate to his service, to be paid out of the county tax.

CHAP. LXVII.

An Act for running and ascertaining the boundary line between the counties of Montgomery and Cabarrus. 1802

WHEREAS it is made appear that the dividing line has never been run or ascertained between said counties, and the citizens thereof may sustain considerable injury thereby; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county surveyors of Montgomery and Cabarrus, shall previous to the first day of April next, run and mark said line, beginning at Lord Carteret's line, six miles north east from Captain Charles Hart's plantation on Buffalo Creek, and to run from thence to the mouth of Clear Creek, which empties itself into Rocky River, below Captain Adam Alexander's.

II. *And be it further enacted,* That if any dispute should arise between the said surveyors in the beginning, running and marking said line, then and in that case they shall choose one Commissioner from each county, to act with them in running, marking and adjusting said line; and for their services shall receive twenty shillings each per day, to be paid by said counties in equal proportion; the said line when run and marked, shall be entered on the records of said county: *Provided,* That said line is run agreeable to an act for dividing the county of Anson and Mecklenburg, passed in the year one thousand seven hundred and sixty-two, and the said line when run, adjusted and agreed on, is hereby declared the boundary and dividing line of said counties.

CHAP. LXVIII.

An Act directing the mode of patrols in the counties of Gates, Camden and Pasquotank.

WHEREAS the present mode as prescribed by law, doth not answer the valuable purposes for which it was intended; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of each Captain of the militia of Gates, Camden and Pasquotank counties, at their first musters, by them respectively to be held, after the first day of February next, to lay off their respective companies into divisions, of not more than five nor less than four men in a division, which division shall include all persons subject to do militia duty, and all other able bodied free men in said county, without discrimination.

II. *And be it further enacted,* That it shall be duty of the man first named in each division, laid off as aforesaid, to order out the division to which he belongs, and make diligent search in his neighbourhood or in any part of the county, and apprehend all slaves that may be found off his or her master or owner's plantation without a pass in writing, by his master, mistress or overseer, setting forth the destination of such slave, and the time of return; and on apprehending any slave or slaves without a pass as aforesaid, it shall be lawful for the patrol or any of them, to give such slave or slaves not exceeding thirty-nine lashes on his or her bare back.

III. *And be it further enacted,* That on the Captain of each company failing or neglecting to lay off his company into divisions as required by this act, he shall forfeit and pay the sum of twenty shillings, to be recovered by any person suing for the same before any Justice of the Peace for said county, one-half to be applied to his own use, the other half to the County Treasurer for the use of the county, and on the first person named in any of the divisions failing or neglecting to do his duty as required by this act, shall forfeit and pay four shillings, to be recovered and applied as aforesaid, and all others of any divisions, on failure of duty as required by this act, be subject to the same penalties and for the same purposes as the first named person in the division is subject to.

IV. *And be it further enacted,* That it shall be the duty of each division to patrol as aforesaid, at least once in three weeks, and oftener if necessary.

V. *And be it further enacted by the authority aforesaid,* That all free men from eighteen to forty-five years of age, and all other able bodied free men without discrimination, shall perform patrol duty in the county of Pasquotank, under the same rules, regulations and restrictions as are prescribed in this act.

VI. *And be it enacted,* That all laws and parts of laws respecting the appointment of patrols, and allowances of pay or exemptions from other duties, be and the same are hereby repealed, so far as respects the counties aforesaid.

CHAP. LXIX.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-six, so far as respects the county of Perquimons, entitled "An act making compensation to the owners of outlawed and executed slaves, for the county of Bladen, Halifax, Granville, Cumberland, Perquimons, Beaufort and Pitt."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act, so far as respects the county of Perquimons, be and the same is hereby repealed and made void.

CHAP. LXX.

An Act to repeal in part an act passed in the year 1785, entitled "An act to empower the Justices of Hertford and Tyrrel counties to establish free ferries in the said counties, and lay a tax for defraying the charges of the same."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all and every part of an act of the General Assembly, passed in the year one thousand seven hundred and eighty-five, entitled "An act to empower the Justices of Hertford and Tyrrel counties, to establish free ferries in the said counties, and lay a tax for defraying the charges of the same," be and the same is hereby repealed and made void, so far as it relates to the county of Tyrrel: *Provided nevertheless,* That nothing in this act contained shall be construed to extend to the ferry from the Point of Marsh to the town of Columbia; any thing to the contrary notwithstanding.

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CHAP. LXXI.

An Act to ratify and confirm the proceedings of the Entry-taker in the county of Ashe.

WHEREAS the county court of Ashe have neglected to call on the entry-taker of said county, to renew his bond with security, agreeably to the first section of an act passed in the year one thousand seven hundred and ninety three, entitled "An act to compel the entry takers of the several counties in this State to give bond and security, every two years hereafter, for the faithful performance of their duty, and to repeal so much of an act passed at Hillsborough in 1784, as authorises any person, unwilling to pay taxes for their lands, to make a surrender of such land to the State,

And whereas, many citizens have made entries in the said entry-taker's office not knowing but he the said entry-taker was duly qualified and authorized by said law to receive the same, and doubts now arise concerning the legality of such entries,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all entries of land heretofore made in the entry-taker's office, of the county of Ashe, shall be and they are hereby declared to be as good and valid in law, and shall have the same effect to all intents and purposes, as though the entry-taker had renewed his bond agreeably to the directions of the above recited act; and that surveys made on such entries, and other proceedings thereon had, as well by the Secretary of State as by any others whatsoever, shall be and are hereby declared to be as valid as though the entry-taker had renewed his bond agreeably to the directions of the act aforesaid; any thing to the contrary notwithstanding.

CHAP. LXXII.

An Act to repeal an act of the last General Assembly, entitled "An act respecting retailing spirituous liquors so far as respects the counties of Orange and Perkin."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act, and all and every clause therein contained, be and the same is hereby repealed and declared null and void, as though the same had never passed.

CHAP. LXXIII.

An Act to invest the property of a Bridge or Causeway through the Dismal Swamp, from Cambden to Currituck county, in Frederick B. Sawyer, for the term of twenty years.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Frederick B. Sawyer, his heirs and assigns, to keep a sufficient gate on the Bridge or Causeway through the Dismal Swamp, from Cambden to Currituck county, for the term of twenty years, and to take and receive from all persons that may pass over the same, such rates as the county courts of Cambden and Currituck may direct, and shall be under the same rules, regulations and restrictions as are prescribed in an act passed in the year one thousand seven hundred and seventy-nine, chapter 30.

II. *And be it further enacted,* That when the said Frederick B. Sawyer shall have put said Bridge or Causeway in repair fit for public use, he shall report the same to the county courts of Cambden and Currituck, and when the same shall be by them received, this act shall operate and be in full force and effect; any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted;* That an act, entitled "An act to establish a toll-road through the Great Swamp in the counties of Cambden and Currituck, and to grant to Thomas Lurry, an estate therein, for the term of twenty-five years," is hereby repealed and made void.

CHAP. LXXIV.

An Act for the relief of the heirs of James Hazell, senior, deceased.

WHEREAS the said James Hazell, in the year one thousand seven hundred and eighty-five, died leaving his estate real and personal, to his wife Ann Sophia Hazell, with a view that his grand children should upon her death, be benefited by the same; and whereas the said Ann Sophia Hazell, in the month of February last, died intestate and without issue, and being a German by birth, the property she left, became the right of the State:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in order to carry the true intent of the testator of said Ann Sophia Hazell into effect; that the State doth relinquish and for ever quit claim to all property real and personal, which the said Ann Sophia Hazell died seized or possessed of, or in any way entitled to, for the benefit of the petitioners, that is to say, Susannah Quince and Mary Ancrum Walker, grand daughters of said James Hazell, and Sarah Elizabeth Berry, a daughter of James Hazell, the son of said James, and that equal portion of the same shall be made amongst them, by Commissioners to be appointed in the same manner as in case of persons dying intestate, seized or possessed of real and personal estate, and the same is accordingly vested in the said Susannah Quince, Mary Ancrum Walker and Sarah Elizabeth Berry, their heirs and assigns, as tenants in common.

CHAP. LXXV.

An Act to empower the acting Wardens of the county of Currituck, to transfer to Josiah Nicholson of said county, a certain piece of land.

WHEREAS Josiah Nicholson, of Currituck county, did in the year one thousand seven hundred and seventy-one, give to the then acting church-wardens of the said county, a deed for a certain piece of land in the county aforesaid, for certain purposes, which purposes now cease to exist, and there being no authority to re-convey the same: for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the present acting

wardens of the poor of the county of Currituck, or their successors in office, to give a deed of conveyance 18th to the said Josiah Nicholson for the premises aforesaid, as mentioned in the deed bearing date the twenty-second day of June, one thousand seven hundred and seventy-one, from the said Josiah Nicholson, to the then acting church-wardens, which deed, when authenticated, shall be as good and valid in law to him the said Josiah Nicholson and his heirs, as though the before-recited deed had never been given; any law usage or custom to the contrary notwithstanding.

CHAP. LXXVI.

An Act granting two separate elections to the inhabitants of the county of Johnston.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of Johnston county, by himself or his legal deputy, shall open an election for members of the General Assembly of this State, for Representatives to the Congress of the United States, and for Electors to vote for President and Vice President of the United States on the Monday preceding the second Thursday in August, annually, at the house of Isaac Williams, on the south side of Neuse river, to continue from twelve o'clock, until sun-set, for the reception of votes as aforesaid.

