



# L A W S

OR

## NORTH-CAROLINA.

*Robt Williams'*

At a General Assembly, begun and held at Sal. (g<sup>th</sup>), on the 21st Day of November, in the Year of our Lord One Thousand Eight Hundred and three, and in the Twenty-eighth Year of the Independence of the said State.

*Rale*

JAMES TURNER, ESQUIRE, GOVERNOR.

### CHAP. I.

An Act to extend the jurisdiction of a single Justice, and to amend the several Laws in force in this State relative to the recovery of Debts before a Justice of the Peace.

1803:

WHEREAS it hath been found by experience that the extension of the jurisdiction of a single justice of the peace has contributed greatly to the advantages of the good citizens of this State; it being reasonable therefore to presume that a further extension to the amount of thirty pounds, (equal to what is usually called the Book Debt Law) would add to the advantages already felt,

Preamble

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 first day of March next, all debts and demands of thirty pounds and under, for a balance due on any specialty, contract, note or agreement, OR for goods, wares and merchandise sold and delivered, or for work and labour done, or for specific articles, whether due by obligation, note or assumption, or for any judgment which may have been granted over twelve months by a single justice of the peace and no execution have issued thereon, or for any forfeiture or penalty incurred by virtue of any act of the General Assembly, are hereby declared to be cognizable and determinable by any one justice of the peace out of court; subject nevertheless to the right of appeal, as in similar cases, who may give judgment thereupon, and award process of execution for the amount of judgment, interest and costs, in the same manner as in similar cases is already or may hereafter be provided for: *Provided always*, that the stay of execution on all sums over twenty, and not exceeding thirty pounds, except as herein excepted, shall be had in the same manner and for the same time as is provided already by law for all sums over ten, and not exceeding twenty pounds.

Debt of 30. or less by one justice.

II. And be it further enacted, That in all cases where the evidence of the debt on which a judgment may be founded, shall be that of a former judgment of twelve months standing, no stay of execution whatever shall be allowed.

No stay of execution allowed on a former execution.

And whereas doubts have arisen whether any investigation or decision can be legally had on a warrant in any case after thirty days from the date thereof, although the same may have been executed and returned in due time, and for sufficient cause shewn postponed by the justice before whom it was so returned; for remedy whereof,

III. Be it enacted by the authority aforesaid, That in future it shall be in the power of any justice of the peace within this State, on sufficient

1803.

Postponement  
allowed.

cause shewn on oath, by either plaintiff or defendant, their agent or attorney, to postpone from time to time, or continue for trial, any civil matter or case that may come before him. *Provided* such postponement or continuance shall in no case exceed thirty days; and it shall be lawful for any justice of the peace to act on said postponement or continuance, the original date of the warrant exceeding thirty days notwithstanding.

Interests on  
judgments.

IV. *And be it further enacted*, That all judgments given by a justice of the peace shall bear six per cent interest on the original sum until the same shall be actually paid or otherwise settled, any law to the contrary notwithstanding.

Proceedings to  
be had when  
judgment is  
given in ab-  
sence of the  
parties.

V. *And be it further enacted*, That whenever a judgment shall be given in the absence of either plaintiff or defendant, by any Justice of the Peace, whether execution hath been issued or not, that on application of such absent party, his or her agent or attorney, within ten days after the date of said judgment, to the justice who awarded the same, on sufficient cause shewn on oath or affirmation, why he, she or they could not attend the day of trial, it shall be the duty of said justice, to issue his order to the plaintiff, defendant, or officer, as the case may require, in possession of the papers, relative to the suit, to forbear any further proceedings thereon, and immediately to bring the same before him or some other justice for reconsideration, provided that the applicant shall give sufficient security for his appearance: It shall also be the duty of the justice aforesaid to issue his summon directed to some proper officer to cause the parties, with their witnesses, to appear before him, or some other justice, at such time and place, not exceeding thirty days, as he may think proper, where the case shall undergo a fair investigation, and be subject to the same proceedings as if it had never been acted on; and the officer to whom the summon may be directed, shall receive for his trouble in executing the same, the same fees he is entitled to for summoning witnesses, to be taxed on the party at whose instance it issued.

Executions re-  
turned in three  
months.

VI. *And be it further enacted by the authority aforesaid*, That from and after the aforesaid first day of March next, all executions issued by a justice of the peace shall be made returnable in three months from the date of said execution; and when any execution shall be returned, not fully satisfied and discharged, it shall and may be lawful for any justice of the peace for said county, to issue another execution for the sum so remaining due on the former execution.

Deposition of  
inhabitants of  
another county  
to be admitted.

VII. *And be it further enacted*, That the deposition of any person who is an inhabitant of another county or state, other than that in which any suit may be depending on a warrant before a justice of the peace, shall be admitted on trial of such warrant to be read as evidence; *provided always*, that either plaintiff or defendant shall in all cases respecting depositions be governed by the same rules, regulations and restrictions, as are used in taking depositions in other cases in the courts of law within this State, so far as respects time and notice: *and provided also*, that such depositions may be taken by one justice of the peace, when the adverse party may attend and cross-examine.

Former Acts re-  
pealed.

VIII. *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.

Read three times and ratified in General Assembly the 21st day of December,  
Anno Domini, 1803.

J. RIDDICK, S. S.  
S. CABARRUS, S. H. C.

Copy, WILLIAM WHITE, Secretary of State.

CHAP. II.

An act to authorize the State of Tennessee to perfect Titles to Lands reserved to this State by the Cession Act.

1803.

*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 upon this act being agreed to, and ratified by the State of Tennessee, as an agreement between this State and the said State of Tennessee, and upon the assent of Congress being obtained there to, the said State of Tennessee shall have full power and authority, and is hereby vested with full power and authority to issue grants, and perfect titles, to all claims of land lying in the said State, which under, and agreeably to an act, entitled "An act for the purpose of ceding to the United States of America, certain Western Lands therein described," passed by the Legislature of this State, in the year one thousand seven hundred and eighty-nine, remained and were reserved by the said act, to be issued and perfected by this State, in as full and ample a manner as the State of North-Carolina possessed the same, under the following conditions and restrictions, to wit:

That no grant shall be issued by the said State for any lands which, by the aforesaid act, and the laws of this State then in force, or made in pursuance thereof, since the passing of said act, might not have been issued by this State. Nor shall any grant be valid, but those issued on bona fide claims, and within the provisions and reservations of the before recited act, and such as would have been valid, if the same had been issued by this State under the act aforesaid, and the laws then in force, and such as have been since made in pursuance of said act of cession.

That in entering and obtaining titles to lands, no preference shall be given to the citizens of Tennessee over citizens of any other State, claiming under this State; nor shall any occupancy or possession give preference in entering or obtaining titles, so as to injure or take away the right of any person now claiming by entry, grant, or otherwise under this State.

That no grant shall issue to Martin Armstrong, or his deputies, or any person or persons claiming under him or them, for any services as Surveyor, until a final settlement between the State of North-Carolina and the said Armstrong shall be made; after which grants shall issue for such lands as he may be entitled to.

That this State reserves exclusively the right of issuing military warrants.

In issuing grants on military warrants, entries made in Martin Armstrong's Office, until he was suspended by this State, shall be preferred, and next to those, the entries which have been made in the Office of William Christmasts, who is hereby continued and confirmed as the Surveyor of the lands on all entries in the Entry-taker's books in his possession, not heretofore surveyed, during his good behaviour. Also, that John Brown be continued and confirmed as the Surveyor of the lands in the Eastern district, in room of Stokely Donelson, during his good behaviour. That the said William Christmasts and John Brown enter into bond in the sum of five thousand pounds each, with sufficient security, payable to the State of Tennessee, for the faithful discharge of the duties reposed in them.

That the Secretary of this State shall continue to issue grants upon all Surveys returned, or that shall be returned to his office, before the ratification of this agreement or compact between the two States, by the State of Tennessee.

And in order that the State of Tennessee may possess the information necessary to the detection of fraud in obtaining claims and grants to lands lying in that State, and for the purpose of facilitating the execution of good titles, all warrants and plats upon which grants shall not have issued, at the time of the ratification of this compact by the State of Tennessee, shall be delivered to any agent or agents of that State, duly authorized for that purpose; and that the agent or agents of the said State be permitted to take copies of all grants, or any other paper or papers which concern the land claims within the State of Tennessee, in the Secretary's Office of this State: And notwithstanding such copies may be received as legal evidence in the State of Tennessee, it is always to be understood as a provision, that any transcript from the said Office of this State, shall, at all times hereafter, be received as evidence in the said State of Tennessee.



1803.

When this act shall take effect.

That so much of this act as relates to the taking of copies by the Agent or Agents of Tennessee, from the Secretary's Office, shall take effect from the passage hereof. *Provided*, that none of the said copies shall be removed or taken out of the office of the Secretary, until the Governor of this State shall be notified by the Governor of the State of Tennessee, of the ratification of this act on the part of the State of Tennessee, and until the Governor shall also receive a notification of the assent of the Congress of the United States being obtained thereto.

Books and papers to be under the care of the Secretary.

That in taking transcripts by the Agent or Agents of Tennessee from the said office, the books and papers so to be transcribed, shall always be under the care of the Secretary of this State; and that as a compensation for such care and trouble, the State of Tennessee shall pay the said Secretary six hundred dollars, in two instalments: The first instalment of three hundred dollars to be payable within six months after the ratification of this act on the part of the State of Tennessee; and the second instalment whenever the said State of Tennessee shall procure by its agent or agents transcripts of the grants issued by the State of North-Carolina, for lands lying in the State of Tennessee, as aforesaid, and such other papers as he may deem necessary relative to the landed property of said State.

## CHAP. III.

An Act to ratify an Amendment to the Constitution of the United States.

The amendment.

WHEREAS the Senate and House of Representatives of the United States of America, in Congress assembled, having, at the Session which commenced at the City of Washington, in the territory of Columbia, on the seventeenth Day of October, one thousand eight hundred and three, being the first Session of the eighth Congress, *Resolved*, two thirds of both houses concurring, that the following paragraph, as a substitute and in lieu of the third paragraph of the first section of the second article, be proposed to the Legislatures of the several States as an Amendment to the Constitution of the United States, which, when ratified by three fourths of the State Legislatures, to be valid to all intents and purposes as part of the said Constitution: Which amendment is in the following words, to wit: "The Electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the Seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, The House of Representatives shall choose, immediately, by ballot, the President; but in choosing the President, the votes shall be taken by States, the representation from each State having one vote, a quorum for this purpose shall consist of a member or members, from two-thirds of the States, and a majority of all the States shall be necessary to a choice; and if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President. A quorum for the purpose, shall consist of two thirds of the number of Senators, and a majority of the whole number shall be necessary to a choice; but no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."

The amendment made ratified.

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 said amendment agreeable to the fifth article of the original constitution be held and ratified on the part of this State in lieu of the aforesaid third paragraph of the first section of the second article as an amendment of the Constitution of the United States of America.



## CHAP. IV.

An Act for establishing a Mutual Insurance Society against Fire on buildings, goods, and furniture in this State.

Preamble.

WHEREAS the ruin occasioned to individuals by the ravages of Fire has, in most countries, produced associations for the purpose of Insurance, by which means the losses, which would be otherwise insupportable to the sufferers, are rendered more easy to them, and not more burthensome to the insurers than might be reasonably expected; and would be readily assented to, from a comparison of the moderate contributions, with the advantage of having the destroyed property replaced. And whereas the utility of such an institution is increased, in proportion to the extent of its operation, and the number of its members.

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 insurance be established, to be called and known by the name of "The Mutual Insurance Society, against Fire on buildings, goods, and furniture, in the State of North Carolina." The principles whereof shall be, that the Citizens of this State, or others, owning property within the same, may insure their buildings, goods, and furniture against losses and damages occasioned, accidentally, by fire, and that the insured pay the losses and expences, each his share, according to the sum insured: And that books be opened in different parts of this State, under the direction of John Haywood and Joseph Gales at Raleigh; of David Tate and John H. Stevely at Morganton; of John Steele and Lewis Baird at Salisbury; of William Norwood and William Whitely at Hillsborough; of John Eccles and John Hogg at Fayetteville; of Geodorum Davis and Abraham Hodge at Halifax; of Josiah Collins, senr. and Samuel Tredwell at Edenton; of John Devereux and Francis X. Martin at Newbern; of Joshua G. Wright and George Hooper at Wilmington, for receiving the subscriptions for insurance against fire on buildings, goods, and furniture in the State of North Carolina; such books to be opened on the first day of February next, and kept open until the Society shall otherwise direct. That on the first day of May next returns shall be made, by the several persons heretofore named, to the said John Haywood and Joseph Gales at Raleigh, of a transcript of the amount of the subscriptions made on their respective books, distinguishing, in such returns, what amount is on buildings, goods and furniture respectively; and on the event of the sum so subscribed, exceeding the sum of Three Hundred Thousand Dollars, it shall be the duty of the said John Haywood and Joseph Gales to give public notice thereof, in the State Gazette, and to appoint a meeting of the subscribers in person, or by proxy (constituted by delivery of the certificate of subscription, the production of which shall be deemed sufficient, until other provision be made by the Society) in the City of Raleigh, on the sixteenth day of June next; and if the subscriptions at or before the said meeting, or so soon thereafter as they shall amount to the said sum of Three Hundred Thousand Dollars at least, the said subscribers shall be considered as a body politic, under the name of "The Mutual Insurance Society, against fire on buildings, goods, and furniture in the State of North Carolina," and, by that name, shall have perpetual succession, and a common seal; and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any Court of law or equity in this State, or elsewhere, and may buy and sell, receive subscriptions for insurance to any amount, purchase and hold any real or personal estate in possession or action, reversion or remainder, for the benefit of the Society, and for the more effectually enabling of them to fulfil the objects for which it is formed; but neither the subscribers, their agents, nor any one or more of them, shall be liable to be sued as individuals, for any matter done by the said Society; and each person, at the time of subscribing, shall receive a certificate thereof paying therefor twenty-five cents.