II. *And be it further enacted,* That Robert Gully, junior, William Richardson, senior, and Stephen Grice, esquires, be and they are hereby appointed Commissioners, to fix on such place as to them shall appear most convenient for the reception of the votes of the inhabitants residing in the companies of Captain Hocutt Price and Pierce; and the place so fixed on by them or a majority of them, shall be the place of elections, to receive votes for members of the General Assembly, Representatives to the Congress of the United States, and Electors of President and Vice-President of the United States; and the said elections shall be held annually on the Saturday preceding the second Thursday and Friday in August, to be opened at twelve o'clock of the said day, and continue open until sun-set, for the reception of votes, under the same rules and regulations that annual elections are at present held at the different places established by law, and the Commissioners when they have fixed on such place, shall, at least twenty days before the time of the election, to be first held after the passing of this act, give notice thereof to the Sheriff, who shall, at least ten days before the election, advertise the same, in at least one public place in each of the aforesaid companies.

III. *And be it further enacted,* That the votes taken as aforesaid, shall be counted out by the Sheriff or his deputy at the close of the polls in presence of the inspectors, and transmitted to the court-house of said county, by the Sheriff or his deputy; which votes shall be and they are hereby declared to be part of the suffrages of Johnston county.

IV. *And be it further enacted,* That if any person shall vote at more than one place of election in said county, in the same year, he shall be liable to a fine of ten pounds, to be recovered before any jurisdiction having cognizance thereof, to be applied to the use of the county.

CHAP. LXXVII.

An Act to establish a separate election in the county of Orange, and to provide for the preservation of the court-house in the town of Wilmington.

WHEREAS the remote distance at which the people in the east end of said county, live from Hillsborough, renders it highly inconvenient for many of them to attend the annual elections held for said county; for remedy whereof,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Sheriff of Orange county, either by himself or a lawful deputy, in each and every year, to open and hold an election at George Carrington's Mill, on Eno river, on the Tuesday preceding the day fixed by law for holding the annual elections for Representatives in the General Assembly, beginning at eleven o'clock in the forenoon of the same day, and closing the polls at sunset, and not before; at which election the free men living within the limits of the companies at present commanded by Captains Sims, Ray, Vesley, Carrington, Rhodes and Hearndon, shall be entitled to give their suffrages; and it shall be the duty of the said Sheriff or his deputy, safely to keep the ballots taken in that day, and not to open the box in which they may be disposed, till the last day of the election held at Hillsborough, when, after the polls are finally closed there they shall be taken out and counted separate and apart from those taken at Hillsborough, and the amount added to the votes taken there, and at the separate election held at the house of William Holt, junior.

II. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any free man residing within the limits aforesaid, to vote at any other place of election, under a penalty of ten pounds, to be recovered to the use of him who will sue for the same.

III. *And be it further enacted,* That whenever it shall be necessary to hold elections for Representatives to the Congress of the United States, or for Electors to vote for a President or Vice-President of the same, the Sheriff of said county, by himself or lawful Deputy, shall open and hold an election at said Carrington's mill, on the same day, and in the same manner and under the same rules and regulations as herein directed for the election of Representatives of the General Assembly; and if any person who resides in the limits aforesaid shall vote at any other place of election in said county, he shall forfeit the sum of ten pounds to be recovered as aforesaid.

IV. *And be it further enacted,* That from and after the passing of this act, the court-house of the District of Wilmington shall be under the particular direction and superintendence of the Commissioner of public buildings for the county of New Hanover; and no public exhibitions of a theatrical nature shall be permitted to be made in said house, but by the consent of said Commissioner first given in writing and signed with his proper hand and name.

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CHAP. LXXVIII.

An Act to divide the second Regiment in Rowan county into two separate Battalion musters, and granting to the inhabitants of Chatham county, residing on the north east side of Haw River, the privilege of a Battalion muster.

WHEREAS the inhabitants on the east side of the Yadkin river, in Rowan county, labour under great inconvenience in attending their regimental muster :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That the companies commanded by Captains Williams, Marklin, Munrow, Sampsonfield, Reed and Harman, shall compose one battalion, which shall be called the upper battalion in the second regiment, and shall hold their battalion musters at the house of Michael Craver, and the companies commanded by Captains Peak, Yarborough, M'Kay, Bolenhammer, Childers, Smith, Ellis and Goss, shall compose the lower battalion of the said second regiment, and shall hold their battalion musters at a place to be fixed on by Jesse Harris, Owen Strange and James Barket, who are hereby appointed Commissioners for that purpose; which said separate battalion musters, shall be under the same rules and regulations as are directed by the militia laws of this State, and shall be reviewed at the places fixed on for their musters; any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That a separate battalion muster shall be hereafter granted to the inhabitants of Chatham county, on the north east side of Haw river, composing the companies of Captains Farrows, Williams, Daniel, Justice and Esland's districts in said county, which battalion muster shall be held at such place within the bounds of the before mentioned districts as shall be fixed upon by a majority of officers composing said district; and such place being so fixed upon by said officers, they shall certify the same under their hands to the Colonel Commandant of said county, who shall be hereby required in future to order battalion musters to be held at the place so agreed upon by said officers, as often as shall be required by law.

CHAP. LXXIX.

An Act granting a separate election at Avery'sborough in the county of Cumberland.

WHEREAS many of the inhabitants of Cumberland county, have petitioned this General Assembly to have the privilege granted them of a separate election to be held at Avery'sborough in said county; wherefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, an election shall be opened and held by the Sheriff of Cumberland county, or his deputy, at Avery'sborough aforesaid, on the second Thursday in August, annually, by twelve o'clock on said day, and keep the polls open until sunset, for the purpose of receiving the suffrages of such of the inhabitants of Captain Shaw's, M'Aulster's and M'Lean's districts, as shall choose to give their suffrages at said separate election for members to represent the said county in the General Assembly of this State, and the votes so taken, shall there be counted out by the Sheriff, or his deputy, in presence of the inspectors of the poll, and a list made of the same, that each candidate, shall have, and signed by said Sheriff and inspectors; which list shall the next day be transmitted by said Sheriff, to the court-house of said county, and at the close of the election, numbered with those votes taken at the other elections in said county.

II. *And be it further enacted,* That it shall also be the duty of the Sheriff of Cumberland county, by himself or deputy, to open a poll at Avery'sborough, and there to receive the suffrages of the inhabitants aforesaid, for the purpose of electing a member to Congress, on the day previous to that which shall be fixed on by law, for the purpose of electing members to Congress to represent this State in the Congress of the United States; and also to open a poll at the place aforesaid, on the same day that shall be fixed on by law for choosing an Elector to vote for President and Vice-President of the United States, and there to receive the suffrages of the aforesaid inhabitants; which said elections shall be held and conducted in the same manner as is by this act directed for electing members to represent said county in the General Assembly of this State.

III. *And be it further enacted by the authority aforesaid,* That in future, the opening of the poll for the annual election in said county, on the second Thursday in August, at the court-house in Fayetteville, is hereby dispensed with, and said poll shall only be held on the first Friday after the second Thursday in August, annually, at said court-house, any law to the contrary notwithstanding.

CHAP. LXXX.

An act to establish a separate election at the house of Daniel Smith in the county of Cumberland.

WHEREAS many of the inhabitants in the south west corner of said county, have to travel thirty miles and upwards to the election in said county; for remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this act, a separate election shall be held by the Sheriff of Cumberland county, on the Friday preceding the annual elections in said county, at the house of Daniel Smith, in order to take the suffrages of Captain Grayham's District, and such of the inhabitants of Captain Munrow's and Cameron's District as may choose to give their suffrages at said separate election, and the votes so taken, shall be counted out by the Sheriff at said separate election, and a list made thereof, that each candidate shall have and signed by the said Sheriff or his deputy and inspectors of the poll, and at the close of the annual election, shall be numbered with those votes taken at the court-house in said county, and at the separate election at Atkins's.

II. *And be it further enacted,* That the Sheriff of Cumberland county shall also hold a separate election at the place aforesaid, for the election of a member of Congress, and Elector to vote for President and Vice-President of the United States, on the Friday preceding the day which shall be fixed on by law for said elections at the court-house in Fayetteville, in the same manner as is directed by this act for electing members to represent in the General Assembly of the State. *

III. *And be it further enacted*, That if any person who may vote at the above separate election than be guilty of voting again at any other election in said county, he shall forfeit and pay the sum of five pounds, recoverable before any Justice of the Peace upon a warrant, to the use of any person who shall prosecute for the same.

CHAP. LXXXI.

An Act granting additional elections in the county of Sampson, and for other purposes.

WHEREAS many citizens of the county of Sampson, from their remote situation and distance from the places appointed by law for holding elections in said county, are prevented from giving their suffrages to persons to represent them in General Assembly; for remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff, or his legal deputies, of Sampson county, to open and hold a separate election for said county, at the house of Thomas Wallace, residing on the west side of Little Cohary, on the Monday preceding the second Thursday in August, in each and every year, at least by twelve o'clock of said day for the purpose of electing members of the General Assembly, members of Congress, and to vote for an Elector to elect a President and Vice-President of the United States, in the same manner as they might or could have done at the court-house or other separate election already established in said county, and continue and keep open the same until sunset, when the tickets shall be counted out in the presence of the inspectors.

II. *And be it further enacted*, That it shall be the further duty of the Sheriff or his proper deputies, of the county aforesaid, to open and hold another separate election for the same purposes as is directed in the first section of this act, at the house of Michael King Lenoir, on the second Thursday in August, in each and every year, to continue from twelve o'clock until sunset for the reception of votes as aforesaid, when the tickets or ballots shall be counted out in the presence of the inspectors.

III. *And be it further enacted*, That the tickets or ballots that may be given in at the other separate election in said county, as well as those given in at the elections established by this act, shall be counted out in the presence of the inspectors, on the same day and at the same place which they were respectively taken at, and the amount of the votes each candidate may have had, shall be conveyed by the Sheriff, or his lawful deputy, to the court-house in said county, on the second Friday in August, in each and every year, which day only, is set apart for the citizens of said county who may not have voted at the separate elections to give their suffrages; and the said Sheriff, or his deputy, shall at sunset of the same day, if not agreed on sooner by the candidates, proceed to count the tickets or ballots in presence of the inspectors, and when so counted, add the same to those given in at the several elections in said county, and the candidate or candidates having the highest number of legal votes, shall be declared duly elected.