II. And be it further enacted by the authority aforesaid, That a majority of any number of members, not less than one third in number or value, shall have power, from time to time, to frame and establish such rules and regulations, as to them shall seem meet, for the said Society, and to alter and amend them at pleasure, which rules and regulations shall be binding upon the members thereof, to all intents and purposes in law and equity; to fix the premiums, according to certain rates of hazard, to be paid by the persons insured; and to elect a President, Directors, a Cashier General and any other Officers.

An Insurance called the Mutual Insurance Society.

Books to be opened.

On the first of February. Returns on the 1st of May.

If 300,000 dollars subscribed

General meeting on the 16th June.

Subscribers incorporated.

Rules and regulations to be formed.

Officers to be elected.

1823.

President and  
Directors to fix  
the quotas.

III. *And be it further enacted by the authority aforesaid,* That the President and Directors, or one-third of them, shall have power, according to the rates of premiums, to fix the quotas to be paid by the persons insured, for the purpose of making reparation to the injured, who shall be proved to have sustained loss or damage by fire, and have not directly or indirectly willfully occasioned the fire; and also for the purpose of raising and keeping up a fund, that may be deemed sufficient to pay the annual losses and expenses.

Property in-  
sured to stand  
pledged.

Quotas to be  
covered by  
motion of the  
Cashier.

Copy of the  
records of the  
Society to be  
sent as evi-  
dence.

Agent-general  
and Cashier  
competent wit-  
nesses.

Interest to be  
received on un-  
paid quotas.

Proceedings to  
be had against  
insured prop-  
erty.

Buildings held  
by tenants for  
life, &c.

IV. *And be it further enacted by the authority aforesaid,* That the property insured (but none other) shall stand pledged, and engaged as a security, and shall be subject to be sold, if necessary, for the payment of any quota; that in case of a mortgage, or other transfer of insured property, the same shall continue equally liable for the payment of the quotas, as if the right thereof had remained in the original owner; but the mortgagee, or other transferee, shall be entitled to receive from the seller, an endorsement of the policy of insurance, and to recover from him any sums of quotas, which may be due from the seller, at the time of such sale, and shall be decreed to be paid out of the property insured, and shall be actually paid. That the said mortgagee or other transferee, his heirs, executors, or administrators, shall also be liable for any quota becoming due after such mortgage or transfer; that any quota, or part thereof, due at any time, by any delinquent subscriber or member, may be recovered on the motion of the Cashier of the said Society, before any Court of Record within this State giving such previous notice to any such delinquent subscriber or member, as the Society, by their rules, may prescribe, and such Court shall have jurisdiction to hear and determine the same, and to cause their judgments to be enforced with costs, by any legal execution, saving to any person against whom a motion shall be made, the right of a trial by Jury, if he shall desire it. That in any action, motion, or suit, instituted against any person charged to be a subscriber or member, for the recovery of a quota, due from him to said Society, any copy from the books, papers, or records of the said Society, as far as such copy relates to the delinquent member or subscriber, certified by the Agent General or Cashier upon oath, and signed by the President, or, in his absence, by any two Directors, under the seal of said Society, shall be received as evidence of his subscription and declaration, and have as full faith and credit in all the Courts of this State, as if the originals were produced. And the Agent General and Cashier shall, at all times, be deemed competent witnesses, notwithstanding any allegation of interest, arising from the allowances made them for their services. That upon any judgment or decree for a default, in paying a quota interest, at the rate of six per cent per annum, until paid or discharged, shall be included, and the recovery thereof shall be enforced, in the same way, and chargeable upon the property insured, in the same manner as the principal sum itself. That whenever it shall be necessary to resort to the property insured, the same proceedings shall be had against the persons who hold the fee simple thereof, as in the case of the delinquency of any subscriber, as above provided for, infancy or coverture notwithstanding; and in any cause arising under this act, such proceedings shall be had by the direction of the Court, as justice will permit; that any widow tenant by courtesy, or other person, having a less estate than a fee simple in the property insured, shall pay a reasonable proportion of any quota incurring in their life time, to be adjusted by the President and Directors on application. That as long as there shall be a default in the payment of a quota, the property shall cease to stand insured; but upon the payment of the quota, the insurance, which may have been discontinued, shall be revived; but that a person subscribing and not making a declaration, shall forfeit two per centum on the amount of his, her, or their subscriptions.

V. *And be it further enacted by the authority aforesaid,* That buildings, held by tenants for life, or years, widows in right of their dower, and by orphans, may be insured in the aforesaid Society. *Provided,* that the declarations for insurance shall be signed by the tenants for life, or years, or widows, and the guardians or trustees of such orphans as the case may be, which declarations for insurance so signed, shall be binding on such buildings: And the persons who have signed such declarations and their representatives, and particularly on the actual owners of such property, in the same manner as if such declarations had been signed by the owners, in fee simple of such property; subject however to the following provisions, limitations, and restrictions. In case the house of a tenant for life be destroyed by fire, after insurance

such tenant for life shall annually share from the said Society, during his or her life, the interest accruing on the principal sum of the loss insured, and the principal money shall be paid, after the death of such tenant for life, to the person or persons who are entitled to such house or houses, in reversion or remainder; and in case such buildings be the property of an infant, the principal money shall be paid to the guardian or trustee of such infant. *Provided always*, that the Society may make and adopt such other rules, in the cases of buildings of tenants in possession and expectancy, as to them may seem just and proper.

VI. *And be it further enacted by the authority aforesaid*, That any person, whose property stands insured, in conformity with the rules and regulations of the said Society, shall have the same mode of recovery against them by motion, as is herein before given to them against delinquents. *Provided always*, that all suits against the Society, shall be brought in the County Court of Wake; that it shall be lawful for the said Society, to require a greater number of subscribers or members, to constitute a meeting, on subjects deemed by them peculiarly important, than the number herein before mentioned. That, in case no proxy is appointed for any meeting of whatsoever number it may consist, the Senator of the county, or Representative of the town, and for want of such Senator, the senior members of the House of Commons, from such county, may act as such proxy. As there may be persons who will not wish to join the mutual concern, this *Mutual Insurance Society* shall be at liberty to insure the property of such persons, on the terms and conditions they may agree upon.

The insured  
to recover their  
losses by motion

All suits against  
the Society to  
be brought in  
Wake.

What shall be  
done where  
proxies are not  
appointed at a  
meeting.  
The Society  
may insure per-  
sons not in the  
Society.

This Act shall commence and be in force from and after the passing thereof.

#### CHAP. V

An Act directing the manner of appointing Electors, to vote for a President and Vice-President of the United States.

WHEREAS by the late Census taken of the People of the United States, this State is entitled to elect fourteen Electors, to vote for a President and Vice President of the United States, and, whereas the laws now in force, only provide for the election of twelve Electors:

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 this State shall be divided into fourteen Districts, for the purpose of choosing Electors, to vote for a President and Vice-President of the United States, in the following manner, to wit: the Counties of Rutherford, Burke, and Buncombe shall compose one District; the Counties of Mecklenburg, Iredell, and Lincoln shall compose one District; the Counties of Surry, Stokes, Wilkes, and Albemarle shall compose one District; the Counties of Rowan, Randolph, and Cabarrus shall compose one District; the Counties of Rockingham, Guilford, Caldwell, and Person shall compose one District; the Counties of Wake, Granville and Johnston shall compose one District; the Counties of Chatham, Orange, and Moore shall compose one District; the Counties of Richmond, Cumberland, Montgomery, Anson, and Robeson shall compose one District; the Counties of Perquimans, Pasquotank, Camden, Currituck, Chowan and Gates shall compose one District; the Counties of Bertie, Hertford, Northampton, and Martin, shall compose one District; the Counties of Beaufort, Tyrrell, Washington, Hyde, Pitt, and Edgcomb shall compose one District; the Counties of Lenoir, Carteret, Craven, Jones, Wayne, and Greene shall compose one District; the Counties of New-Hanover, Onslow, Duplin, Brunswick, Bladen, and Sampson shall compose one District; the Counties of Nash, Halifax, Franklin, and Warren shall compose one District: That the persons qualified to vote for Members of the House of Commons of the General Assembly of this State, in the said Counties respectively, shall meet on the second Friday in November next; and in Counties wherein separate elections are directed to be held, on such days preceding the said second Friday in November next, as are by law prescribed, for holding separate elections in said Counties respectively, except in the County of Wilkes, in which County the election, as by law directed, may be closed, on the Saturday following the said second Friday, at the place or places by law established in their several Counties for the election of Members of the General Assembly, and there give their votes for some discreet person being a freeholder, and actually resident within the District, in which said votes are given, as an Elector to vote for a President and Vice-President of the United States. That the poll shall be held in the same manner as for the election

State to be di-  
vided into 14  
districts.

The districts.

Time of elec-  
tion.



1803.

Sheriffs: to meet and compare the polls.

Sheriff: to certify the election.

of Members of the General Assembly, and the Sheriffs of the Counties within the several Districts herein established, shall, on the Tuesday after the second Friday in November next; and on the Tuesday following the said second Friday in November, in every four years thereafter, meet at the Court-House of the County, first named in such District, and then and there compare the polls, taken at the elections in their several Counties, and having ascertained, by faithful addition and comparison of the number of votes, the person having the greatest number of votes, giving their own votes in case the two foremost on the poll have an equal number of votes; but in case no one shall then have a majority, it shall be determined by drawing lots, shall proceed to certify such election, under their hands in manner and form following, to wit: We A. B. Sheriff of \_\_\_\_\_ County (or Deputy-Sheriff, as the case may be) C. D. Sheriff of \_\_\_\_\_ County (and so on, reciting the names of the Sheriffs or returning Officers of the several Counties within the District, composing one entire District entitled by law to appoint an Elector to vote for a President and Vice President of the United States) do hereby certify, that at an election, held on the \_\_\_\_\_ days and at the places appointed by law within our respective Counties, the Voters qualified to vote for this purpose, have chosen \_\_\_\_\_ as an Elector, to vote for a President and Vice President of the United States. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ And two fair duplicates of such certificate, and

Duplicate certificates to be returned to the Governor and the person elected.  
Penalty on failure.

The Governor  
certifies three  
lists of the per-  
sons below.

11. And be it further enacted, That four years after the election herein above described, (and every four years thereafter) there shall be, in the several Districts herein made and prescribed, another election of Electors, to vote for a President and Vice President of the United States, to be held on such days and at such places as are herein before prescribed: And all such acts, matters, and things, as are herein directed to be done and observed at and after the election herein directed by the Governor of the State, and by the Sheriffs of the Counties, composing the aforesaid Districts, shall be done and observed at every subsequent election, by the Governor for the time being, and by the then Sheriffs of the several Counties in the respective Districts aforesaid, under the rules, regulations, and penalties herein prescribed and directed.

The Electors  
to meet at Ra-  
leigh the 1st  
Wednesday in  
December.

III. *And be it further enacted,* That the Electors chosen under this act, shall assemble at the City of Raleigh on the first Wednesday of December, in the year one thousand eight hundred and four, and on the first Wednesday of December next after their appointment in every year, that they shall be appointed and give their votes for a President and Vice-President of the United States.

**Governor's**  
duties in case of  
vacancy of the  
office of Pres-  
ident and Vice  
President.

IV. *And be it further enacted*, That whenever the offices of President and Vice-President shall both become vacant, it is hereby declared to be the duty of the Governor of this State, upon receiving a notification of such vacancy from the Secretary of State of the United States, forthwith to issue his proclamation, directing the Sheriffs of the several Counties of this State, to hold elections within their respective Counties, for the appointment of Electors of President and Vice-President of the United States, on the days of the year in which such vacancy may happen, as are herein prescribed for holding the regular and stated elections, *Provided* there shall be the space of two months between the date of such notification and the said first Wednesday in December next following the date of the said notification; but if there should not be the space of two months between the date of the said notification, and the said first Wednesday in December, then the Governor shall specify in his proclamation, that the Electors shall be appointed or chosen in the year next ensuing the date of such notification on the days herein before stated; and it is also hereby declared, that the Electors appointed in the manner directed by this section, shall

meet at Raleigh on the first Wednesday in December after their appointment, and give their votes for a President and Vice-President of the United States.

V. *And be it further enacted*, That each Elector, chosen pursuant to this act, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States, at the time and place herein directed, shall (except in case of sickness, or other unavoidable accident) forfeit and pay two hundred pounds, to be recovered by the Attorney or Solicitor-General, to the use of the State, by action of debt in any Court of Record; and any Sheriff, or returning officer, refusing to take the poll, when he shall be required, by a person qualified to vote, or making or signing a false certificate, or return of an election, as herein directed, or making any erasure or alteration in the poll books, or refusing to suffer any candidate, or person qualified to vote, at his own expence, to take a copy of the poll books, shall forfeit and pay one hundred pounds, which may be recovered with costs in any Court of Record, by any person who will sue for the same, in an action of debt, one-half to his own use, and the other half to the use of the State.

VI. *And be it further enacted*, That the Electors appointed in pursuance of this act, shall be allowed for their travelling to the city of Raleigh, and their attendance, the same compensation as by law is allowed Members of the General Assembly, and shall be entitled to the same privileges as Members of the General Assembly; and the same allowances shall be made to the Sheriffs for their travelling expences and attendance, to compare the polls, with an additional allowance for the expences they may incur for conveying the duplicate of their certificate to the Governor.