CHAP. LXXXII.

An Act granting a separate election in the town of Sneedsbrough, in Anson county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the Sheriff of Anson county, by himself or deputy, at twelve o'clock on the Monday preceding the annual election, to open and hold an election in the town of Sneedsbrough, for the convenience of the inhabitants in that part of the county, to give their suffrages for members of the General Assembly, Representatives in Congress, and to elect Electors to vote for President and Vice-President of the United States, to be kept open until sunset of the same day, unless the candidates agree that it shall be closed sooner; and the said Sheriff, or his deputy, shall hold the said election under the same rules, regulations and restrictions as are prescribed for other elections in this State; and the votes so taken, shall be counted out at the close of the poll, which votes shall, and they are hereby declared to be part of the suffrages of Anson county; and shall be added to the number of votes of said county; any thing to the contrary notwithstanding.

CHAP. LXXXIII.

An Act to grant a separate election and Battalion muster to the inhabitants of Wayne county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff of Wayne county, by himself or lawful deputy, to open a poll and hold an election for members to represent said county in the General Assembly of this State, members of Congress and Electors, at the house of Joseph Martin, at or before ten o'clock on every first Monday after the first Thursday in the month of August in every year, and at all other times which are or may be established by law for holding any of the aforesaid elections, and that the said poll shall be kept open until sunset on each day of election as aforesaid, at which time or times and place aforesaid, it shall be lawful for the inhabitants of the county of Wayne, living on the north side of Nauhunta, to give their votes for persons qualified for the above purposes; and after the poll is closed, which it shall be the duty of the Sheriff or his deputy to do at sunset on each day of election, in presence of the inspectors and such others as choose to attend, shall then and there open the boxes and count the tickets in the same manner as is practised at the annual elections held at the court house, a correct statement of which, shall be transmitted by said Sheriff or his deputy, to the court-house on the day of election, and there made a part of the poll of the elections of said county: *Provided always*, That nothing herein contained, shall be construed to deprive any person having a right to vote in said county, and not having previously given his vote, of the privilege of voting at the court-house as formerly.

II. *And be it further enacted*, That all that part of Wayne county, lying on the north side of Nauhunta, shall, after the passing of this act, hold separate battalion musters at the house of Joseph Martin aforesaid, under the command of some field officer of said county, or for want of such, the oldest commissioner

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18 02 Captain present, under the same rules and regulations as other militia of this State; any law to the contrary notwithstanding: *And provided also*, That the officers belonging to said battalion muster, and the officers belonging to the separate general muster on the south side of Neuse river, in the county aforesaid, shall meet and hold all their battalion and regimental court-martials at the court-house of said county; any law to the contrary notwithstanding.

And whereas the act passed in the year one thousand seven hundred and ninety-six, granting a separate election to the inhabitants of Wayne county on the south side of Neuse river, at Robert Fortner's, does not extend to authorize them to vote at said Fortner's for members of Congress or Electors.

III. *Be it therefore enacted*, That in future, they shall be, and are hereby authorized to vote at the said Fortner's, on the days appointed for that purpose, for members of Congress and Electors.

CHAP. LXXXIV.

An Act granting three separate elections to the inhabitants of the county of Duplin.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of Duplin county, by himself or legal deputy, shall open an election for members of the General Assembly of this State, for Representatives to Congress of the United States, and for Electors to vote for a President and Vice-President of the United States, on the Tuesday preceding the second Thursday in August, annually, at the house of Moses Stanley on the North East, to continue from twelve o'clock until sun-set, for the reception of votes as aforesaid; and at the house of Anson Bryan, on the Wednesday preceding the second Thursday in August; and at the house of David Williams, esquire, on the second Thursday in August in each and every year; and at the court house on the Friday following only, to continue open as aforesaid, for the reception of the votes as aforesaid, under the same rules and regulations that annual elections are at present held at the different places established by law.

II. *And be it further enacted*, That all votes taken at the said separate elections shall, at the close of the polls at the places at which they were respectively given, be counted out in the presence of the inspectors and transmitted to the court-house of said county, by the Sheriff or his legal deputy, and there counted with the votes taken at the court-house, and be held and deemed as good as those taken or given there; any law to the contrary notwithstanding.

III. *And be it further enacted*, That if any person in said county, shall vote at any of the elections established by this act, and having previously voted at another, such person shall incur the penalty of five pounds, to be recovered before any Justice of the Peace, to the sole use of the person suing for the same.

CHAP. LXXXV.

An Act to repeal an act, entitled "An act to alter the time of holding the election in the county of Duplin," passed last session of Assembly.

WHEREAS it has not been productive of such conveniences as were expected to result from altering the time of holding the annual election in said county,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the before recited act be, and the same is hereby repealed and made void.

CHAP. LXXXVI.

An Act granting three separate elections to the inhabitants of Randolph county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff or his lawful deputies, to open and hold an election at the cross-roads, on Wednesday preceding the annual election; and at the house of Gideon Meacon on the same day; and on the day following at the house of James Lapey, for the purpose of electing members in the General Assembly, and Representatives in Congress, and for electors to vote for a President and Vice-President of the United States, and at the same times and places, in each and every year; which shall be conducted under the same rules and regulations as all other elections within this State for the purposes aforesaid.

CHAP. LXXXVII.

An Act to establish an additional separate election and battalion muster in the county of Craven.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the plantation of Lewis Bryan, at Swift's Creek Bridge, be, and is hereby established as a place for holding a separate battalion muster, and election for the purpose of electing members of the General Assembly, Representatives to the Congress of the United States, and Electors to vote for a President and Vice-President of the United States.

II. *And be it further enacted*, That the Sheriff of the county of Craven, shall on the day preceding the day appointed for holding the separate election at Cox's Ferry in said county, either by himself or his legal deputy, open and hold an election for the purpose of receiving the votes of the inhabitants of the upper part of Craven county, residing on the north side of Neuse river, at the place hereby established for holding separate elections whenever it shall be necessary, to hold elections in said county for the purpose of electing members of the General Assembly, Representatives to Congress, or Electors to vote for President and Vice-President of the United States; which election shall be held under the same rules and regulations as are prescribed for holding other elections in this State; and the votes received at such election, shall be counted out at the close of the poll; and when the election at the town of Newbern shall be closed, it shall be numbered with, and considered as a part of the votes of said county.

III. *And be it further enacted by the authority aforesaid*, That the companies which are at present commanded by Captains William Bryan, Robert Campbell and Joseph Willis, shall be formed into a distinct

and separate battalion, and shall be entitled to hold their battalion musters at the place herein before established and fixed on; and shall be under the same rules and regulations as are directed by the militia laws of this State.

CHAP. LXXXVIII.

An Act to establish two separate battalion musters in the county of Onslow:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the militia companies in said county, commanded by the Captains Edward Williams, Pernal Marshall, Rigdon Pitts, Jonathan Kitchen and Edward Wurd, shall compose the first battalion of said Onslow regiment, and shall be entitled to hold their battalion musters at the house of Joseph Simmons, on the north east branch of New river, and shall be under the same rules and regulations as are directed by the militia laws of this State.

II. *And be it further enacted,* That the companies commanded by the Captains William H. DeInell, Lot Ballard, John Dunn, Eli Ellis and Nathaniel Ennet, shall compose the second battalion, and shall be entitled to hold their battalion musters at the house of Zachariah Gurgans, where Daniel Snepard, deceased, formerly lived, and shall be under the same rules and regulations as are directed by the militia laws of this State; any law to the contrary notwithstanding.

III. *And be it further enacted,* That the regiment of said county of Onslow, shall be reviewed at the court-house as they have been heretofore.

CHAP. LXXXIX.

An Act granting a separate battalion muster in the county of Pitt, and to alter the place of holding the separate election in said county.

WHEREAS it is represented to this General Assembly that the frequent inundations in Tar river, render it often very troublesome for the inhabitants on the north side of said river, to attend at the town of Greenville to perform the duties in many cases required by law; for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said six companies on the north side of Tar river, in the said county of Pitt, shall compose the second battalion in said county, and shall hereafter hold their battalion musters at the house of Josiah Carney, esquire, in said county, and shall in all respects be under the same rules, regulations and restrictions as heretofore required by law: *Provided nevertheless,* That when a review of said regiment takes place, the said second battalion shall attend at the town of Greenville as heretofore: *And provided also,* That court-martials shall be held at Greenville as heretofore, and also the exercising of the officers in said county.

II. *And be it further enacted,* That the separate election in said county, heretofore held at the house of John Mooring, shall each and every year hereafter, be held at the house of Josiah Carney, esquire, under the same rules, regulations and restrictions as heretofore by law required: any thing to the contrary notwithstanding.

CHAP. XC.

An Act to amend an act passed in the year one thousand seven hundred and ninety-two, entitled "An act to establish separate general musters and elections in the counties of Craven and Beaufort."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Sheriff of Beaufort county, he and he is hereby authorized and required to open an election for members of the General Assembly, Representatives to Congress, and Electors to vote for President and Vice-President and of the United States, at the town of Bath, on the Tuesday preceding the day of the election at Washington; and the ballots then taken, shall be sealed up by the inspectors, in presence of the Sheriff or his deputy who held the election, and by them to be transmitted to the court-house in Washington, under the care of the said Sheriff or his deputy, which shall be counted out at the close of the election, and are hereby declared to be part of the election of said county; any thing to the contrary notwithstanding.

CHAP. XCI.

An Act to establish a separate election at the house of William Judkins, in Iredell county.