VII. *And be it further enacted*, That in case any of the Electors chosen, as by this act directed, to vote for a President and Vice-President of the United States, should, by reason of sickness, or any other cause, be unable to attend and give their votes, as herein prescribed, the General Assembly shall and may appoint, by joint ballot of both Houses, some other person or persons belonging to the District, for which the person or persons, so failing to attend, shall have been chosen, to supply the place or places of the person or persons not attending as aforesaid; and the person or persons so appointed by the General Assembly, shall be deemed and considered, to all intents and purposes, as the Elector or Electors of the District, out of which he shall be chosen as aforesaid, and as such shall give his vote in the same manner as the other Electors chosen for the several Districts herein established.

VIII. *And be it further enacted by the authority aforesaid*, That an act, entitled "An Act relative to the appointment of a President and Vice-President of the United States," and all other acts, and parts of acts, coming within the purview of this act be, and the same are hereby declared to be repealed and made void.

CHAP. VI.

An Act appointing Commissioners to extend the Boundary Line of this State, and the State of South-Carolina.

WHEREAS it is of high importance that the limits of this State should be accurately defined; and whereas all former laws have failed to have the desired effect:

*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 there shall be appointed by joint ballot of both houses of the General Assembly, and commissioned by the Governor, three Commissioners, to meet the Commissioners who already are, or hereafter may be appointed by the State of South-Carolina, at such time and place as the Executives of the two States shall or may direct, and with them to settle all and singular the differences, controversies, disputes and claims that may subsist between this State and the State of South-Carolina; and to fix and establish permanently the boundary line between this State and the State of South-Carolina, and the same to mark and ascertain as distinctly as may be, as far as the eastern boundary of the territory ceded by the State of North-Carolina to the United States: *Provided nevertheless*, That the extension of the said line shall not affect the titles of any person or persons to the lands entered in either of the said States; and this State will, at all times hereafter, ratify and confirm all and whatsoever the said Commissioners, or a majority of them, shall do in and touching the premises by virtue of this act, and the same shall be binding on this State.

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All. source to be made the commissioners.

To surveyors, markers, &c.

Governor to fill vacancies, &c.

Governor to issue his warrant on the Treasury.

Former acts repealed.

11. *And be it further enacted by the authority aforesaid,* That the Commissioners appointed in pursuance of this act shall, for their personal services, be allowed the sum of forty shillings per day, and forty shillings for every thirty miles in travelling to and from the business contemplated by this act; and they shall make a return of their proceedings to the next General Assembly, after the time they shall have performed the purposes of their appointment: And further, said commissioners are hereby authorized and empowered to employ one or more surveyors, and such number of markers as they or a majority of them, shall deem necessary; and there shall be allowed to each and every surveyor appointed by the said Commissioners, forty shilling per day for their services, and forty shillings for every thirty miles in travelling to and from the duties imposed upon them by this act; and to each marker or chain-carrier twenty shillings for every day they shall be employed in running and marking the lines as aforesaid, and twenty shillings for every thirty miles in travelling to and from the duties imposed upon them by this act.

III. *And be it further enacted by the authority aforesaid,* That in case of death, resignation or refusal to act, of any of the Commissioners herein appointed, the Governor of the State is hereby empowered to appoint and fill up any vacancy occasioned in manner as aforesaid; and that the Governor for the time being, shall, as soon as may be, after the ratification of this act, transmit a copy thereof to the Executive of the State of South-Carolina, accompanied with a request that the State of South-Carolina should co-operate without delay with this State in effecting the purposes of this act.

IV. *And be it further enacted,* That the Governor shall issue his warrant upon application of said commissioners declaring that they are ready and about to proceed to the running of the said line, on the Treasury for the sum of two hundred pounds, and such further sum as the Governor may deem necessary for carrying this act into effect.

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

CHAP. VII.

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

Tax on lands, town lots and polls.

On stud-horses and jack-asses

What polls are taxable.

Licences to be taken out by hawkers, for which no shall be paid.

Forfeiture for neglect.

*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 four, 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 is directed by the several acts of Assembly, in such case made and provided.

II. *And be it further enacted,* That a tax on all stud-horses and jack-asses within this State, of the full sum which the owner or keeper of such stud-horses or jack-asses 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.

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.

IV. *And be it further enacted,* That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first obtain a licence from the Clerk of some county in this State, under his seal of office; and the person so peddling and hawking shall pay to the Clerk before obtaining said license, the sum of ten pounds, to the use of the State, to be accounted for by the Clerk, in the same manner as tax fees are accounted for, and any licence so obtained, shall authorize said pedlar to peddle and hawk goods, in any and every county in this State, for the term of one year. And if any person shall peddle or hawk goods in any county of this State, without said licence, he shall forfeit and pay the sum of twenty pounds, to be recovered by the Sheriff, or any other person of the county in which he shall so peddle, before any Justice of the Peace, in the name of the Governor; one half to the use of said Sheriff, or other person; and the other half to the use of the State.



V. And be it further enacted, That all merchants, either wholesale or retail, shall pay a tax of fifty shillings on each and every store in this State, at which they shall sell any goods, wares, or merchandize; and all merchants or owners of stores as aforesaid, shall give in his, her, or their store or stores, as the case may be, with the list of their taxable property, under the same rules and regulations that other taxable property is given in, which said tax shall be levied, collected, and accounted for, in the same manner as other taxes.

VI. And be it further enacted by the authority aforesaid, That every person who shall come into this State on board any vessel, with goods and merchandize on board thereof, which shall not be subject to the payment of duties imposed by the laws of the United States, and break bulk, or retail the said goods or merchandize, shall pay fifty shillings, to be collected by the Sheriff of the county wherein such vessel may be anchored, and by him accounted for, in the same manner as the other taxes are by this act directed.

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

CHAP. VIII.

An Act to authorize the Defendant on an indictment for a libel, to give the truth in evidence. 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 every defendant, who shall be charged by indictment with the publication of a libel, to prove on the trial for the same, the truth of the facts alleged in the bill of indictment; and upon the introduction of testimony, if it shall appear to the satisfaction of the Jury, that the facts are true, with the publication whereof the Defendant stands charged, such evidence shall be deemed to be a complete justification of the charge, any law usage or custom to the contrary notwithstanding.

CHAP. IX.

An Act to amend an act passed in the year one thousand eight hundred and one, entitled "An Act to fix an uniform time for taking the list of taxable property throughout the State, and for enforcing the collection of taxes." WHEREAS the before recited act makes no provision for the collection of taxes from persons who fail to give in their taxable property, and are neither cited by a Constable, nor returned by a Justice of the Peace to the Clerk of the County Court, 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 in future it shall be the duty of the Sheriffs of the several Counties within this State, to collect a two-fold tax, on all polls or taxable property of the above description, one half of which they may retain to their own use, and the other half they shall account for on oath to the Comptroller, at the settlement of the public accounts; which list and oath shall be made out in conformity to the second chapter of the act of one thousand seven hundred and ninety one, entitled "An act to amend the revenue laws of this State."

CHAP. X.

An Act to amend the forty-first section of an act of the General Assembly, entitled "An act for establishing Courts of Law, and for regulating the proceedings therein." WHEREAS the said section frequently operates much to the injury of the citizens of this State, and other suitors in the courts of law, by requiring that ten days notice shall at all times, and in all cases, be given of the time and place of taking the depositions of persons about to leave the State: 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 so much of the forty-first section of the above recited act as requires that ten days notice shall be given to the adverse party, of the time and place of taking the depositions of persons about to leave the State, be and the same is hereby repealed; and from and after the passing of this act, it shall and may be lawful to take the depositions of persons in a dangerous state of health, or about to leave the State, under the rules and regulations prescribed by said forty-first section of said recited act, on giving to the adverse party or parties the following notice of the time and place of taking the same, to wit, in all cases where he, she or they do not reside, or is or are not more than ten miles distant, three days; in all other cases, one day more for every additional ten miles which the said party or parties may be distant from the place of taking said depositions.

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CHAP. XI.

An Act to amend an act passed in December, one thousand eight hundred and two, entitled "An Act to amend the fifth section of an act passed at Raleigh, in the year one thousand eight hundred and one, entitled "An Act to amend the several laws of this State."

Preamble.

WHEREAS it may happen that persons who have made entries of land in the years one thousand eight hundred, one thousand eight hundred and one, and one thousand eight hundred and two, may not have it in their power to pay the purchase money for the same into the Treasury, by the twentieth day of December, one thousand eight hundred and three, as by law required, and thereby be injured by their entries lapsing: For remedy whereof,

Further time allowed for the payment of purchase money of 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 all claimants of entries of lands made in the years one thousand eight hundred, one thousand eight hundred and one, and one thousand eight hundred and two, who shall not have paid for the same before the twentieth day of December, one thousand eight hundred and three, shall have until the twentieth day of December, which will be in the year one thousand eight hundred and four, 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," or according to any other act. And the said enterers shall, within two years after the said twentieth day of December, one thousand eight hundred and four, 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: *Provided always*, That every person shall be at liberty to pay for and secure as far as six hundred and forty acres by him or her entered, either singly or jointly with others, in the years aforesaid, and no farther.

All entries not perfected by grant in due time to lapse.

Persons allowed to pay for 640 acres, and no farther.

II. And be it further enacted, That this law shall be in full force from the day of the ratification thereof.

CHAP. XII.

An Act to repeal so much of an act passed in the year of our Lord one thousand seven hundred and seventy-seven, entitled "An act for appointing Sheriffs and directing their duty in office," which requires Sheriffs to obtain commissions from the Governor, previous to their entering on the duties of their office; and to direct the manner in which they shall be commissioned in future.

Provision in form 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 so much of the first section of the above recited act, as directs Sheriffs to obtain commissions from the Governor previous to their entering on the duties of their office, be and the same is hereby repealed and made void.

Certificate from the clerk of the county sufficient.

II. And be it further enacted, That all Sheriffs hereafter appointed, giving bond and security as heretofore, shall be fully empowered to enter upon the duties of their office, on obtaining a certificate from the clerk of the county in which they reside, attested by the chairman of the Court.

Acts of former Sheriffs valid.

III. And be it further enacted, That all Sheriffs who have heretofore failed to obtain a commission from the Governor, as by former laws required, be and he is hereby exonerated and fully discharged from all fines and forfeitures which have or might accrue in consequence thereof, and that all acts done by them, or any of them in the office of Sheriff, according to the duties of their office, be and the same are hereby rendered valid, any law to the contrary notwithstanding.

CHAP. XIII.

An Act to facilitate the division of Lands.

Means to be taken.

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 all cases in which a tenant in common of any piece, tract or lot of land, shall be absent out of the State, it shall be lawful for his co-tenant, desirous of having said land divided, to give notice of such his intention, under an order of the Court in which the petition shall be filed, for six weeks successively, by advertisement at the court house, or three different places in the county, and in the State Gazette, and on proof thereof, the Court shall proceed as if a copy of the petition and summonses had been personally served.

## CHAP. XIV.

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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

Preamble.

WHEREAS by an act of the General Assembly of this State, passed at the 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 January, one thousand eight hundred and four, are declared lapsed lands to the State, which in many instances will tend to the great injury of many of the good citizens of this State: 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 all bona fide entries of lands in this State made 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 December, in the year 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 thereafter be entered by any person as other vacant and unappropriated lands in this State, any law to the contrary notwithstanding.

Further time allowed for surveying and returning lands.

## CHAP. XV.

An Act to repeal the fifth section of an act of the General Assembly, passed in one thousand eight hundred and one, entitled "An Act to amend the several Land Laws 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 passing of this act, the fifth section of an act of the General Assembly, passed in the year one thousand eight hundred and one, entitled "An act to amend the several Land Laws of this State," be and the same is hereby repealed and made void, any thing to the contrary notwithstanding.

Act repealed.

## CHAP. XVI.

An Act to authorize the Secretary of State, to issue warrants and duplicates thereof.

WHEREAS the law enabling and authorizing the Secretary of this State to issue warrants to persons who were on the muster-roll, has expired the latter end of last session; and as the numerous applications to the General Assembly both for original and duplicate warrants, consume much time, both in obtaining documents from the Secretary and canvassing the property of the respective claims:

Preamble.

Wherefore be it enacted, That the Secretary be and he is hereby authorized to issue warrants in all cases to those who shall be legally entitled.

Secretary to issue warrants to all persons legally entitled

II. And be it further enacted, That this act shall be in force from and after the ratification thereof.

## CHAP. XVII.

An Act to empower the County Courts to make allowance where lands are returned on the lists of taxable property by mistake or otherwise, so that a certificate from the Clerk of the Court may be allowed as lists of insolvents.

WHEREAS it often happens that persons are overcharged on their lists of taxable property, and do not discover the same until the Clerks have made their returns to the Comptroller of State,

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 in future where it shall appear to the satisfaction of any of the County Courts in this State, that any person or persons are charged with more land or polls on their list or lists of taxable property than he or they ought to pay for, the said Court may order their Clerk to give a certificate for the quantity of acres or polls so overcharged, which certificate shall be received by the Treasurer of the State, in part of said from the Sheriff of said County, any law to the contrary notwithstanding.

Remedy where a mistake in making entry happens.

## CHAP. XVIII.

An Act to amend an act passed at Newbern, in the year of our Lord 1777, so far as respects the appointment of Rangers, entitled "An Act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned."

WHEREAS by the above recited act, the respective County Courts within this State can appoint only one Ranger for their respective counties, which is found by experience to be inconvenient and troublesome: For remedy whereof,

Preamble.



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One or more  
rangers may be  
appointed.

*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 respective County Courts in each county within this State, shall or may appoint one or more rangers for their respective counties, under the same rules, regulations and restrictions as are prescribed in the above recited act, any thing to the contrary notwithstanding.*

## CHAP. XIX.

An Act to repeal that part of the first clause of an act of the Assembly of one thousand seven hundred and ninety five, entitled "An Act directing the manner in which the clerks of the several Superior and County Courts shall hereafter make their returns to the Comptroller," that requires the Clerks to make oath in open court.

Preamble.