WHEREAS a number of the inhabitants of the north end of Iredell county are desirous of having the privilege of a separate election,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the inhabitants living north of a line beginning at the intersection of the Rowan line and the South Yadkin river, thence up said river to the bent near James Huston's, thence with the line of Captain Robert Carson's company to the Burke line, shall have the privilege of giving their suffrages at the dwelling-house of William Judkins, on Little Rocky creek, for Representatives to the General Assembly of this State, for Representatives to Congress of the United States, and for Electors to vote for President and Vice-President of said States, on the first day of said elections, as they are or may be by law established: *Provided;* That if any person shall vote at said separate election and at the court-house in the same election, he shall be liable to a fine of five pounds, to be recovered by any person suing for the same before any Justice of the Peace of said county: *Provided also,* That any person living north of said line, who cannot or does not vote at said separate election, shall have the privilege of voting at the court-house as formerly.

II. *And be it further enacted,* That it shall be the duty of the court of said county, at the court next preceding each of said elections, to appoint inspectors to superintend said election, under the same rules, regulations and restrictions as by law directed.

III. *And be it further enacted,* That the Sheriff of said county or, his deputy, shall attend and open said election, by eleven o'clock on said day, and at said place, and shall hold and continue it open until sunset, at which time and place he shall seal up the box in presence of the inspectors and safely convey

1802 the same unto the court-house of said county, to be counted out with the other ballots of said county, and every person or persons, as the case may be, having the highest number of votes shall be considered duly elected.

CHAP. XCII.

An Act altering the time of holding the separate election at Mattamuskeet, in the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election at the Lake landing, in Mattamuskeet, in the county of Hyde, shall be held on the Wednesday preceding the Tuesday that shall happen before the second Thursday and Friday in August, in each and every year, under the same regulations and restrictions as are prescribed by law.

CHAP. XCIII.

An Act granting a separate election in the county of Washington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the Sheriff of Washington county, by himself or his legal deputy, on the first Friday in August, in each and every year, to open and hold a separate election at the house of Joseph Oliver, for the convenience of the inhabitants of said county, to give their suffrages for members of the Assembly and Representatives in Congress, and to elect Electors; and the said Sheriff, deputy Sheriff, or their successors, shall hold the said election under the same rules, regulations and restrictions as are prescribed for other elections in this State; and the votes so taken, shall be counted out at the close of the poll; which votes shall, and they are hereby declared to be part of the suffrages of Washington county; any thing to the contrary notwithstanding.

CHAP. XCIV.

An Act to amend an act, entitled "An act granting three separate elections in the county of Onslow."

WHEREAS it is discovered that an amendment to said act would tend more to the ease and convenience of the citizens of Onslow county, to alter the days on which said separate elections are held, as well as one of the places.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter the separate election directed by the before recited act, to be held at the house of Eden Bell, in the town of Swanborough, on Saturday, shall be held on Monday preceding the second Thursday and Friday in August, in each and every year, and the separate election directed to be held at the house of Benjamin Stalls, on the Tuesday following, shall hereafter be held on the Wednesday preceding the second Thursday and Friday in August, in each and every year, and that the separate election directed to be held by the before recited act, at the house of Daniel Humphries, shall hereafter be opened and held at the house of Arthur B. Gregory, on the second Thursday in August, in each and every year, and at the court-house on the Friday following only, under the same rules regulations and restrictions, as are pointed out by the aforesaid recited act; any law to the contrary notwithstanding.

CHAP. XCV.

An Act to alter the place of holding the battalion muster and election in the county of Bladen.

WHEREAS by an act of the last General Assembly, the battalion muster and election which was granted to the inhabitants of the south end of Bladen county, and appointed to be held on the plantation of John B. Waddie, esquire, known by the name of Marsh castle, is found to be disadvantageous at that place, on account of their being no accommodations for the people,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the battalion muster and election heretofore appointed to be held at Marsh castle aforesaid, shall be removed to the house of John P. Stollburg, and there to be held in each and every year hereafter, under the same rules and regulations as is heretofore appointed by law; any law to the contrary notwithstanding.

CHAP. XCVI.

An Act for altering the time of holding the two separate elections in the county of Stokes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the two separate elections from that held at the court-house in Stokes county, shall be opened and held at the same places where they held have been heretofore, on the second Thursday in August, in each and every year hereafter, under the same rules and regulations as heretofore prescribed within the limits of the acts establishing said election.

II. *And be it further enacted,* That the Sheriff, or his proper deputy, or Coroner, shall duly attend to open the polls on the days prescribed within the limits of this act; any law to the contrary notwithstanding.

CHAP. XXVII.

An Act to alter the time of holding the several separate elections now established in the county of Surry, and to establish an additional separate election in said county, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Sheriff, or Surry, by himself or his lawful deputy, or Coroner, to open and hold an additional separate election in said county, at the dwelling house of Isaac Uothegrove, on the south side of the Yakin river, on the second Thursday in August, in every year hereafter, under the same rules, regulations and restrictions as the other separate elections are held in said county.

II. *And be it further enacted* That the separate election in said county of Surry, which has been held 1802 heretofore at Thomas Arnold's, shall in future be opened and held at Meshack Gentry's mill, on Deep creek.

III. *And be it further enacted* That it shall be the duty of the Sheriff, or his legal deputy, or Coroner of said county, in future to open and hold the several separate elections established by law, to be held in the said county of Surry, and at the places which are already established, or may be established by virtue of this act, on the second Thursday in August, in each and every year hereafter, under the same rules, regulations and restrictions as they have heretofore been authorized to do; any law to the contrary notwithstanding.

CHAP. XXVIII.

An Act granting a separate election to the inhabitants of the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the inhabitants in the lower end of Wilkes county, shall have a separate election at Sale's new house, on the road leading from the Shallow Ford to Wilkesborough, where all the inhabitants in that part of the county, may vote for members of the General Assembly, a member of Congress, and for an Elector to vote for a President and Vice-President of the United States.

II. *And be it further enacted*, That the Sheriff of the county of Wilkes, either by himself or lawful deputy, and in case there is no Sheriff, then a Coroner shall open and hold the said separate election at Sale's new house, on the Friday preceding the second Thursday and Friday of August, in each and every year, under the same rules, regulations and restrictions as other elections are opened and held in the said county of Wilkes; and the votes taken thereat, shall be counted out at the place where they are taken, and all of said other votes taken in the county, in the same manner as heretofore used.

CHAP. XXIX.

An Act to alter the place of holding one of the separate elections in the county of Ashe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the separate election in the county of Ashe, which is now by law holden every year at the house of William Brown, of said county, shall be holden in the Sheriff, or his lawful deputy, at the house of Jordan Council, of said county, at the same time every year, under the same rules, regulations and restrictions as heretofore prescribed by law; any thing to the contrary notwithstanding.

CHAP. C.

An Act for the relief of Uriah Sullivan, late Sheriff of Brunswick county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Uriah Sullivan, Sheriff of the county of Brunswick, be and he is hereby authorized and empowered for and during the term of one year, from and after the passing of this act, to collect all arrearages of taxes due him from the inhabitants of said county, as also from the inhabitants of that part of Bladen struck off from Brunswick, due for the year one thousand eight hundred; and for the purpose of such collection, shall be vested with the same power and authority as the several Sheriffs of this State are now empowered by law: *Provided*, That he is not entitled by this act, to collect the taxes aforesaid, from executors or administrators, or any person making affidavit that he or she hath heretofore paid the same.

CHAP. CI.

An Act empowering Richard Allen, Sheriff of Wilkes county, to collect the arrearages of taxes due him.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Richard Allen, Sheriff of Wilkes county, be and he is hereby empowered, in as full and ample a manner as all other Sheriffs are by law, to collect the arrearages of taxes due him in said county, for the year one thousand eight hundred: *Provided*, nevertheless, That any person called on for taxes as aforesaid, on making oath that he or she has paid the same, shall be exonerated from the payment thereof; and nothing in this act shall operate against the estate of any deceased person, or any person who has removed out of the county; and this act is hereby enacted to remain in force no longer than twelve months from the passage thereof; any law to the contrary notwithstanding.

CHAP. CII.

An Act to empower Thomas C. Williams, Sheriff of Montgomery county, John Matlock, Sheriff of Rockingham county, and Samuel Speight, Sheriff of Greene county, to collect the arrearages of taxes due them for the year one thousand seven hundred and ninety-nine.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Thomas C. Williams, Sheriff of Montgomery county, John Matlock, Sheriff of Rockingham county, and Samuel Speight, Sheriff of Greene county, be and they are hereby empowered to collect the arrearages of taxes severally due them for the year one thousand seven hundred and ninety-nine, by the same rules, and under the same regulations as other Sheriffs in this State are entitled to in like cases: *Provided*, That they shall not by this act be entitled to collect the taxes aforesaid, from executors or administrators, nor from any person or persons who will make oath that he or they have heretofore paid the same.

II. *And be it further enacted*, That this act shall continue and be in force twelve months from and after the passing thereof, and no longer; any thing in the before recited act, to the contrary notwithstanding.

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CHAP. CHI.

An Act to authorize David Jones, late Sheriff of New-Hanover county, to collect the arrears of taxes for the year one thousand seven hundred and ninety-nine.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That David Jones, late Sheriff of the county of New-Hanover, be and he is hereby authorized and empowered to collect the arrears of taxes due him in said county, for the year one thousand seven hundred and ninety-nine, in the same manner, and under the same rules and regulations as the Sheriffs of the several counties of the State, are now authorized and empowered to collect taxes: Provided nevertheless That nothing in this act shall authorize the said David Jones to demand or collect any tax or taxes from the estate of any deceased person: And provided also, That this act shall continue and be in force but for one year after the passing thereof, and no longer.

CHAP. CIV.

An Act to incorporate the Royal White Hart Lodge, No. 2, in the town of Halifax.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the right worshipping Master, Wardens and Members who are at present, or in future may be of the Royal White Hart Lodge, No. 2, in the town of Halifax, be, and they are hereby constituted and declared to be a body corporate, under the name and title of "The Royal White Hart Lodge, No. 2, in the town of Halifax," and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquit and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution or laws of this State, or of the United States; any thing to the contrary notwithstanding.

CHAP. CV.

An Act to incorporate Unanimity Lodge, No. 34, in Rockford, Surry county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and Members who are at present, or in future may be of Unanimity Lodge, No. 34, in the town of Rockford, Surry county, be, and they are hereby constituted and declared to be a body corporate, under the name of "Unanimity Lodge, No. 34, Rockford, Surry county," and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquit and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution or laws of this State, or of the United States; any thing to the contrary notwithstanding.

CHAP. CVI.

An Act to authorize St. John's Lodge, No. 3, to raise by Lottery, the sum of two thousand dollars.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That St. John's Lodge, No. 3, shall be, and is hereby authorized and empowered by one or more lotteries or lotteries, under such scheme or schemes as the Lodge may direct, to raise a sum of money not exceeding two thousand dollars, for the purpose of completing the building of the said Lodge, in the town of Newbern.

And be it further enacted, That the said Lodge shall appoint three persons, not members of said Lodge, as managers of the lottery aforesaid, who shall be accountable for and shall give bond and security for the payment of the prizes and profits thereof, according to the scheme or schemes directed and established.

CHAP. CVII.

An Act to incorporate the Rising Sun Lodge, No. 38, of the town of Morganton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Master, Wardens and Members who are at present, or in future may be of the Rising Sun Lodge, of the town of Morganton aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of "The Rising Sun Lodge, No. 38," and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquit and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of this State, or the constitution of the United States.

CHAP. CVIII.

An Act to secure to Elizabeth Campbell, wife of Archibald Campbell, such estate as she may hereafter acquire.

WHEREAS it is represented to this General Assembly, that Archibald Campbell hath for several years past, absented himself from his wife Elizabeth, and there being no expectation of a reconciliation, and having it in his power to deprive his said wife Elizabeth of such estate as she may by her industry or otherwise acquire,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said Elizabeth Campbell, shall be enabled to, and possess in her sole right, all such estate, either real or personal, as she may hereafter acquire, either by purchase or otherwise, in as full and ample manner as if she the said Elizabeth had never been married to the said Archibald, clear from the claims or claims of the said Archibald, or any of his creditors; and the said Elizabeth Campbell, shall have full power to sue for and recover in any court of record having jurisdiction thereof, from the said Archibald Campbell, or any other person or persons, any property which may be claimed by, in the same manner as if she had never been married to the said Archibald Campbell, any law to the contrary notwithstanding.

CHAP. CIX.

An Act to alter the names of the persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the names of Bedraden Reynolds and Lucretia Reynolds, of Sampson county, be altered to the names of Bedraden Carraway and Lucretia Carraway; the name of Nancy Cox, of Jones county, to that of Nancy George; the names of Nathaniel Lane, Lucinda Lane, Sally Soffy Lane, Temperance Lane, William Henry Lane and Joseph John Lane, to that of Nathaniel Maclane, Lucinda Maclane, Sally Soffy Maclane, Temperance Maclane, William Henry Maclane and Joseph John Maclane; and by these names so altered, respectively, they shall possess and enjoy all such privileges as they or either of them could be entitled to, had they been so called from their nativity.

CHAP. CX.

An Act to alter the names of the persons therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the name of Edward White, of the county of Beaufort, shall be altered to that of Edward Siler White, and the name of James M'Ganley, of Caswell county, to that of James Scott; by which names they shall hereafter be known, and with the same may sue and be sued, plead and be impleaded in any court of record, and before any jurisdiction whatsoever, and may acquire and transfer property, either by purchase or descent, and in every other respect, shall possess and enjoy the same privileges and advantages as though they had been called by the said names from their nativity: any thing to the contrary notwithstanding.

CHAP. CXI.

An Act to alter the names of the persons therein mentioned, and to legitimate them.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the names of Matthias Jackson, Samuel Jackson, Noah Jackson and Porey Jackson, of Perquimans county, be altered and changed to that of Matthias Weeks, Samuel Weeks, Noah Weeks and Porey Weeks; the name of William Lee, of the county of Buncombe, to that of William Gregory; the names of Elizabeth Howard, Caswell Lincoln Howard and David Walker, be altered to the names of Elizabeth Walker, Caswell Lincoln Walker and David Walker; the names of Joseph Towner, Susannah Towner and Sarah Towner, of the county of Camden, be altered to that of Joseph Morris, Susannah Morris and Sarah Morris; the names of Alfred Bulls and John Bulls, to that of Alfred Whitley and John Whitley; the names of Thomas Billops and Sally Billops, of Gates county, to be changed to that of Thomas Walton and Sally Walton; the name of Levi Edwards, of Edgecomb county, to that of Levi Drake; the name of John Rooks, to that of John Warren; the name of Blake Giles, of Gates county, to that of Blake Lewis; the names of Joseph Collins and John Collins, to that of Joseph Bell and John Bell; the name of Ridley Delony, of Northampton county, to that of Henry Risley Blount; the name of John Chickens, of Bladen county, to that of John Edmonds; the name of John Jones, of Franklin county, to that of John Prim; the name of David Edwards, to that of David Holland.

II. *And be it further enacted,* That the aforesaid persons shall be called and known by the names as above altered, and by such names respectively shall be able to sue and be sued, plead and be impleaded in any court of law or equity, and shall possess and enjoy the same privileges as if they had borne the names as above altered, from their nativity.

III. *And be it further enacted,* That the persons described in the first section of this act, shall forever hereafter be legitimated and made capable to possess, inherit and enjoy by descent or otherwise, any estate real or personal, to all intents and purposes, as if they had been born in lawful wedlock.

CHAP. CXII.

An Act to emancipate the persons therein mentioned.

WHEREAS it has been made appear in this General Assembly that John Carruthers Stanly, is desirous to set free two mulatto boys, named John, the children and property of the said John Carruthers Stanly.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said two mulatto boys named John, the children and now the property of the said John Carruthers Stanly, shall be and are hereby emancipated and made free, and shall be entitled to all the rights and privileges of free persons of mixed blood; and that one of the said mulatto boys, to wit, John, the son of Kitty, may hereafter take and use the name of John Stewart Stanly, and that the said other mulatto boy, may hereafter take and use the name of John Florence, and by the said names respectively shall be capable in law to take, hold and possess property, real, personal and mixed, in as ample a manner, as if they had been born free.

CHAP. CXIII.

An Act to emancipate Charles, the property of Matthew Davis, senior, of the county of Surry.

WHEREAS it is the request of Matthew Davis, senior, of the county of Surry, that his negro man Charles should be emancipated and set free,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said negro man Charles be emancipated and set free from slavery, and that he be henceforth called and known by the name of Charles Peters, under which name he shall be invested, and henceforward be entitled to possess and enjoy all the rights, privileges and immunities of what kind or nature soever, and to all intents and purposes in as full and ample a manner, as any free person of colour: any thing to the contrary notwithstanding.

LAWS OF NORTH-CAROLINA.

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CHAP. CXIV.

An Act to divorce John Spell, of the county of Edgecomb, from his wife Celia.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Spell, of the county of Edgecomb, be and he is hereby divorced from his wife Celia, and that the marriage tie between said John and Celia, be annulled and dissolved as fully, completely and entirely, as if the said John and Celia had never been married.

CHAP. CXV.

An Act to divorce Isaac Cowan, of the county of Rowan, from his wife Sarah.

WHEREAS Isaac Cowan hath presented to this General Assembly, a petition, praying to be divorced from his wife Sarah, and hath shewn such proofs and reasons for the same, as reconcile the measure with justice and policy,

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said Isaac and Sarah shall be fully and absolutely divorced from the bonds of matrimony, in the same manner to all intents and purposes, as if the marriage of the said Isaac and Sarah had never been solemnized, and the said Isaac and Sarah are hereby divorced accordingly.

CHAP. CXVI.

An Act to pardon and restore to credit, Jesse Dawkins of Richmond county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Jesse Dawkins, of Richmond county, shall be pardoned and restored to credit in as full and ample manner, as if he had never been convicted of any crime of any kind or nature forever, and that he shall be a competent witness to depose and testify in all cases, and in every court of record where the same may be necessary, in as full and ample a manner, as though he had never sustained any loss of credit by the conviction of crimes; any law to the contrary notwithstanding.

CHAP. CXVII.

An Act to pardon and restore to credit, John Hamilton of the county of New-Hanover, and William Laws of the county of Wilkes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Hamilton, of the county of New-Hanover, and William Laws of the county of Wilkes, shall be pardoned and restored to credit, in as full and ample a manner, as if they had never been convicted of any crime of what kind or nature forever, and they shall be competent witnesses to depose and testify in all cases, and in every court of record where the same may be necessary, in as full and ample a manner, as though they had never sustained any injury from any conviction of crimes; any thing to the contrary notwithstanding.

CHAP. CXVIII.

An Act to pardon and restore to credit, Zadock Stallings of the county of Johnston.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Zadock Stallings, of the county of Johnston, shall be pardoned and restored to credit, in as full and ample manner, as if he had never been convicted of any crime of any kind or nature whatsoever, and that he shall be a competent witness to depose and testify in all cases, and in every court of record where the same may be necessary, in as full and ample a manner, as though he had never sustained any injury from any conviction of crimes; any thing to the contrary notwithstanding.