WHEREAS the above recited act makes it necessary that the Clerks of the several Courts within this State, should swear to their accounts in open Court and have them subscribed by all the Judges or Justices present, and in many instances this is neglected to be done during the sitting of the Court, and the returns thereby prevented from coming on to the Comptroller's office in due time:

Returns of  
Clerks to the  
Comptroller  
may be sworn  
to before two  
Judges.

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, all returns of the Clerks of the several Courts within this State, hereafter made to the Comptroller, may be sworn to before two Justices of the Peace out of Court, which return, when sworn to as aforesaid, shall be considered as valid as those sworn to in open Court: *Provided always*, That when he shall exhibit his return for probate, he shall produce the dockets of said Court from which said return is made, for the inspection of the said Justices, before whom such probate is made.

## CHAP. XX.

An Act to amend the several laws now in force, to regulate and fix the prices for inspecting and coopers Tobacco in this State.

Inspector's  
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 passing of this act, the Inspectors that are or shall be appointed to inspect tobacco at the several warehouses in this State, shall and may take the following fees, viz. for inspecting turning up, coopers, finding nails, hoops, and issuing a note, for every waggon hoghead, the sum of seven shillings; and for each and every rolling hoghead, the sum of eight shillings, and no more.*

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

## CHAP. XXI.

An Act giving further time for the probate and registration of bills of sale and deeds of gift.

Further time  
of two years al-  
lowed.

*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 and deeds of gift, not already proven and recorded, shall have a further time of two years allowed for the same; and that all bills of sale and deeds of gift proven and recorded in pursuance of this act, shall be valid to all intents and purposes, any law to the contrary notwithstanding.*

## CHAP. XXII.

An Act to direct in what manner the fees of a Coroner on holding an Inquest shall be paid.

Treasurers of  
counties to pay  
the costs of an  
inquest.

*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 hereafter, whenever an inquest shall be held, that the Treasurer of the county wherein the same may happen, shall pay off the cost and charges of the same out of the county monies, any law, usage or custom to the contrary notwithstanding.*

## CHAP. XXIII.

An Act to amend and revise an act passed at Raleigh, in the year of our Lord 1796, entitled "An act to encourage the cutting a navigable Canal from Roanoke river on the waters thereof, near the town of Plymouth, to Pungo river, and to make other and more effectual provision for the same."

Preamble.

WHEREAS the connecting the navigation of Roanoke river with that of Pamlico Sound, by a short and safe route, would be of public utility, and greatly contribute to facilitate and extend the commerce of this State, and it is just and equitable

that persons willing to subscribe money to carry into effect such useful undertaking, their heirs and assigns, should receive toll in satisfaction for the money by them to be advanced and expended, to execute the said work, and for the risk they may run in effecting the same; and whereas the provisions made by the above-mentioned act, are found insufficient, and have proved altogether ineffectual to forward and promote their highly useful undertaking:

*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 it shall be lawful to open*

Books of sub-  
scriptions to be  
opened.

*books of subscription in the town of Plymouth, in the county of Washington, under the direction of David Clark, Edmund Blount and John Roulhac, Esquires, or any two of them, and at such other place or places in this State, as they, or a majority of them, shall appoint and direct, and under the management of such person or persons as they shall empower for that purpose, for receiving subscriptions to the amount of thirty thousand dollars for the said undertaking; which subscriptions shall be made personally or by power of attorney; that the said books shall be opened on the first Monday of February next, and be kept open until the first Monday of July next inclose; and on the second Monday of said month of July, there shall be a*

General meet-  
ing.

*general meeting of the subscribers at the town of Plymouth; and the managers shall give notice of such meeting in the Raleigh, Halifax and Edenton Gazettes, one month at least before the day for that purpose appointed; and such meeting shall be continued from day to day until the business is finished, and the acting managers shall then and there lay before such of the subscribers as shall meet, the books by them respectively kept containing a state of the subscription; and if the capital sum*

If the capital  
sum not sub-  
scribed, sub-  
scriptions to be  
continued.

*aforsaid shall not have been subscribed, then the acting managers are to continue to receive subscriptions to make up the deficiency. The acting managers shall make a list of the subscribers, with the sum subscribed by each person, and return the same under their hands, to the Secretary's Office of the State of North Carolina, there to be recorded; and if more than thirty thousand dollars shall be subscribed, the same shall be reduced to that sum by the acting managers, or a majority of them, by beginning to strike off from the largest subscriptions in the first instance, then from the next largest, and so on, until the sum is reduced to thirty thousand dollars; and the said capital shall be divided into three hundred shares of one hundred dollars each; and any person may subscribe for one or more shares, but not for part of a share.*

If more than  
the capital sum  
to be reduced.

If one-third of  
the capital is  
not subscribed  
by the general  
meeting, no  
business shall  
be done.

But if one-  
third; the man-  
agers to be  
made up.

*Provided, that unless one-third of the capital aforsaid shall be subscribed before, or at the meeting of the subscribers at Plymouth aforsaid, on the second Monday of July next, all subscriptions made in consequence of this act, shall be void; and if one-third and less than the whole shall have been subscribed, then the President and Directors are empowered to receive subscriptions until the deficiency shall be made up, and they shall return their proceedings in this behalf from time to time to the Secretary's Office, to be there recorded; and every new subscriber after the first meeting, shall, previous to subscribing his name in any of the books, pay to the Treasurer of the Company all monies already advanced by each former subscriber.*

The Society  
incorporated.

President and  
Directors to be  
appointed.

The votes have  
been given.

*II. And be it further enacted, That if one-third or more of the capital shall be subscribed as aforsaid, the subscribers, their heirs and assigns, from the time of their first meeting, shall be, and they are hereby declared to be, incorporated by and under the name of the "Roanoke and Pungo Canal Company," and may sue and be sued; and the subscribers present at the said meeting or a majority, shall elect a President and four Directors to conduct the said undertaking, and manage the business of the company for and during such time as the meeting shall think proper; and in counting the votes of all general meetings of the company, each member shall have one vote for each share as far as ten, and one vote for every five shares above ten, given by him or her held at the time; and any member by writing under his or her hand and seal, executed before a Justice of the Peace, and by him certified, may depute any member to act and vote as proxy for him or her at any general meeting.*

The navigation  
to be opened  
by locks and  
canals.

*III. And be it further enacted, That the President and Directors and their suc-*

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To be appointed.

for the purpose aforesaid, and also to appoint a Treasurer, not one of their body but yet a proprietor; clerk, toll-gatherers, and such other officers, managers and servants as may be requisite, and to agree for their wages, settle and pass their accounts. And also to establish rules of proceeding, and generally to transact all the business of the company in the intervals between the general meetings of the same; and they shall be allowed by the Company at their general meetings a reasonable sum for their trouble; *Provided*, that the Treasurer shall give bond and security as the President and Directors shall direct, that he shall not be allowed more than three per cent on the disbursements by him made for his services, and that no officer of the company shall have a vote in passing or settling his own accounts.

How the shares are to be paid for.

In case of failure to pay when that be done.

IV. *And be it further enacted*, That each subscriber shall pay for every share at the first general meeting to be held on the second Monday of July, one thousand eight hundred and four, at Plymouth, the sum of sixteen dollars per share to the Treasurer of the company, and the names of those that fail to pay shall then and there be struck off the books, and others complying with this regulation may take such shares. And the President and Directors, and their successors, or a majority, shall have power from time to time as money may be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the subscribers shall pay the sums subscribed, which orders shall be advertised at least one month in the above named Gazettes: *Provided*, that the first general meeting, or a majority thereof, shall have full power and authority to require the payment of five more dollars on each and every share, in the course of the first year, if judged necessary: *And provided always*, that the President and Directors shall not demand or require from the subscribers more than twenty dollars per share, in any one year, and them in two different payments, at the distance of at least four months from each other; and if any of the subscribers shall fail to pay their proportion required within two months after the same is ordered to be advertised, the President and Directors, or a majority, may sell at auction, and convey to the purchaser, the shares of the subscribers so failing, giving at least one month's notice in the Gazettes aforesaid; and all such sales shall be at the town of Plymouth, on Roanoke river, and the purchaser of such shares shall become actual proprietors in said company, be subject to the same regulations as if the sale and conveyance had been made by the proprietors themselves, and answerable for all future payments of money, when required, as the original holders should have been, had no previous sale taken place.

Elections of officers.

V. *And be it further enacted*, That from time to time, on the expiration of the term for which the President and Directors may be appointed, the subscribers, at their next general meeting, may continue them, or any of them, or choose others in their stead, and in case of the death, resignation, removal or incapacity of any of them, may elect others, and may also at any of their general meetings, remove the President or any of the Directors, as well as any other of their officers, managers, or servants, and appoint others for the remainder of the time for which such persons were to have acted.

President and directors to take oath.

VI. *And be it further enacted*, That every President and Director before he proceeds to act, shall before a Justice of the Peace, take an oath or affirmation for the faithful discharge of his office.

General meeting.

VII. *And be it further enacted*, That the presence of the proprietors having one hundred shares at least, shall be necessary to constitute a general meeting, and that there shall be a general meeting on the first Monday of July annually, after the first meeting in Plymouth, but if a sufficient number should not attend on that day, the proprietors attending, may adjourn from day to day, until a sufficient number do meet, and then to continue to sit as long as necessary, and the President and Directors shall make report, and render just and distinct accounts of all their proceedings; and the proprietors present, or a majority, if they find the accounts just, shall grant a certificate thereof, and make a statement of the same on the company's books, and at such yearly general meeting, after leaving in the hands of the Treasurer, such sum as a majority of the proprietors shall judge necessary for repairs and contingent charges, an equal dividend of the profits arising from the tolls by this act granted, shall be made among the proprietors, in proportion to their several shares; and on any emergency,



the President, or a majority of the Directors, in the intervals between the yearly meetings of the company, may call such meeting at Plymouth, giving at least one month's previous notice in the above gazettes.

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VIII. And be it further enacted, That for and in consideration of the expence the Company must incur in cutting canals, erecting locks, clearing the head of Pungo river, making roads and causeways, and doing the various things necessary for this navigation, the said canals, locks, causeways, roads, and every work and thing appertaining to the said navigation, with all the profit arising from the same or any part thereof, shall be and they are hereby vested in the said company, their heirs and assigns, for ninety-nine years, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate, and shall be exempt from the payment of all taxes, impositions or assessments whatsoever, for the term of ninety-nine years; and it shall be lawful for the President and Directors, at all times hereafter, to demand and receive at some convenient place near the extremities of navigation, for all commodities transported through it, or over the causeways, or any part thereof, tolls according to the following tables and rates calculated in dollars and cents, to wit:

The Navigation,  
&c. to be  
vested in the  
Company.

	Cts.		Cts.
Every pipe or hoghead of wine, more than 65 gallons, -	50	Every hundred weight picked or cleaned cotton, -	20
Every hoghead of rum or other spirits, -	40	Every thousand pipe staves, -	25
Every hoghead of tobacco, -	50	Every thousand hoghead or pipe or hoghead headings, -	10
Every hoghead of molasses, -	25	Every thousand barrels, staves or headings, -	10
Every hoghead of malt liquor, -	25	Every thousand hoghead hoops, -	10
Every cask between 65 and 35 gallons, the half of the above, barrels one fourth, smaller casks or kegs in proportion of the commodity contained, linseed and all other oils the same as spirits.		Every thousand barrels, -	6
Every dozen of bottled wine, -	6	Every hundred feet of plank or scantling, -	5
Every dozen of malt liquor, -	4	Every thousand shingles, -	2
Every bushel of wheat, beans, peas, rice or flaxseed, -	2	Every cord of fire-wood, -	3
Every bushel of Indian corn or meal, or other grain or salt, -	1	Every hoghead of sugar, -	50
Every barrel of pork, -	20	Smaller casks in proportion.	
Every barrel of beef, -	15	Every hundred weight of coffee, -	25
Every barrel of flour or fish, -	10	Every hundred weight of tarr, bees-wax, tallow, raw hides and unwrought leather, -	25
Every barrel of tar, pitch, turpentine or resin, -	2	Every hundred weight of deer-skins, -	25
Every barrel of potatoes, onions or apples, -	5	bacon or venison hams, -	25
Every barrel of limes, or other West-India fruit, -	25	Smaller quantities in proportion.	
Every ton of hemp, flax or pot-ash, -	150	On every gross hundred of all other commodities or packages, -	12 1/2
Every ton of pig-iron or casting, -	50	Every craft or boat of one ton or upwards, which has no commodities on board to yield so much, -	150
Every ton of manufactured and bar-iron, including rods, nails, tools, &c. -	150	Provided that returning boats, whose load has already paid the tolls, shall repass free if empty.	
Every ton of copper, lead, or other ore than iron, -	125	Every canoe, boat or craft, under one ton burthen, which has no commodities on board to yield so much, (excepting as in the preceding article) -	50
Every ton of stone, bricks, or iron ore, -	25	Every man (except foot passengers who shall pass toll free) and horse, ox in draft, and wheel passing the causeways, unless the load they carry yield so much, or except waggons and carts returning, whose load has paid the toll, -	10
And all less quantities of the above, in proportion.		Every head of black cattle, -	4
Every chaldron of coals, -	50	Every hog and sheep, -	1
Every hundred bushels of lime, -	50		
Every hundred bushels of shells, -	10		
Every hundred weight of cotton in the seed, -	5		

And all produce, goods, wares and merchandize passing the causeways, shall be subject to the same toll as goods passing through the canal; and in case of refusing to pay the toll, the collector may deny passage: And if any person so refusing to pay, shall pass through the navigation, or over the causeways, it shall be lawful for the collector to seize such vessel and cargo, waggon, cart or beast, wherever found, and sell the same, or as much thereof as may be necessary, giving ten days previous notice, for ready money to pay the toll, and all expences of seizure and sale; and

Goods, &c.  
passing the  
causeways to  
pay a like toll.

the surplus, if any, shall be paid to the owner: *Provided* that the said proprietors, or a majority of them, holding at least two hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

Navigation to  
be a public  
highway.