Read three times and ratified in General Assembly, this 17th day of December,

Anno Domini, 1802,

J. RIDDICK, S. S.
S. CABARKUS, S. H. C.

PALETH;

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Granting further time for registering bills of sales and deeds of gift,	21	To keep open the South Yadkin River and Hunting Creek, from the mouth of said Creek, as far as they extend through the counties of Rowan and Iredell,	30
To prescribe the mode in which wills or deeds registered in other States, shall be admitted as evidence in this State,	22	To amend an act passed at the last session of the General Assembly of the State of North-Carolina, to open and make navigable Fishing Creek, as far as may be practicable,	31
To repeal an act passed at the last session of the General Assembly, to repeal a part of the inspection laws now in force in this State,	23	Authorising the Administrators of Valentine Huff, late of the county of Rowan, to sell and convey a certain part of the real estate of the said Valentine,	31
To amend the Quarantine Laws of this State,	24	Setting certain lands in the different persons therein mentioned,	32
To fix the permanent residence of the Governor of this State,	25	To authorise Francis X. Martin and Robert Ogden, junior, of the town of Newbern, to dispose of Books by lottery,	32
For the further regulation of the city of Raleigh, and to amend the acts heretofore passed for that purpose,	26	To vest in Robert Donaldson, certain lands therein mentioned,	33
To provide for the better regulation of the town of Smithfield,	27	Making further compensation to the Superior Court Jurors for the districts of Halifax and Edenton,	33
For regulating ordinaries and retailers of spirituous liquors by the small measure, and for appointing a standard-keeper in the town of Fayetteville,	28	To repeal an act, to empower the county court of Mecklenburg to lay a tax annually for the payment of its Jurors, passed in the year one thousand seven hundred and ninety-nine,	34
		To repeal part of an act passed at Hillsborough in the year one thousand seven hundred and eighty-four, so far as respects Richmond county, to empower the several county courts therein	34

- mentioned, to lay a tax annually for the purpose of erecting or repairing the court-house, prison and stocks in each county where necessary, and for discharging the contingent charges of the county.
- To repeal part of an act passed in 1801, to empower the county courts of Wilkes, Moore and Ashe to lay a tax for the purpose of destroying wolves in said counties, and to repeal an act passed in the year 1797, giving power to the county court of Bladen, to lay a tax for the purpose of destroying wolves and panthers.
- To amend an act to alter the mode of raising money to defray the expenses of the jurors from the county of Burke, to the superior and county courts, and other purposes therein mentioned.
- To authorize and empower the County Trustee of Person, to sue for and collect from the collector of the county, the county tax for the year 1791.
- To empower the wardens of the poor for the counties of Martin and Robeson, to lay and collect an additional poor tax.
- To provide for the payment of Jurors to the county court of Carteret.
- Authorizing the county courts therein mentioned, to lay a tax for defraying the expense incurred in suppressing the late insurrection of the negroes in said counties.
- To alter the time of holding the county court of Johnston.
- To alter the time of holding the county court of Caswell.
- To compel the clerk of Surry county court to keep his office at or within two miles of the court-house.
- To empower the county court of Wayne to appoint a proper person to copy the Register's books in said county.
- For running and ascertaining the boundary line between the counties of Montgomery and Cambridge.
- Directing the mode of parolles in the county of Gates, Camden and Perquimans.
- To repeal an act passed in the year one thousand seven hundred and ninety-six, so far as respects the county of Perquimans, making compensation to the owners of outlawed and executed slaves for the counties of Bladen, Halifax, Granville, Cumberland, Perquimans, Beaufort and Pitt.
- To repeal in part an act passed in the year 1783, to empower the justices of Hertford and Tyrrel counties to establish free ferries in the said counties, and lay a tax for defraying the charges of the same.
- To ratify and confirm the proceedings of the Entry-taker in the county of Ashe.
- To repeal an act of the last General Assembly, respecting retailing spirituous liquors, so far as respects the counties of Orange and Person.
- To invest the property of a Bridge or Causeway through the Dismal Swamp, from Camden to Currituck county, in Frederick B. Sawyer, for the term of twenty years.
- For the relief of the heirs of James Hazell, senior, deceased.
- To empower the acting Wardens of the county of Currituck, to transfer to Josiah Nicholson of said county, a certain piece of land.
- Granting two separate elections to the inhabitants of the county of Johnston.
- To establish a separate election in the county of Orange, and to provide for the preservation of the court-house in the town of Wilmington.
- To divide the second regiment in Rowan county into two separate battalion musters, and granting to the inhabitants of Chatham county, residing on the north east side of Haw river, the privilege of a battalion muster.
- Granting a separate election at Averborough in the county of Cumberland.
- To establish a separate election at the house of Daniel Smith in the county of Cumberland.
- Granting additional elections in the county of Sampson, and for other purposes.
- Granting a separate election in the town of Sneedborough, in Anson county.
- To grant a separate election and Battalion muster to the inhabitants of Wayne county.
- Granting three separate elections to the inhabitants of the county of Duplin.
- To repeal an act, to alter the time of holding the election in the county of Duplin, passed last session of Assembly.
- Granting three separate elections to the inhabitants of Randolph county.
- To establish an additional separate election and battalion muster in the county of Craven.
- To establish two separate battalion musters in the county of Onslow.
- Granting a separate battalion muster in the county of Pitt, and to alter the place of holding the separate election in said county.
- To amend an act passed in the year 1791, to establish separate general musters and elections in the counties of Craven and Beaufort.
- To establish a separate election at the house of William Juckins, in Fredell county.
- Altering the time of holding the separate election at Mattamuskeer, in the county of Hyde.
- Granting a separate election in the county of Washington.
- To amend an act, granting three separate elections in the county of Onslow.
- To alter the place of holding the battalion muster and election in the county of Bladen.
- For altering the time of holding the two separate elections in the county of Stokes.
- To alter the time of holding the several separate elections now established in the county of Surry, and to establish an additional separate election in said county, and for other purposes.
- Granting a separate election to the inhabitants of the county of Wilkes.
- To alter the place of holding one of the separate elections in the county of Ashe.
- For the relief of Uriah Sullivan, late Sheriff of Brunswick county.
- Empowering Richard Allen, Sheriff of Wilkes county, to collect the arrearages of taxes due him.
- To empower Thomas C. Williams, Sheriff of Montgomery county, John Matlock, Sheriff of Rockingham county, and Samuel Speight, Sheriff of Greene county, to collect the arrearages of taxes due them for the year one thousand seven hundred and ninety-nine.
- To authorize David Jones, late Sheriff of New-Hanover county, to collect the arrears of taxes for the year one thousand seven hundred and ninety-nine.
- To incorporate the Royal White Hart Lodge, No. 2, in the town of Halifax.
- To incorporate Unanimity Lodge, No. 34, in Rockford, Surry county.
- To authorize St. John's Lodge, No. 3, to raise by Lottery, the sum of two thousand dollars.
- To incorporate the Rising Sun Lodge, No. 38, of the town of Morganton.
- To secure to Elizabeth Campbell, wife of Archibald Campbell, such estate as she may hereafter acquire.
- To alter the names of the persons therein mentioned.
- To alter the names of the persons therein mentioned.
- To alter the names of the persons herein mentioned, and to legitimate them.
- To emancipate the persons therein mentioned.
- To emancipate Charles, the property of Matthew Davis, senior, of the county of Surry.
- To divorce John Spell, of the county of Edgecomb, from his wife Celia.
- To divorce Isaac Cowan, of the county of Rowan, from his wife Sarah.
- To pardon and restore to credit, Jesse Dawkins of Richmond county.
- To pardon and restore to credit, John Hamilton of the county of New-Hanover, and William Laws of the county of Wilkes.
- To pardon and restore to credit, Zadock Stallings of the county of Johnston.

COMPTROLLER'S STATEMENTS.

The following Statements, marked A, B, and C, and the List of Delinquents, are printed at the end of the Laws, agreeably to a resolution of the General Assembly, passed on the 17th November, 1802:

[A]

A STATEMENT

Of the net amount of each branch of the Revenue of the State of North-Carolina for the year 1801, except that part which is receivable by the Clerks of the several Superior and County Courts.

COUNTIES.	Amount of the Land Tax.	Amount of the Poll Tax.	Amount of the Stud Horse Tax.	Amount of the Town Property Tax.	Amount of the Tavern License Tax.	Amount of the Sheriff's Fee.	Amount due from Sheriffs.	Amount paid by Sheriffs.
Anson	93 4	119 7	3 10	13 0	13 10		242 10	242 10
Ashe	44 12	34 10	5 7	6 11	6 11		90 9	90 9
Beaufort	84 5	122 4	3 5	32 14	16 13		259 8	259 8
Bladen	117 10	155 19	5 12	5 13	13 10		298 11	271 6
Bartie	96 7	327 8	14 18	7 7	22 11		468 12	463 12
Brunswick	47 6	84 18				100	232 4	
Burke	207 6	123 12	15 0	5 17	15 12		357 10	357 10
Buncombe	75 14	75 17	6 9	1 15	12 10		173 8	173 8
Craven	138 11	271 11	4 0	103 9	48 17		566 19	566 19
Carteret	43 16	73 0	18 10	4 11	17 6		139 12	139 12
Chatham	123 8	232 13	29 6	3 9	27 1		416 4	416 4
Caswell	75 16	214 8	13 11	15 0	15 0		318 16	318 16
Chowan	28 16	149 0	2 16	16 8	41 7		238 18	238 18
Cambden	34 12	98 8	10 6	10 5	11 5		154 13	154 13
Currituck	41 15	134 6	4 4	8 8	29 9		219 15	219 15
Cumberland	187 0	215 12	5 12	63 13	62 8		534 13	534 13
Caharrus	50 10	92 13	11 0	2 14	13 3		170 2	170 2
Duplin	102 3	140 12	8 9	9 0	9 0		260 5	260 5
Edgcombe	117 1	286 0	22 6	16 8	40 4		482 1	482 1
Franklin	70 3	219 2	17 7	3 1	9 8		322 2	322 2
Granville	120 14	379 2	27 13	3 8	26 14		557 12	557 12
Gates	47 16	165 8	2 16	17 13	17 13		233 15	233 15
Greene	42 15	94 17	15 10	4 10	4 10		157 13	157 13
Guilford	94 1	159 19	17 12	1 2	13 3		282 18	282 18
Halifax	114 9	427 0	65 9	8 9	60 18		676 7	676 7
Hertford	50 12	174 1	4 18	8 8	24 16		261 17	261 17
Hide	48 0	68 4	9 8	15 15	15 15		157 0	157 0
Iredell	84 19	137 1	9 8	3 16	9 8		244 13	244 13
Johnston	134 9	154 8	20 13	5 15	15 8		330 15	330 15
Jones	62 16	123 8	10 11	2 0	15 0		213 17	213 17
Lincoln	154 12	185 9	16 2	3 10	38 7		398 1	398 1
Lenoir	55 12	107 16	8 9	2 17	12 15		187 11	187 11
Martin	53 11	126 2	9 12	1 7	18 16		219 10	219 10
Mecklenburg	104 4	214 18	29 15	3 5	8 8	100	454 10	200
Montgomery	91 12	138 9	16 16	2 16	21 8		271 4	159
Moore	77 10	81 4	7 17	22 11	22 11		189 3	189 3
Nash	94 17	178 0	12 18	20 13	20 13		306 10	306 10
New-Hanover	83 12	177 15	3 15	95 16	51 17		413 17	413 17
Northampton	87 9	219 12	22 17	2 1	28 4		460 4	460 4
Orange	143 16	290 16	31 11	15 4	17 6		498 15	498 15
Onslow	72 4	115 16	5 8	8 6	27 1		222 16	222 16
Pasquotank	34 7	130 2	9 3	7 8	19 18		201	201
Perquimons	37 17	137 16	6 11	1 16	16 18		201	201
Pitt	88 12	187 18	10 10	7 4	24 8		318 17	318 17
Person	63 7	145 17	12 2	17 6	17 6		238 14	238 14
Rutherford	201 8	135 14	20 8	2 18	39 9		400	400
Rowan	214 0	330 2	45 9	16 1	41 7		647 1	647 1
Randolph	117 19	137 10	22 5	13 11	27 1		305 10	305 10
Rockingham	66 1	124 1	5 15	4 0	11 5		214 4	214 4
Richmond	71 17	87 16	2 7	2 12	15 15		180 9	180 9
Robeson	179 14	124 7	7 10	4 17	58 13		375 2	375 2
Stokes	111 5	155 11	18 19	3 9	28 19		318 4	318 4
Surry	121 0	140 5	18 1	15 15	15 15		295 3	295 3
Sampson	124 16	148 19	6 16	14 5	29 18		291 18	291 18
Tyrrel	104 12	71 16	3 10	16 18	16 18		196 18	196 18
Wayne	85 17	142 6	19 19	13	13		266 4	266 4
Wake	166 6	329 11	29 7	22 17	58 13		606 10	606 10
Warren	89 14	322 17	13 12	7 9	39 9		473 2	473 2
Wilkes	64 13	108 19	10 11	9 0	9 0		193 4	193 4
Washington	48 15	55 13	7 10	19 11	19 11		181 15	181 15
Total	502 9	10042 8	3795 15	1525 5	9138 5	100	18228 3	17224 12

Extracted from Documents in the Comptroller's Office of North-Carolina,

November 30, 1802.

J. CRAVEN, Comptroller.

A STATEMENT

Of the net Amount of that branch of the Revenue of the State of North-Carolina, which is receivable by the Clerks of the County Courts for the year 1802.

COUNTIES.	Amount of Tax Fees on Suits.	Amount of Fines.	Amount of Pedlars Licenses.	Total Amount of Tax Fees and Fines.	Amount paid for Tax Fees and Fines.
Anson,	30 6 4	14 12		44 18 4	44 18 4
Albe,	1 17 8	2		1 17 10	1 17 10
Beaufort,	15 19 8			15 19 3	
Bladen,	4 4 8	13 13 7		17 18 3	17 18 3
Bertie,	62 17 9	33 9 9		96 7 6	96 7 6
Brunswick,	4 4 8			4 4 8	4 4 8
Burke,	7 19 10	12 1		20 0 10	20 0 10
Buncombe,	5 12 10	3 18 1		9 10 11	9 10 11
Craven,	41 17 7	10 8 3		52 5 10	
Carteret,	7 10 5	5 12 10		13 3 3	13 3 3
Chatham,	4 18 9	1 4 6		15 11 3	15 11 3
Caswell,	25 7 8	2 0 2		27 7 10	27 7 10
Chowan,	35 14 5	6 11 7		42 6	42 6
Cambden,	20 3 4	14 8 2		34 11 6	34 11 6
Currituck,	16 13 9	5 6 9		22 0 6	22 0 6
Cumberland,	15 19 8	2 18 4		18 18	18 18
Cabarrus,	8 13 11	31 17 4		40 11 3	40 11 3
Duplin,	8 13 11	12 1 6		8 15 5	8 15 5
Edgecomb,	32 3 11	31 5 2		63 9 1	63 9 1
Franklin,	16 9	16 2 6		32 11 6	
Granville,	39 14 4	6 7 11		46 2 3	46 2 3
Gates,	21 4 11	5 0 7		26 5 6	26 5 6
Greene,	9 3 4	30 16 8		40	40
Guilford,	7 5 9	5 4 5		12 10 2	12 10 2
Halifax,	46 12 9	9 18 10		66 11 7	
Hertford,	31 9 9	5 4 5		36 14 2	36 14 2
Hyde,	6 2 3	5 12 10		11 15 1	11 15 1
Iredell,	10 2 2	1 3 6		11 5 8	11 5 8
Johnston,	19 19 6	24 10 9		44 10 3	44 10 3
Jones,	6 7			6 7	6 7
Lincoln,	18 11 4	8 2 8		26 14	
Lenoir,	2 16 5	20 4 3		23 0 8	23 0 8
Martin,	16 4 4	11 6 1		27 10 5	
Mecklenburg,	56 1 6	19 19 6		66	66
Montgomery,	16 2 6			16 2 6	16 2 6
Moore,	4 9 4	11 16 5		16 5 9	16 5 9
Nash,	8 14 11			8 14 11	8 14 11
New-Hanover,	23 14	31 0 11		54 15 8	54 15 8
Northampton,	18 10 4	25 18 5		44 9 9	44 9 9
Orange,	34 1 6	25 18 5		59 19 11	59 19 11
Onslow,	11 10 4	3 16 8		15 7	15 7
Pasquotank,	38 18 4	8 2 8		47 1	47 1
Perquimons,	27 5 3			27 5 3	27 5 3
Pitt,	15 0 10	6 3 2		21 3 2	21 3 2
Person,	10 17 2	5 3		11 2 5	11 2 5
Rutherford,	15 4 11	29 9		45 8 11	45 8 11
Rowan,	30 15 9	21 10 9		51 6 6	51 6 6
Randolph,	6 16 4	44 15 10		51 12 2	51 12 2
Rockingham,	15 9 8	34 2		50 1 8	50 1 8
Richmond,	6 16 4	6 15 6		13 11 10	13 11 10
Robeson,	4 9 4	25 12 10		10 2 2	10 2 2
Stokes,	13 3 3	19 4 11		32 8 2	32 8 2
Surry,	9 7 5	5 14 4		15 11 9	15 11 9
Sampson,	5 8 2	9 15 7		15 3 9	15 3 9
Tyrrell,	3 1 2	18 6 8		21 7 10	21 7 10
Wayne,	21 17 2	21 15 3		43 12 5	43 12 5
Wake,	22 11 3	12 8 11		35 0 2	
Warren,	23 10	8 9 9		31 19 9	31 19 9
Wilkes,	7 1	7 7		7 8 7	7 8 7
Washington,	8 18 8	14 7		9 13 3	9 13 3
Total	1064 11 9	711 9 6	9 8	1785 9 3	1476 13 3

There is no return made by the Clerk of Lincoln for the year 1801; a former one is substituted in its place.

Extracted from Documents in the Comptroller's Office of North-Carolina.

J. CRAVEN, Comptroller.

[C.] A STATEMENT

Of the net Amount of that branch of the Revenue of the State of North-Carolina, which is receivable by the Clerks of the Superior Courts and Masters in Chancery, for the year 1801.

Names of Districts.	Amount of Tax received by Clerks of the Superior Courts.	Amount of Fines received by Clerks of the Superior Courts.	Total of Tax & Fines received by Clerks of the Superior Courts.	Amount paid by Clerks of the Superior Courts.	Amount of Tax Fees rec. by Clerks and Masters in Chancery.	Amount paid by the Clerks and Masters in Chancery.
Morgan,	7 1	9 8	16 9	10 9	6 11 8	
Salisbury,	23 1 10	73 7 8	94 9 6		10 6 10	10 6 10
Hillsborough,	54 1		54 1		11 2	
Halifax,	42 15 5	94 18 10	137 14 3	137 14 3	16 18 5	16 18 5
Edenton,	26 18 10	39 9 8	66 5 6	66 5 6	21 12 5	
Newbern,	94 4 9	15 0 10	109 5 7	109 5 7	23 10	23 10
Wilmington,	32 18	13 5 3	46 1 3	46 1 3	19 14 8	19 14 8
Fayetteville,	41 7 3		41 7 3	41 7 3	10 6 10	10 6 10
	321 5 1	244 8 3	565 13 4	471 3 10	124 2 10	102 6 1

Extracted from Documents in the Comptroller's Office of North-Carolina.

November 30, 1801.

J. CRAVEN, Comptroller.

LIST of DELINQUENTS

To the Treasury of the State of North-Carolina.

Fayetteville District.