IX. *And be it further enacted*, That the navigation and works of the said Company, done in pursuance of this act, when completed, shall forever hereafter be considered as public highways, free for the transportation of all goods, wares, commodities or produce whatever, paying toll as before directed: *Provided nevertheless*, That the President and Directors, or a majority of them, shall have full power and authority to regulate the size, burthen and form of all boats and crafts intended to be employed in said navigation; and also the manner of navigating the same.

X. *And whereas* it may be necessary for completing the navigation aforesaid, that certain portions of land should be condemned for the purpose;

President or  
Directors to  
purchase land  
through which  
the navigation  
is to pass.

*Be it further enacted*, That it shall be lawful for the President or Directors, or a majority of them, to agree with the owners of any land through which the said navigation is intended to pass, for the purchase of a slip of land at least eighty feet wide (if the same cannot be obtained otherwise) and in case of disagreement, or if the owner shall be a feme covert, under age, non compos, or out of the State, on application to any two Justices of the Peace for the county in which such canal shall pass, the said Justices shall issue their warrant to the Sheriff of the County, ordering him to summon a jury of eighteen men of property and reputation, being freeholders, not related to the parties, or interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter, and the Sheriff, on the receipt of the warrant, shall summon the said jury, and when met, shall administer an oath or affirmation to them, provided twelve or more appear, to wit, "That they will impartially value the thing in question, and consider all damages the owner thereof may sustain by being divested of his property therein; that they will not in said valuation, spare any person through favour, nor injure any one through malice or hatred;" and the verdict or inquisition so taken, shall be signed by the Sheriff, and twelve or more of the jurors, and returned to the Clerk of the county, to be recorded; and in all such cases the jury shall describe the thing valued, and their valuation shall be conclusive: And the President and Directors shall pay the same to the owner of the thing valued, or his legal representative; and if neither can be found in the State, or if found, should refuse to receive the money, then to the Clerk of the court of the county. And on payment thereof the said Company shall be seized in fee of the thing valued, in the same manner as if conveyed by the owners to them by legal conveyance.

Also for land  
near the place  
of collecting  
toll.

XI. *Be it further enacted*, That the President and Directors, or a majority of them, may agree with the proprietors for any quantity of land not exceeding five acres, at or near each place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of any disagreement, or any of the disabilities aforesaid, on the proprietors being out of the State, then the same proceedings shall be had, and the same consequences shall follow as in the preceding clause.

Shares may be  
transferrable.

XII. *And be it further enacted*, That it shall be lawful for every of the proprietors to transfer his share or shares, by deed executed before two witnesses, and registered after proof of execution in the company's book, and not otherwise, except by devise; which devise shall also be exhibited to the President and a majority of the Directors, before the devisee shall be entitled to draw any part of the profits from said tolls: *Provided*, that no transfer shall be made for part of a share, and that no share shall be transferred or held in trust for the use and benefit, or in the name of another, whereby the President or Directors, or Proprietors, or any of them, may be made to answer any such trust; but that every such person appearing as aforesaid shall be considered as such by the company to be a proprietor; but between any trustees and the person for whose benefit any trust may be created, the common remedy may be pursued.

Navigation to  
be completed  
within seven  
years.

XIII. *Be it further enacted*, That if the Company shall not complete the navigation aforesaid, within ten years after the passing of this act, all preference in favour of said Company, with respect to the navigation, shall be forfeited.

Company capa-  
ble of purcha-  
sing & holding  
real estate, &c.

XIV. *Be it further enacted*, That the Company and their successors, shall be capable of purchasing, holding and selling real and personal estate, and if any person

shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act, and the special matter in evidence, and on a verdict against the Plaintiff, or nonsuit, or discontinuance, recover cost of suit.

XV. *Be it further enacted*, That if the said capital of thirty thousand dollars shall prove insufficient, it shall and may be lawful for said Company to increase their said capital, by the addition of so many whole shares as shall be judged necessary by the said proprietors, or a majority of them holding one hundred and sixty shares, present at any general meeting of the said Company. And the said President and Directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice in the gazettes aforesaid, to open books for receiving and entering such additional subscriptions, in which the proprietors of the said Company for the time being, shall and are hereby declared to have the preference to all others, for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose; and the said President and Directors are hereby required to observe in all other respects, the same rules therein, as are by this act prescribed for receiving and adjusting the first subscriptions; and in like manner to return under the hands of any three of them, an exact list of such additional subscribers, with the sum by them respectively subscribed, into the Secretary's office, there to be filed, and all proprietors of such additional shares, shall and are hereby declared to be from thenceforward incorporated into said company.

Capital may be increased.

And whereas the said canal may be of great utility in affording the means of draining the low lands through which it may pass, but at the same time should cause no injury to the proprietors of said adjacent lands:

XVI. *Be it enacted*. That it shall be lawful for the proprietors of said adjacent lands, to open cross ditches into the said canal: *Provided*, That the said cross ditches shall not be within less than one mile of each other, on the same side of the canal, and be covered where they pass through the causeways, with good bridges of the breadth of the causeways, at the expense of the person cutting them, and also be so constructed, as to prevent the water from passing through them, into or from the canal, at any time when this shall be judged necessary, and the work occasioned by these cross-ditches, as well as the bridges and gates, shall be kept in repair at the expense of the respective proprietors: *And provided further*, That no ditches or drains shall be made to empty in the canal without special licence first obtained from the President and a majority of the Directors; which licence shall not be granted in any case where the said ditches and drains may any way interfere with what bridges, buildings, locks or other works the President or a majority of the Directors shall judge necessary for the security and support of said canal, nor without a sufficient bond and good security being first given to the President and Directors and their successors in office, to secure the performance of the above requisites.

Cross ditches may be opened by proprietors of adjacent lands.

XVII. *And be it further enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid, on condition only that the said company shall make their canal twenty-four feet at least in breadth, and secure the banks in such manner and by such centre ditches, where necessary, so as to prevent the waters of said canal from overflowing the adjacent lands to the injury of the proprietors thereof; and that the depth of said canal shall be five feet at least below the surface of the earth, and capable of being navigated in all seasons by boats or crafts drawing two and a half feet of water, with sufficient locks, and that the causeways shall be at least twenty feet in breadth.

Canal to be of certain dimensions.

XVIII. And that every act or part of acts of the General Assembly which come within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

Former acts repealed.

#### CHAP. XI.

An Act to amend the Militia Laws of this State, and revise that part which relates to the Cavalry Department.

WHEREAS it appears that the Militia Laws of this State, do not perfectly answer the good purposes for which they were designed, and in many cases enjoin duties difficult to be performed: For remedy whereof,

Preamble



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Officers to take  
an oath of of-  
fice.Officers receive-  
ing oaths take  
swaths.

Right of appeal

Courts martial  
may adjourn  
from day to  
day.Appointers to  
give bond.Officers to re-  
ceive money  
paid to them  
by the officers.Volunteer Corps  
may form by  
laws.Colonel's re-  
view.Major and  
Brigadier  
General.

And whereas

*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 militia officers in future, severally to take and subscribe their oaths of office, before the commanding officer of the regiment or battalion to which they respectively belong, before some Justice of the Peace, or in manner as is already provided by law.*

*II. And be it further enacted by the authority aforesaid, That it shall be the duty of each and every officer on whom the militia law hath enjoined it to collect fines and forfeitures for or in consequence of any delinquency, to take the following oath, which shall be administered by the Judge Advocate, in open Court Martial, by a Justice of the Peace, or by a Captain of a troop or company, as the case may require, viz. "I, A. B. do solemnly and sincerely swear, that I will use my best endeavours to collect all fines and forfeitures agreeable to the precepts to me delivered, and duly account for the same according to law, to the best of my knowledge and abilities, to help me God."*

*III. And be it further enacted, That the right of appeal shall be reserved from a company to a regimental court martial, and that the several courts martial shall in future have power and legal authority to adjourn from day to day, or to any future day, when it shall be the duty of the officers entitled to compose the same, to attend under the usual penalties by Law, already established in such cases, and at which time the unfinished business of the Court may be acted on: *Provided*, that if there should not meet a sufficient number at the place of adjournment to form a quorum, that the officer ordering the same shall have power to continue his adjournments. *And provided also*, that when any original court martial shall be ordered, and a sufficient number of officers do not attend to form the same, the business of said court shall stand adjourned until the next court martial in course.*

*IV. And be it further enacted, That each and every paymaster within this State, appointed, or hereafter to be appointed, shall give bond and sufficient security in the sum of one hundred pounds payable to the commanding officer of the Regiment and his successor in office, for the faithful accounting for agreeable to law, all sums of money which may come into his hands by virtue of his appointment: and it shall be the duty of the commanding officer aforesaid, under the penalty of one hundred pounds, to sue for the same, and on recovery thereof, apply it as is already by law directed.*

*And be it further enacted, That all officers who have in their hands either money or papers received in virtue of their appointments, shall, when they leave their office, pay and deliver the same to their successor in office, under the penalty of fifty pounds, to be recovered by their successor in office before any jurisdiction having cognizance thereof, and when recovered, applied to the use of the regiment or company to which they may respectively belong, first deducting his successor's necessary costs and charges therein expended.*

*VI. And be it further enacted, That the different Volunteer Corps in this State shall possess and enjoy an exclusive right to form by-laws and regulations for their own government, which by-laws when adopted, shall be enforced by a majority of the officers commanding the same by way of fine, and applied agreeable to their own rules, and that each individual shall be bound thereby. *Provided*, that the same shall in no case be inconsistent with the Laws and Constitution of this State, nor of the United States, any thing herein contained to the contrary notwithstanding.*

*XII. And be it further enacted, That each Colonel Commandant shall appoint one Adjutant, whose duty it shall be to attend the day previous to each Regimental review, in order to muster and train the different officers composing such Regiment. *That the Adjutant shall be allowed for such services as the Court Martial may think proper, to be paid out of the fines, collected by virtue of this act.**

*VIII. And be it further enacted, That it shall be the duty of each Major General and Brigadier General now in commission in this State, within six months after the passing of this act, to take and subscribe in any Court of Record within this State, the oath required by law, for enforcing and observing military duty, and all Major and Brigadier Generals hereafter to be appointed, shall within six months after their appointment, take and subscribe the said oaths as herein directed.*

And whereas the laws intended to govern the Cavalry of this State, are so complex and blinded with the laws designed for the government of the Infantry, that

It is with extreme difficulty that the Cavalry department can comprehend their duty: for remedy whereof,

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Be it enacted by the authority aforesaid, That the rules regulations and restrictions herein after provided, shall be for the regulation, government and discipline of the Cavalry of this State, to wit: that there shall be to each Regiment one Lieutenant-Colonel Commandant and two Majors, to be appointed in case of vacancy, by joint ballot of both Houses of the General Assembly, and commissioned by the Governor for the time being; and that out of the Militia enrolled in this State, there may be formed out of each regimental battalion that have a separate muster, at least one troop of Horse, to be formed of volunteers, and shall be uniformly clothed in Regimentals at their own expence, the colour and fashion to be determined by the Field Officers of Cavalry of the Regiment or Battalion to which they belong, and to each company one Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Saddler, one Farrier, one Trumpeter, and not less than thirty Dragoons; the commissioned Officers to furnish themselves with good horses, at least fourteen and a half hands high, to be armed with a sword and pair of pistols, the holsters of which shall be covered with bear-skin, and each Dragoon to furnish himself with a serviceable horse, fourteen and a half hands high at least; a good saddle, bridle, breast-plate and crupper, a pair of boots and spurs, one pistol at least and holsters, a sword and cartridge box to hold twelve cartridges for pistols, and the Field Officers, as well as all other commissioned Officers, shall reside within the brigade, county, or company district in which they respectively command.

Regulations for  
the government  
of the Cavalry.

XI. And be it further enacted, That no person that now is, or shall hereafter procure himself to be enrolled in any troop of horse, shall be permitted to return to the infantry, except by consent of the Captain with whom he may be enrolled, or by removal out of the county where such person was enrolled, and it shall be sufficient for any person to be enrolled and approved by the Captain of any troop of Cavalry, without the intervention of any other officer whatsoever.

A person in a  
troop of horse  
to return to the  
infantry.

XII. And be it further enacted, That the commanding Officer of each and every regiment of Cavalry, shall muster his regiment at the place of holding the superior courts of the District to which said regiment belongs, except such Districts as have two Regiments of Cavalry, in which case it shall be at such places as the commanding officer shall direct, at least once in two years, under the penalty of twenty-five pounds, and shall once in every year, on or before the meeting of the General Assembly, make a just return of his regiment to the Governor for the time being, under the penalty of twenty-five pounds: *Provided always*, That the companies of Cavalry when attending the general muster of the Regiment or battalion of Infantry, shall be under the command of any field officer of cavalry if present on parade, except on review days, when ordered by the Major-General or Brigadier-General, and at the reviewing of the regiment of Cavalry, when ordered by the Colonel thereof, the said Cavalry shall be under the command of the Officers of Cavalry only, except a General Officer shall be present on a parade. And it shall be the duty of each Colonel of Cavalry in this State, to review, or cause one of his Majors to review, once every year, each troop of Cavalry under his command, within the Counties respectively where the said troops may reside, under the penalty of twenty-five pounds, to be paid by the Officer neglecting his duty; and each and every troop of horse shall muster at least once in every three months, at such time and place as the Captain or Commanding Officer of the said troop shall direct; and the commissioned officers of each troop of horse, or any two of them, shall be, and they are hereby authorized and required to hold courts martial on the day, or succeeding day of the company musters, in order to enforce the Militia Laws of this State, so far as respects the said troops, and shall proceed to try and determine all cases which may come before them, subject nevertheless, to appeal to the regimental court; and on the conviction of any delinquent, the officer highest in rank present, shall enter up judgment and award process of execution directed to a sergeant of the company, who shall after taking the oath of office herein after directed, proceed in the same manner to cause to be made the sum required, as Constables are bound to do in civil cases, receive the same fees and make due return to the

Where the  
cavalry shall be  
mustered.

Who shall  
command.

Colonels of ca-  
valry to review  
once a year.

Troops to mus-  
ter once in 3  
months.

Courts Martial  
to be held.

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succeeding company courts martial; *Provided* that every absence shall be allowed until the next company muster to make his excuse, which shall always and without exception be on oath, the officer highest in rank present, being and he is hereby authorized to administer the same; and if any officer shall suffer himself to be intoxicated or behave in a riotous or disorderly manner, when required to be on duty, or disobey the orders of his commanding officer, he shall for the first offence be openly reprimanded by the President of the court martial before whom he is convicted, and fined at the discretion of the said court, not exceeding two pounds, and for the second offence shall be absolutely cashiered.

Penalty for refusing commands.

XIII. *And be it further enacted*, That if any non-commissioned officer or private shall during the time of muster resist his commanding officer, or refuse to obey his lawful commands, if a non-commissioned officer, he shall be confined and kept under guard during such muster, reduced to the ranks and fined at the discretion of the court martial, not exceeding one pound, and if a private, shall be confined and kept under guard during such muster, and fined at the discretion of the court martial not exceeding ten shillings; and if any person liable to do duty shall be at or near the parade or muster ground during the time of any review or muster, and shall not take his proper station and perform the duty required of him by law, it shall be the duty of the commanding officer of the regiment or troop to order him under guard, there to be detained during the time of such exercise and until the troop are discharged.

Commanding officer to order a regimental court martial.

Manner of conducting the business of the court.

XIV. *And be it further enacted*, That the commanding officer of any regiment of Cavalry, shall order a regimental court martial to be held at the place appointed for the muster of the same, which court martial shall consist of at least a majority of the commissioned officers of the regiment, or more if the commanding officer shall direct, one of whom shall be a field officer and at least of the grade of captain, and the officer highest in rank present shall preside at the court, which court shall be warned to that duty by the adjutant of the regiment hereinafter to be appointed, by a roster to be by him kept; and the said court when convened, shall appoint a judge advocate, who shall himself in presence of said court, take the following oath: "I, A. B. do swear that I will well and truly perform the duties of judge advocate of this court, according to the best of my skill and abilities, to help me God;" and the judge advocate shall administer the following oath to the members of the court martial: "I, A. B. do swear that I will hear and determine all causes which may come before this court, and that I will faithfully report all delinquents that come within my knowledge, that I will account for all fines and forfeitures by me collected or received, and in all cases enforce due execution of the militia laws of this state so far as respects the cavalry, to the best of my knowledge and ability, to help me God;" they shall enquire into the age and ability of all persons that may come before them by appeal, and exempt such as may be deemed incapable of service, and also try and decide on all persons charged with omission or commission, and at the said regimental courts martial, shall hear and determine all appeals from the company courts martial, and to order and dispose of all fines and forfeitures as to them may seem right agreeable to this act; and the judge advocate shall be allowed a reasonable salary for his services to be paid out of the fines, and his duty shall be to write at length the proceedings of said court, and for all fines which may be imposed by the court martial he is hereby authorized and required to enter up judgment and issue execution, which, if against a commissioned officer, shall be directed to the adjutant, and if against non-commissioned officers and privates shall be directed to a sergeant of the company to which the delinquent belongs, and the said adjutant or sergeant shall take and subscribe the following oath, viz. "I, A. B. do solemnly and sincerely swear that I will use my best endeavours to collect all fines and forfeitures agreeable to the precepts to me delivered, and duly account for the same according to law, to the best of my knowledge and abilities, to help me God;" and the adjutant or sergeant shall proceed to disburse and sell in the same manner, and



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receive the same fees as constables do in civil cases; and the said adjutant or sergeant shall in all cases make due return to the next succeeding court martial; and in case of failure to collect and account for all fines and forfeitures, shall incur a penalty of double the sum to be collected, and on proper proof of such failure, the regimental court martial may enter up judgment therefor, and award process of execution by the Judge Advocate directed to any officer of the regiment whom the court may think proper.

XV. *And be it further enacted*, That the paymaster of every regiment of cavalry shall give bond and sufficient security in the sum of fifty pounds for the faithful performance of his duty, payable to the commanding officer of the regiment and his successors in office; and it shall be the duty of the paymaster to demand and receive of the adjutants, sergeants and other officers who may have collected fines and forfeitures, and distribute the same agreeable to the directions of the court martial, and settle his account annually with the judge advocate, for which services the paymaster shall be allowed a reasonable compensation by the court martial; and for the want of a paymaster, the duties herein required of that officer shall be performed by the Colonel or commanding officer of the regiment.

Paymaster to give bond.

XVI. *And be it further enacted*, That every officer of cavalry previous to his sitting in any regimental or other court martial, shall take and subscribe before any Justice of the Peace, or in open court martial, to be administered by the judge advocate, the same oaths as are required to be taken by the infantry officers, in the thirtieth section of an act passed in the year one thousand eight hundred, entitled "An act to revise and amend the militia laws," and the nineteenth, twenty-third and twenty-fourth sections of the act aforesaid, shall be considered as part of the law by which the cavalry in this state shall be governed, and all the privileges and restrictions therein contained shall be deemed to apply to them in the same manner as if it had been particularly inserted in this act.

Officers previous to sitting in a court martial to take an oath.

XVII. *And be it further enacted*, That there shall be to each regiment of cavalry one adjutant and one quarter-master who shall be commissioned officers, with the rank of Lieutenant, to be appointed by the commanding officer of the regiment; there shall be also one paymaster one surgeon and one surgeon's mate to be appointed as aforesaid. It shall be the duty of the adjutant of the regiment to attend the regimental parade and reviews, and receive and execute such orders as the commanding officer may deem expedient to the effecting the purposes of the militia law, and the said adjutant shall take an oath of office in open court martial, and from time to time call on, or bring suit against all delinquent officers for fines and penalties incurred, and which are not otherwise specially provided for in this act, and receive and account for the same annually with the paymaster of the regiment, and shall be allowed a reasonable compensation, to be paid out of the fines so collected by order of the court martial; and in case any adjutant shall fail to attend and perform his duty as required by this act, he shall forfeit and pay the sum of ten pounds, to be recovered as other fines in the regimental court martial.

One Adjutant and Quarter-master to each regiment. Also a paymaster, surgeon and surgeon's mate.

XVIII. *And be it further enacted*, That the commissioned officers of troops of cavalry shall be recommended by the field officers of the regiment to which they belong, and commissioned by the Governor for the time being; and all non-commissioned officers of each troop shall be appointed by the Captain of such troop; all commissioned officers shall take rank according to the date of their commissions, and where two or more of the same grade bear an equal date, then their ranks shall be determined by lot, to be drawn by them before the commanding officer of the regiment to which they respectively belong.

Officers troops to be recommended by the field officers. Non commissioned officers to be appointed by the captain.

XIX. *And be it further enacted*, That the fines of the cavalry shall be as follows, to wit: that at a regimental muster each field officer that fails to attend, or attends not properly equipped, shall forfeit and pay the sum of fifteen pounds; each captain five pounds, and each commissioned officer under that grade four pounds, and every non-commissioned officer and private the sum of two pounds; and for every absence or neglect at any company muster, every officer and private so neglecting or

Fines of the cavalry.

1808: failing to appear equipped agreeable to law; shall forfeit and pay one-half of the above sums, to be recovered as other fines imposed by this act.

Forfeitures where captains neglect to muster.

XX. And be it further enacted, That every captain of cavalry who shall fail or neglect to muster his company, by himself or lieutenant, as herein directed, and exercise and manœuvre them agreeable to the instructions of the late Governor Davie already published, shall forfeit and pay for each and every offence the sum of five pounds. And it shall be the duty of each and every captain of cavalry to make a true return of their respective troops to the colonel commandant of the regiment to which he may belong, at least thirty days before the meeting of the General Assembly in each and every year, under the penalty of ten pounds.

In case of delinquency at muster or court martial proceedings to be made.

XXI. And be it further enacted, That if at any muster or court martial of cavalry, there shall be any delinquents, either for non-attendance, or not being properly armed and equipped, or for disorderly conduct, proclamation shall be made by order of the captain or commanding officer, calling the names of all delinquents enrolled, that they attend the trial at the following court martial, which shall be deemed a legal notice; or if field officers, or officers of the regimental staff, such notice shall be given by the commanding officer or adjutant of the regiment. And if any officer or private shall have an excuse to offer to the court martial, he may send his affidavit, taken before a Justice of the Peace, or produce a witness, or he may personally appear and make oath to the cause of his delinquency; and in all cases, whether for neglect or failure of the officers or privates, or appeals from the company courts, the decision of the regimental court martial shall be final.

Delinquents to be heard in the county where they reside.

XXII. And be it further enacted, That the delinquents of each troop of cavalry which may hereafter happen at any regimental parade or review, shall be heard, and fined or excused, within the county where they respectively reside, before a court martial which shall be ordered for that purpose by the commanding officer of the regiment, within six months from such parade or review, in manner following, to-wit: To be composed of the commissioned officers of each troop respectively, or a majority of them, and at least one field officer, who shall be President of such court, and the said courts shall have power to appoint their necessary officers, and proceed in the same manner as regimental courts martial, and make due return of their proceedings to the next ensuing regimental court martial, together with all monies by them caused to be made to be disposed of as herein directed, any law to the contrary notwithstanding.

Fines now to be appropriated.

XXIII. And be it further enacted, That all fines and forfeitures by this act incurred, and not herein particularly appropriated, shall be applied to the purposes of first buying trumpets, and then at the disposal of the regimental court martial to the use and benefit of the troop from whence the same arise; and those paid by the field and staff officers, and not before appropriated, shall be equally divided and appropriated amongst the troops composing the regiment to which they respectively belong; and generally, all fines and forfeitures by this act receivable, shall be disposed of by the regimental court martial, so as to promote the regiments respectively.

Officers going out of office to deliver papers or monies to their successors.

XXIV. And be it further enacted, That all officers of cavalry going out of office, who may have in their hands any papers or monies relative to, or by virtue of their appointment, shall be bound, under the penalty of one hundred pounds, to deliver the same over to their successors in office, to be sued for and recovered by him, before any jurisdiction having cognizance thereof, and applied to the use of the regiment, after deducting his necessary costs and charges.

Pay in actual service.

XXV. And be it further enacted, That the field officers, commissioned officers, non-commissioned officers and privates of the cavalry within this State, when called into actual service, shall be entitled to the same rank and pay as prescribed in an act, entitled "An act to amend and revise the militia laws," passed at Raleigh, in the year one thousand eight hundred.

Former laws repealed.

Except an act passed in 1808

XXVI. And be it further enacted, That all acts and clauses of acts which come within the meaning and purview of this act, be and the same are hereby repealed and made void: Provided nevertheless, that this act shall not repeal or invalidate an act passed at Raleigh, in the year one thousand eight hundred and one, entitled "An act to amend part of the fifteenth section of an act passed in the year one thousand eight hundred, entitled "An act to revise and amend the militia laws."

Read three times and carried in General Assembly, the 22d day of December, A. D. 1808

J. RIDDICK, C. S.  
S. CABARRUS, S. H. T.

An Act for the government of the city of Raleigh, and for repealing all former acts passed for this 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 government of the city of Raleigh shall be vested in an Intendant of Police and seven Commissioners, who shall be chosen annually on the third Monday in January, at the court-house in said city: To which end, the Sheriff of Wake county is hereby required to give ten days notice of such election by public advertisement, and to attend by himself or deputy at the place of election, by ten o'clock in the forenoon, to open the poll and receive the tickets, in the presence of two inspectors, freeholders of the city; and when the election shall be finished, such returning officer and inspectors shall, in the presence of such of the electors as chuse to attend, examine and number the ballots: And the person having the greatest number of votes for the office of Intendant of Police, shall be declared duly elected, and the persons having the greatest number of votes as Commissioners, shall be declared duly elected. And if the said Sheriff shall neglect or refuse to give the notice hereby directed to be given, or shall neglect or refuse to attend as required, by himself or deputy, on the day of election, he shall forfeit fifty pounds for every such neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same within one year after such neglect or refusal, one half to go to the informer, and the other half to the Treasurer of the city for the use of the city.

II. Be it enacted, That no person shall be deemed qualified to act as Intendant or Commissioner of the said city, who is not seized in fee-simple of a lot, or part of a lot, with a dwelling-house thereon, and who is not an actual resident within the limits of the city. And that no person shall be deemed qualified to vote for an Intendant or Commissioner of the city, who has not been an actual resident within the limits thereof for three months preceeding the day of election, or who does not hold a lot or part of a lot therein.

III. Be it enacted, That the Commissioners, and their successors in office, chosen and qualified agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of "The Commissioners of the city of Raleigh," and by that name to have succession by the election of the freemen as by this act directed, and a common seal; and they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain, to them and their successors for ever, in trust for said city, any lands, rents and tenements, of any kind, nature or quality whatsoever, and also grant, sell, devise, alien and dispose of the same, and to receive and take any gift or donation whatever to the said city; and also by the same name to sue and be sued, answer and be answered, in all courts of record, or if necessary before any single magistrate; and from time to time at all times hereafter, to make such rules, orders, regulations and ordinances as to them shall seem necessary, for repairing the streets, for erecting public pumps and keeping in repair those already erected; for regulating the public market, by appointing a clerk thereof or otherwise; to provide for the strict observation of the Sabbath; to appoint a Ranger of the public grounds; to appoint a Constable or Constables, City Watches or Patrols, and to make them proper allowances by fee or otherwise for their services; and also to make such other rules and ordinances as to them shall seem meet for the improvement and good government of the said city: And the said rules, regulations and ordinances from time to time to alter, change, amend and discontinue, as to the said Commissioners, or a majority of them, shall appear necessary; and shall also have full power to enforce a compliance with and observance of such rules and regulations, by laying fines and penalties on those who shall refuse or neglect to conform to them, not exceeding five pounds, and in case of slaves by the punishment of not exceeding thirty-nine lashes. And the Commissioners, before they enter on the execution of their office, shall take the following oath: "I A. B. do swear that I will faithfully discharge the office of commissioner for the city of Raleigh, agreeably to law and to the best of my knowledge and judgment, so help me God."