Counties.	Persons' Names.	Officers.	Year.	Money.	Certificates.	Remarks.
Anson	Thomas Wade,	Sheriff,	1785	438 4 8	350 17 10	Judgment.
	Jesse Gilbert,	Do.	1787	619 3 15	444 6 10	Do.
	David Jameson,	Do.	1788	473 11 08	334 11 9	Do.
	Michael Auld,	Clerk,		1 13 4		
	William Johnson,	Do.	1799	10 7 6		Judgment.
	Stephen Miller,	Former Sheriff,		164 8 9		
	Samuel Spencer,	Judge,		16 7 9		Suit.
	Geo. Winland J. Aikin,	Confisca. property.			75	Do.
	Wm. Wood and S. Lanier,	Do.			32	Do.
	Wm. Morris and W. Wood,	Do.			90	Do.
Cumberland	James Emmett,	Sheriff,	1785	618 3	699 3 6	Judgment.
	John Campbell,	Do.	1787	1223 13 3	1023	Do.
Richmond	John Sibley,	For a negro sold,	1796	13 13 5		Do.
	John Cole,	Sheriff,		70 10 14		Suit.
Meare	Owes nothing.					
Sampton	Owes nothing.					
Robeson	Owes nothing.					

Wilmington District.

Counties.	Persons' Names.	Officers.	Year.	Money.	Certificates.	Remarks.
New-Hanover	James Morgan,	Entry-taker,	1793 & 1794	527 16 4	950 5 2	Judgment.
	Kingburg and Jones,	Confisca. property,			264	
	James Chaires and others,	Do.			285	
	Griffith J. M'Ree,	Do.		53 17 6	408 11 10	
Brunswick	Peter Mallet,	Commissary,		884 0 10		
	Frederick Ward,	Clerk,		31 0 7	22 5	Judgment.
	Peter Bacot,	Do.		19 9		Do.
	William Dry,	Entry-taker,		200	737 15 1	Judgment.
	William Hall,	Sheriff,		143 3 4		Do.
Bladen	William Griffith,	Do.		18 3 10		
	William M'Ree,	Sheriff,	1786	706 8 2	163 1 6	Judgment & bill of injunction.
	John Lewis,	Do.	1801	27 5 3		
Duplin	Michael J. Kenah,	Entry-taker,		140 12 3	3569 8 41	Judgment.
	Robert W. Sneed,	For palace lots,		237 1		Suit.
	Thomas Johnson,	Sherriff,	1794	233 2 15		Judgment.

Newbern District.

Counties.	Persons' Names.	Officers.	Year.	Money.	Certificates.	Remarks.
Craven	Samuel Barron,	Clerk & c. chancery	1799	18 10		
	William Cox,	Confisca. property,		11 10 1		
	Rowland Williams,	Do.		21 13 4		
	Liott Hilbert,	Do.		135		
	Alexander Sanders,	Do.		345 14 6		
	Edward Tinker,	Do.		390		
	Abner Nash,	Delegate,		240		Judgment.
	Elizabeth Bartlett,	Palace lots.		250 10		Suit.
	Nathan Tisdale,			3 10		Do.
	Abram Outlen,			193 10		Do.
Beaufort	Morgan Jones,			261 14 2		
	James Taylor,	Agent,		768		Suit. Has rendered services.
	Henry Ellison,	Clerk,		46 8 3		Judgment. [for part of this.]
	James Bonner,	Sheriff,	1800	Read, no affidavit, filed		in part 1041, 135, & 95, &c.
	Reading Blount,	Entry-taker,	1794	1228 17 11		Judgment.
	Richard Reipas,	Sheriff,	1784	6 1 9	15 6 11	
	Joseph Kidd,	Vendue Master,		24 8 4		Judgment.
	Jesse Lathers,	Entry-taker,	1794	2566 18 9		Judgment.
	James Harrison,	Entry-taker,		208 0 6	3435 0 10	Judgment.
	Winston Cafwell,	Entry-taker,		36 14 9		Judgment.
Hyde	Benjamin Cafwell,	Sheriff,		1439 14	543 15 3	Do.
	Richard Cafwell,	For cash received,		928 5 10		Suit.
	Winston Cafwell,	Former Clerk,		14 5 9		Judgment.
	William Croom,	Tower-Hill lands,		449 with interest.		Ed. in part 4761.
Greene	Samuel Speight,	Sheriff,		100		Judgment.
Carteret	Owes nothing.					
Johnston	Owes nothing.					
Pitt	Owes nothing.					
Wayne	Owes nothing.					

Edenton District.

Counties.	Persons' Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Critowan	Owes nothing.					
Bertie	Owes nothing.					
Camden	Owes nothing.					
Currituck	Thomas Young husband.	Entry-taker.			191 3 2	Judgment.
Gates	Owes nothing.					
Hertford	Owes nothing.					
Perquimans	John Harvey, Edward Hall, Jonathan Price.	Clerk, Sheriff, for emancipat. negroes, On loan.	1801	27 5 3 312 47 9 300		Judgment. Suit. Do.
Pasquotank	Price and Christmas, Price and Sizerther, Jonathan Price.	For maps, On loan, To purchase for [veying instrum.		890 500 100		Do. Do.
Tyrrel	Owes nothing.					
Washington	Owes nothing.					

Halifax District.

Counties.	Persons' Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Habitac	Abuba Thomas,	Agent,		1879 1 6		He has rendered the vices for
Edgecombe	Richard Seffums,	Sheriff,	1800	86 14 9		[part of this sum]
Franklin	Peter Goodwin, Thomas Brickell, Do. Do. Do. Do.	Entry-taker, Do. Clerk, Do.	1800 1801	14 1 15 7 1 24 18 4 11 11 6		Judgment. Do. Judgment.
Northampton	Anthony Walke, Owes nothing.	Raleigh lots, Clerk,	1801	159 19		Judgment.
Nash	William Hall,	Sheriff,	1801	49 3 4		Judgment.
Warren	Benjamin Mofis, John Macon, Ingram, Poole, & Macon.	Raleigh Lots, Do. Clerk,	1799 1800 & 1801	21 13 0 43 5 129 13 4		Judgment. Judgment. Do.
Martin	John B. Hunter, Stewart and Muir, Abraham Hodge, John Haywood, Esq.	Martinsburg Debt- agents, To purchase for Late Judge.	1800 & 1801	44 14 1 184 18 2 50		Judgment.

Hillsborough District.

Counties.	Persons' Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Orange	William Waters, Robert Bell, Leonard Henderson, John Taylor, Williams, Long, and Ellis, Williams and Ellis, Colby Jackson, Thomas H. Perkins, Andrew Gibson, Robert M. Laid, John Arnold, Nathaniel Lane, Martin Cole, Jesse Mitchell, Lawrence Smith, William Lane, Ephraim Persons.	Clerk & chancery Do. Clerk Sup. Court, Raleigh lots, Confisc. property, Do. Owes the same, Owes Do. Do. Do. Do. Confisc. property, Williams' Land, Raleigh lots, Do. Do.	1799-1800 1800 Owes intrin. 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800 1800	35 5 2 51 14 1 56 13 8 270 13 1 219 14 6 21 17 2 31 1 3 23 0 5 2 19 8 62 16 8 75 12 4 85 17 2 473 2 1 154 3 1 177 43 5		Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment.
Randolph	Robert M. Laid,	Do.	1800	62 16 8		Judgment.
Wake	John Arnold, Nathaniel Lane, Martin Cole, Jesse Mitchell, Lawrence Smith, William Lane, Ephraim Persons.	Do. Do. Do. Do. Do. Do. Do.	1800 1800 1800 1800 1800 1800 1800	75 12 4 85 17 2 473 2 1 154 3 1 177 43 5		Judgment. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment.
Granville	Owes nothing.					
Person	Owes nothing.					
Chatham	Owes nothing.					

Salisbury District.

Counties.	Persons' Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Moran	Robert Martin, James Brandon, Benjamin Roncesalle, Joseph Cunningham, Thomas Morris, Benjamin Brevard, James Neal, Samuel Martin.	Former Clerk Sup. Ct. Entry-taker, Confisc. property, Do. Sheriff, Do. Sheriff, Former Clerk.	1801 1801 1801 1801 1801 1801 1801 1801	80 23 6 109 17 100 0 7 100 0 7 12 14 85 20 11 250 10 0 120 19 3		Judgment. Stayed by Assembly. Judgment. Judgment. Judgment. Judgment. Judgment. Judgment.
Mecklenburg	Owes nothing.					
Cabarrus	Owes nothing.					
Rockingham	Owes nothing.					
Stokes	Christian Laid,	Money Loan	1801	23 10 2		
Surry	Owes nothing.					
Montgomery	John Davidson, Thomas C. Williams, Henry Delamotte, John H. Spruce.	Clerk, Sheriff, Raleigh lots, Sheriff.	1801 1801 1801 1793	16 2 6 No affidavit 140 51 10 4		Judgment. Judgment. Judgment. Judgment.

Morgan District.

Counties.	Persons' Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Burke	Joseph Spencer, Do. Do.	Clerk & chancery, Do.	1801	6 12		Judgment.
Rutherford	Richard Lewis, Do. Do.	Clerk, Do.	1800	4 1		Pd in part 90.
Lincoln	William Neville, Owes nothing.	Sheriff,	1787	54 10 9		Judgment.
Wilkes	William Nall,	Sheriff,	1787	516 15 6	465 19 9	Suit.
Bancroft	Owes nothing.					
Ashe	Owes nothing.					

Balances

Due from individuals on the Books of the late
Comptroller.

Benjamin Hawkins,	Delegates	1280
William Comming,	in	736
James White,	Congress,	1800
Paul Machem,	Invand	
James Amos,	Pensioners,	
Eliza Hunt,		

North Carolina.

Comptroller's Office, Nov. 1. 1803.

The foregoing sheets contain the balances
due from individuals to the State of North Carolina
as appears by the books of this office.

JOHN CRAWFORD

Comptroller.