IV. Be it enacted, That it shall be the duty of the Intendant of Police for the city of Raleigh, to enforce obedience to the laws and ordinances of the city; and he is hereby authorized and required to issue his warrant directed to the Sheriff, deputy Sheriff or city Constable, to summon offenders against the same to appear before him; and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said Magistrate is hereby authorized and required to give judgment and award execution, agreeably to the laws, rules and ordinances provided for the government of the said city; which warrant or execution, the said Sheriff, deputy Sheriff or constable is hereby required to execute: And on such trials or enquiries, the said Intendant is hereby authorized and declared to possess all due necessary powers to administer



1803 oaths and subpoenas and examine witnesses. And the said Intendant shall take all bonds required by this act to be given by the officers of the corporation; and before he enters on the duties of his office, shall take the following oath: "I A. B. do solemnly swear, that as Intendant of Police for the city of Raleigh, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the city: All fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals, so help me God." *Provided*, that in all cases where any person or persons shall be dissatisfied with the judgment of the Intendant, he, she or they shall have the liberty to appeal therefrom to the court of pleas and quarter sessions for the county of Wake.

V. *And be it enacted*, That if at any time the person elected Intendant of Police shall refuse to qualify, the Commissioners shall fix upon a day for another election, and the sheriff shall give ten-days notice thereof as before directed, and shall attend by himself or deputy, at ten o'clock of the morning of the day appointed, at the court-house in Raleigh, in order to proceed with the election, in the manner before prescribed, on pain of a like forfeiture for neglect or refusal. But in case any of the persons elected Commissioners shall refuse to qualify, the remaining Commissioners shall, at their first meeting (which shall be held in the same week in which they are elected) fill up the vacancy or vacancies by ballot among themselves.

VI. *Be it enacted*, That the Commissioners shall appoint one of their body Treasurer of the city for the year, whose duty it shall be to receive and account for the city monies, of which a regular entry must be made in a book kept for that purpose: And upon the appointment of a new Treasurer, the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided*, that before such Treasurer enters on his office, he shall give bond with approved security, payable to the Commissioners, for the faithful discharge of his duty.

VII. *Be it enacted*, That the Commissioners shall appoint a proper person to be their Clerk for the year, who shall be allowed a reasonable salary, and shall give bond with approved security, payable to the Commissioners, for the due and faithful execution of his office, and for the safe-keeping of the books and papers put into his possession; whose duty it shall be to keep a fair and regular Journal of the proceedings of the Commissioners. And all persons shall have free access to the journals and papers of the board, on paying two shillings and sixpence to the Clerk, under the penalty of twenty shillings for every refusal, to be recovered before the Intendant of Police, or any Justice of Peace for the county of Wake, within one month after such refusal, one-half to the informer, the other half to the Treasurer of the city, for the use of the city.

VIII. *Be it enacted*, That in order to raise a sufficient fund for repairing the streets of the 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 ten shillings on every hundred pounds value of taxable property in the said city; a tax not exceeding ten shillings on all free male polls residing within the limits of said city, and who have resided within the same three months previous to the time of giving in the annual tax list; and a tax not exceeding ten shillings on every male slave of twelve years of age and not exceeding fifty, working within the limits of the said city; and that hereafter no inhabitant of the said city shall be compelled to work on the streets thereof.

IX. *Be it enacted*, That the inhabitants of the city of Raleigh shall, on or before the first of April in every year, give in to the Intendant of Police on oath, a list of the taxable property of which they are at that time possessed, with the free male polls of their respective families (including boarders) and their male slaves working within the limits of the city; and if any person shall refuse or neglect to give in a list of their taxable property as required, he or she shall be liable to pay a fine of twenty shillings.

X. *Be it enacted*, That within one week after receiving the lists of taxable property as aforesaid, the Intendant of Police shall make a return thereof to the Commissioners, who shall thereupon appoint three respectable persons, freeholders of the city, not of their own body, as assessors to value the several lots of the city with their improvements, previous to the tax being levied upon the same. And the said assessors shall make a return of their valuation on or before the first of May. And as the citizens appointed assessors cannot with propriety value their own property, a value shall be put upon it by the board of Commissioners.

XI. *Be it enacted*, That as soon as the assessor shall have made a return of their valuation to the board of Commissioners, the board shall immediately proceed to lay the tax herein di-

rested; which having done, they shall appoint a proper person collector of the said tax, and after taking bond with sufficient security for the amount of the said tax, payable to the said Commissioners, shall place the said tax-list in his hands for collection, requiring the same to be collected by the first day of August ensuing. And the said collector shall, from time to time, pay the monies collected for taxes into the hands of the City Treasurer, after deducting five per cent for his trouble in collecting the same.

XII. *Be it enacted*, That every tenant occupying a house or houses, lot or lots, within the said city, shall be liable to pay the tax herein laid upon any such house or houses, lot or lots, and on failure of the proprietor of any lot to pay the annual tax thereon, by himself, tenant or agent, on or before the first day of August in every year, the Commissioners of the said city are hereby authorized and directed to sell the same at public vendue to the highest bidder, for ready money, first having advertised such lot or lots for sale for six weeks in the State Gazette; and after deducting from the purchase-money the tax due on each lot so sold, and the expence attending the advertising and selling thereof, the residue shall be paid, on application, to the person entitled to receive the same.

XIII. *Be it enacted*, That the necessary repairing of the streets, digging of wells, erecting of pumps, or any other public business in said city, shall be let to the lowest undertaker, at such time and place as the Commissioners may appoint, giving at least ten days notice thereof by advertisement. All proposals for executing public work to be addressed in writing to the Commissioners; but no contract for public work shall be undertaken by a Commissioner.

XIV. *Be it enacted*, That the Commissioners may grant the privilege of erecting porches or piazzas on the front of any dwelling-house already erected on the line of any public street, provided such porch or piazza does not exceed eight feet in width, or if eight feet in width has not steps in front of the same, and provided that no bar or other inclosure be erected therein which may impede the air or view: That such encroachments may be a mean of assisting the city funds, the Commissioners shall lay a tax or ground-rent on them annually, not exceeding five shillings for each foot width of the same; and the Commissioners shall annually cause every such encroachment to be measured and entered on the journals, with the number of the lot in front of which it is erected, the owner's name, and the number of feet which it is in width. The said tax or ground rent to be collected and accounted for as the other taxes are collected and accounted for. *Provided*, that no steps or sloop entering any house, or flat cellar doors without any roof over them, not exceeding four feet in width, shall be liable to pay a tax or ground-rent.

XV. *Be it enacted*, That all monies arising from taxes, fines, donations, or from any other source, for the use of the city, shall be paid into the hands of the City Treasurer; and no appropriation shall be made but by a board of at least a majority of the Commissioners; and no money shall be drawn from the City Treasurer, but by a warrant signed by the Chairman of the board, and countersigned by the Clerk of the corporation.

XVI. *Be it enacted*, That the Commissioners for the time being, are hereby declared to have full power to receive any arrears of taxes that may be due from any of the citizens, and also to recover any sum of money which may remain in the hands of any former board of Commissioners, Treasurer, Collector, Ranger, or any other person, due to the city fund.

XVII. *Be it 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. And the Commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof, one half to the informer, the other half to the Treasurer for the use of the city; which sum shall be levied on the proper goods and chattels of the said Commissioners, or either of them.

XVIII. *Be it enacted*, That in case of fire breaking out in any part of the city, the Commissioners, or a majority of them, shall have full power to do what they may deem necessary to stop the progress of the calamity, even to the causing of adjoining buildings to be taken down or blown up, without being answerable for any damages to the owner or owners of property so destroyed.

XIX. *Be it enacted*, That the Commissioners shall have power to make regulations for preventing hogs running at large in the city.

XX. *Be it enacted*, That the Commissioners shall have power to prevent slaves, free negroes, or persons of colour, from keeping houses without a licence from the Commissioners; and also to prohibit citizens from dealing with slaves not having tickets from their master, mistress or overseer.



XXI. *Be it enacted*, That no person or persons shall be licensed or permitted to sell liquors by the small measure in the said city, without the permission of the board of Commissioners previously had and obtained in writing; any law, usage or custom to the contrary notwithstanding: And that any person who shall retail spirituous liquors by the small measure in said city, without having first obtained the permission of the Commissioners as aforesaid, shall forfeit and pay the sum of ten pounds, to be recovered before the Intendant of Police, or 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 informer or informers, the other half to the use of said city.

XXII. *Be it enacted*, That the Commissioners of the city, at their first meeting, annually, shall fix their stated days of meeting for the year, which shall be at least once in every month, and if any Commissioner shall fail to attend such meeting, or any special meeting of which he may have notice in writing (unless prevented by sickness, or such other causes as shall be satisfactory to the board) he shall forfeit twenty shillings, to be recovered before the Intendant of Police, or any Justice of the Peace for the county of Wake, for the use of the city.

XXIII. *Be it enacted*, That all laws heretofore passed for the regulation of the city of Raleigh, be, and they are hereby repealed and made void.

CHAP. XXVI.

An Act to authorize the Commissioners of the town of Hillsborough to rent out part of the town commons.

*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 Commissioners of the town of Hillsborough for the time being, to lease or rent out, from time to time, such part or parts of the town commons, for such rent and term of years, for a time not exceeding the term of five years at any one period, the following parts of the said town common: First, one part of said common lying within the following boundaries, beginning at the north-west corner of Doctor Barnabas O'Ferrell's most westerly lot, running due west to William Whitted's line, then along said line to Eno river, thence down the meanders of said river to where it is struck with the line of the town lots, thence along the line of the said lots to the beginning: Second, that part of the said town common known by the appellation of the Race Ground, bounded on the west by the road leading from the market-house to William Lockhart's red house, thence north by William Lockhart's land, then east by Henry Watters' land, and south by the town lots. That it shall be the duty of said Commissioners, or a majority of them, to have the said parcels of land surveyed previous to the renting or leasing of the same, and also to have the same advertised for three weeks in the State Gazette, and on the court and market houses in Hillsborough, designating the day when said parcels of land shall be leased or rented out: That the said parcels of land shall be leased or rented at public vendue, at the market-house in Hillsborough, by the sheriff of Orange county, or his deputy, to the highest bidder; and that the said parcels of land at the time of vendue, be held open for bidders for one hour at least. And the money arising from such leases or rents, shall from time to time be applied to the use and benefit of the said town, under the direction of the Commissioners thereof.

II. *Be it further enacted by the authority aforesaid*, That this act shall be in force and operation from the passage thereof.

CHAP. XXVII.

An Act for the regulation of the town of Warrenton, for repealing the acts or parts of acts heretofore passed on that subject, 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 first day of January next, all acts and parts of acts passed for the regulation of the town of Warrenton, be, and the same are hereby repealed and made void.

II. *And be it further enacted*, That on the first Monday in January annually, an election shall be held in the said town of Warrenton for a Magistrate of Police and four Commissioners, who shall have resided in the said town for twelve months immediately preceding the election, and shall each be possessed of one or more lot or lots in said town. All free males who have resided in the said town for six months immediately preceding an election, and are of lawful age, shall be qualified to vote thereat. It shall be the duty of the Commissioners who have been elected to superintend and certify the election or their successors; in case of the death, refusal to act, or other cause of vacancy, a new election shall be held to supply such vacancy.

III. *And be it further enacted*, That the Commissioners elected as aforesaid, together with the Magistrate of Police who shall be considered as a Commissioner, and shall be chairman of their board for the time being, shall have power from time to time to pass such ordinances



for the regulation and improvement of the town of Warrenton as they shall deem proper and compatible with the laws of the State or of the United States. Ordinances when passed shall be published at one or more convenient places in said town, ten days previous to their being enforced. The said Commissioners and Magistrate of Police shall have power to lay and collect a tax not exceeding seven shillings and sixpence on every hundred pounds worth of town property, the same sum on every free male poll, and five shillings on every male slave liable to poll-tax; which tax shall be laid, collected, accounted for, and appropriated as the Commissioners may direct: They shall also have power to appoint a Treasurer and Clerk, requiring such security and giving such compensation as they may deem proper; and also to appoint one or more Constables for the said town, who shall be under the same regulations, and receive the same fees as Constables appointed by the county courts. A majority of the Commissioners, at a regular board or meeting, shall be competent to exercise all the powers given to the Commissioners by this act.

IV. *And be it further enacted*, That it shall be the duty of the Magistrate of Police to carry into effect the ordinances passed for the regulation of the said town; for which purpose he shall have power to issue warrants for the recovery of fines or penalties, and for the corporal punishment of slaves (not exceeding thirty-nine lashes) directed to the sheriff of the county of Warren, to any constable appointed by the Commissioners or by the county court, or any other person deputed by him for the special purpose of serving a particular process; also to award execution and give final judgment, in the same manner as a Justice of the Peace.

V. *And be it further enacted*, That the inhabitants of said town shall not be compelled to work upon the streets or roads in or out of the said town; but it shall be the duty of the said Commissioners to procure the repairing of the streets of the town, and such other improvements as they may deem proper.

VI. *And be it further enacted*, That the Commissioners, Treasurer and Clerk shall deliver over to their successors in office, immediately after each annual election, all papers, books, vouchers, monies and other matters which are attached to the office of the board of Commissioners; and also shall exhibit a fair statement of the receipts, expenditures, debts and delinquencies appertaining to the said office, and the execution of the duties of the Commissioners for the year past.

VII. *And be it further enacted*, That the survey of the town of Warrenton made by the Commissioners appointed to lay off the commons adjoining the town, by an act passed at the last session of the General Assembly, shall hereafter be referred to, and be considered as legal evidence of the boundaries of the lots in said town, and a plat of the same in conformity to said survey, certified by the county surveyor, shall be deposited in the office of the clerk of the court of Warren county, and duly registered by the register of said county; another plat, certified as aforesaid, shall also be deposited in the office of the Town Commissioners.

VIII. *And be it further enacted*, That for all encroachments heretofore made on the streets or public lots in the said town, the Commissioners shall have power to lay and collect a tax not exceeding one shilling per annum upon every square foot of ground occupied by any encroachment, to be assessed according to the nature of the inconvenience sustained by such encroachment, at their discretion. And all encroachments made upon the said streets or public lots after the passing of this act, shall be deemed nuisances, and the Commissioners shall have power to cause their removal or destruction, in such manner as they shall think proper.

IX. *And be it further enacted*, That from and after the first day of January, one thousand eight hundred and five, all and singular the powers granted and now appertaining to the Commissioners appointed by, or in virtue of the act passed in the year one thousand seven hundred and seventy-nine, for laying off the town of Warrenton; and also the powers granted to the Commissioners appointed by, or in virtue of the act passed at the last session of the General Assembly, for laying off the Commons adjoining the town of Warrenton, shall cease to be exercised by the Commissioners appointed by, or in virtue of the aforesaid acts, and the same shall be possessed and exercised by the Commissioners elected in conformity to this act, who shall have full power to transact all business and confirm all deeds and contracts in the same, as the aforesaid Commissioners; and all monies, bonds or other specialties, with all papers and documents appertaining to the office of the Commissioners appointed by, or in virtue of the aforesaid acts, shall be by them delivered to the Commissioners elected in conformity to this act, as well as a fair statement of the accounts and transactions which have occurred under the aforesaid acts, as far the Commissioners elected in conformity to the provisions of this act shall deem requisite.

X. *And be it further enacted*, That so much of the act passed in the year one thousand seven hundred and seventy-nine, for laying off the town of Warrenton, as respects the forfeiture of lots, in certain cases, be and the same is hereby repealed.

1802.

CHAP. XXVIII.

An Act to amend an act passed in the year one thousand seven hundred and ninety-five, entitled "An act to appoint Commissioners to lay off and establish a town at the place fixed upon in Moore county for erecting a Court-house, and for 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* Richardson Feccon, Bryan Boroughs, James Dowd, William Martin and Malcom Monroe, be, and they are hereby appointed Commissioners with full power and authority to carry into effect an act passed in the year 1796, entitled "An act to appoint Commissioners to lay off and establish a town at the place fixed upon in Moore county, for erecting the court house, prison and stocks of said county, and for directing the court of pleas and quarter sessions to be held there as soon as such court-house is completed; and that said Commissioners, or a majority (which in all cases whatsoever shall be a quorum sufficient to discharge the purposes of their appointment) shall from time to time, and as often as they think proper, proceed to the several duties of their appointment, in the same manner as if they had been named in the before recited act; and if any of the said Commissioners shall refuse to act, die, remove or resign, the county court of Moore, composed of a majority of the justices of said county, shall immediately proceed to the election of another Commissioner or Commissioners, in the room of him or them so refusing to act, dying, removing or resigning, and such Commissioner or Commissioners so appointed by the county court aforesaid, shall have all and singular the powers and authorities as if he or they had been mentioned within this act.

CHAP. XXIX.

An Act granting further power to the Commissioners of the town of Louisburg, in the county of Franklin.

*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, or a majority of them, may, if the same shall appear necessary, have full power to cause the county surveyor to resurvey said town, and cause to be set up a post designating the corner of each lot with the number thereof, and to levy and collect a tax not exceeding five shillings on each lot, to defray said expences.

II. *And be it further enacted, That* the Commissioners aforesaid, or a majority of them, are hereby empowered to execute a deed to the Trustees of the Franklin Academy, for such quantity of the town lands unappropriated, and on such part as a majority of the Trustees shall think proper, for the purpose of erecting said Academy on, and such other houses as they may deem necessary.

CHAP. XXX.

An Act to establish a town on the lands of Thomas Rivers, on the north side of Dan river, in Stokes county.

WHEREAS it is represented to this General Assembly, that a town in the county of Stokes on the lands of Thomas Rivers, on the north side of Dan river, would be conducive to the interest of the said county and the neighbouring counties; and the said Thomas Rivers having signified his consent to have a part of his land laid off for a town, at or near the place where there is now an inspection of tobacco:

*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* so much of the lands of Thomas Rivers, on the north side of Dan river, in Stokes county, as the Commissioners hereafter named shall deem necessary, shall be laid off into streets and lots, under and by the direction of the said Commissioners, and is hereby established a town by the name of Danton.

II. *Be it further enacted, That* Robert Sharp Hamilton, James Holmes and John Bostick, be, and they are hereby appointed Commissioners to lay off and regulate said town; and when the said town shall be laid off into proper lots and streets by said Commissioners, the said Commissioners are hereby authorized and empowered to advertise and sell the said lots, or otherwise dispose of them as they may think best to the advantage and benefit of the said Thomas Rivers: *Provided nevertheless, that* the right of making titles to the lots aforesaid shall remain in the said Thomas Rivers.

CHAP. XXXI.

An Act to amend an act for establishing the town of Trenton, in Jones county.

WHEREAS by the above recited act the Commissioners are not fully authorized to lay a town tax to defray the necessary contingencies of said town:

*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 Commissioners of the town of Trenton, in Jones county, are hereby authorized and empowered to lay a tax on all the lots, whether improved or unimproved, in said town, which shall be first valued by three respectable freeholders or owners of lots in said town, to be appointed by the Commissioners; which said Commis-



oners are authorized to appoint a collector to collect and account for said tax and pay it into the hands of the Commissioners, to be by them applied for the benefit of said town. And the said Commissioners are also authorized and empowered to appoint an overseer who shall warn all the inhabitants of said town subject to work on public roads, to work on the streets in said town and keep them in good repair, who shall be exempted from working on public roads, and the said hands shall be warned by the overseer in the same manner as hands liable to work on public roads, and on failing or refusing to work, shall pay for each and every hand the sum of five shillings per day, to be recovered in the same manner as fines are recovered from those liable to work on public roads, and applied as directed by the act of Assembly in that case made and provided.

II. And be it further enacted, That the said Commissioners shall have full power and authority to make all such laws, rules and regulations as may to them appear necessary for the government of said town, not inconsistent with the constitution and laws of this State; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXII.

An Act to appoint additional Commissioners to those already appointed for the town of Jameston, in the county of Martin.

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, James Carmer, Benjamin Atbery, Jacobud Willis and Thomas Swinson, shall be, and they are hereby appointed Commissioners of the town of Jameston, in the county of Martin, and jointly with those already appointed, shall have and exercise all the powers and authorities which have been possessed and exercised by the Commissioners heretofore appointed for the said town, any thing to the contrary notwithstanding.

CHAP. XXXIII.

An Act to amend the fifth section of an act passed in the year 1799, entitled "An act to repeal an act passed in the year one thousand seven hundred and ninety-five, for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison and stocks for the use of 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 first day of May next, the clerk of the county court of Wilkes shall remove his office, together with all the papers and records belonging to the said office, at or within two miles of the town of Wilkesborough, to be kept by himself or lawful deputy; and in case the said clerk should neglect or refuse to remove his said office, he shall forfeit the sum of fifty pounds for every such offence, to be recovered before any jurisdiction having cognizance thereof; any law to the contrary notwithstanding.

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

CHAP. XXXIV.

An Act for the relief of Innis Academy.

WHEREAS by an act passed at Fayetteville, in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An act to amend an act, entitled An act for the promotion of learning in the district of Wilmington," several Trustees were appointed to manage the concerns of Innis Academy; and whereas most of them are since dead, have refused to act, or removed to distant parts of the country, so that there is no prospect of their being ever able to make a board, and it has become necessary that others should be appointed in their stead:

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 Robert Nixon, James Bludworth, Hinton James, William Robertson, sen, Almand Hall, Richard Quince, James Shawe, John Calvin, James Foy, Roger Cutlar and Samuel Ashe (the son of John) be appointed, and they are hereby appointed Trustees to said Academy, with all and every the power and powers which the Trustees in said act named had and enjoyed; and furthermore, that if it shall appear to the Trustees hereby appointed, proper and expedient to dispose of the tract of land bequeathed to said Academy by James Innis, Esquire, deceased, in order to procure a more convenient one, they are hereby fully empowered to convey a good and sufficient title to the purchaser,

CHAP. XXXV.

An Act to establish an Academy in 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 David Torrey, Angus Gilchrist and John M'Alister shall be, and they are hereby declared to be a body politic and corporate, to be known and



1803 distinguished by the name of "The Trustees of the Cedar Grove 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 as they or a majority of them may deem most advantageous to the said Academy, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tencements and hereditaments, of what kind or nature soever, in special trust and confidence that the same, or profits thereof, be applied to, and for the use of said Academy.

II. *And be it further enacted*, That the said Trustees, or a majority of them, shall have power to make such laws and regulations for the government of 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.

III. *And be it further enacted*, That when they, or a majority of them, may deem it necessary, they shall have full power and authority to nominate other Trustees, whose power and authority shall be equal to those herein appointed.

XXXVI.

An Act to establish an Academy in Nixonton, in the county of Pasquotank.

WHEREAS establishing Seminaries of Learning for the purpose of educating youth, are 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 Robert M'Morine, Andrew Knox, William T. Mule, William Brewer, Hugh Knox, Thomas Harvey, Thomas Banks, John Bailey, Joseph Banks, John Hamilton, Frederick B. Sawyer, William S. Hinton, Maimaduke Scott, Bailey Jackson, Charles Grice, Timothy Cotter, William T. Relfe, Jesse Reding and Gabriel Bailey, 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 Nixonton Academy," and by that name shall have perpetual succession; and they or 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 for ever, any lands, rents or tencements, 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 said Academy.

II. *And be it further enacted by the authority aforesaid*, 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 of them, 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.

III. *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, to elect other 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.

IV. *And be it further enacted*, That 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 one thousand pounds, by one or more lottery or lotteries, by such scheme or schemes as the said Board of Trustees may think proper, to be applied towards defraying the expences of building said Academy.

V. *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.

C. AP. XXXVII.

An Act to establish an Academy in the town of Wilmington.

WHEREAS the inhabitants of the town of Wilmington and its vicinity, have made liberal subscriptions towards the establishment of an Academy in said town, and have appointed

Trustees thereof, Joshua Grainger Wright, Samuel Russel Jocelyn, Nathaniel Hill, James W. Walker and Benjamin Smith; and whereas the Subscribers to such establishment are desirous of receiving the sanction of the Legislature by an act of incorporation,

*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 Joshua Grainger Wright, Samuel Russel Jocelyn, Nathaniel Hill, James W. Walker, and Benjamin Smith, be and are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The Trustees of the Wilmington Academy," and by that name shall have perpetual succession and a common seal, and shall be able and capable in law, by the name aforesaid, to sue, and implead, be sued and impleaded, answer and be answered, in all courts of record in this State, and before any jurisdiction having cognizance of matters and things not within the jurisdiction of courts of record.*

*II. And be it further enacted, That they the said Trustees and their successors shall be, and are hereby declared to be able and capable in law to take, demand, receive and possess, all monies, goods and chattels that shall be given them for the use of said Academy, and the same apply according to the will of the donors, and by gift, purchase or device, to take, have, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements, hereditaments, of what kind, nature or quality soever, in special trust and confidence, that the same, or the profits thereof, shall be applied to and for the use and purposes of establishing and endowing the said Academy; and all purchases by them made of real and personal estate, in their name as Trustees aforesaid, and all contracts entered into by them as aforesaid, are hereby declared to be as good and valid, to all intents and purposes, as if they had been heretofore a body politic and corporate.*

*III. And be it further enacted by the authority aforesaid, That the said Trustees and their successors, shall have, and are hereby declared to have, full power and authority to grant, bargain and sell, rent or hire out, any lands, goods or chattels, which they or their successors may hold and possess as the estate or property of said Academy; and they shall also have, and are hereby declared to have, full power and authority to make and ordain such rules, laws and regulations for their own government, and for the regulation and government of said Academy, as they or their successors, from time to time may consider necessary and proper, and generally to do all such matters and things as are usually done by bodies politic and corporate.*

*IV. And be it further enacted, That in case of the death, resignation, refusal to act, or removal out of the district of Wilmington of any of the said Trustees, the remaining or surviving Trustees shall have power and authority to elect some other person or persons in the room of such as shall die, resign, refuse to act, or remove out of the district; and all vacancies which may from time to time happen, shall be filled up in like manner, and the person so elected shall have the same power and authority as the Trustees named in this act.*

*V. And be it further enacted, That the said Trustees and their successors, or a majority of them, are hereby empowered to raise by way of lottery, to be drawn under their inspection, any sum or sums of money not exceeding three thousand dollars, which they may deem requisite for the benefit of said Academy.*

#### CHAP. XXXVIII.

An Act to carry more fully into effect the first section of an act, passed in the year 1801, empowering the County Court of Chatham to lay a tax for the erection of a Poor-house, and to authorize the Commissioners of the town of Edenton to convey a part of the town commons for that 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 Commissioners of the town of Edenton shall be authorized, and they are hereby authorized to make over and convey a lot or parcel of ground out of the commons of said town, not to exceed four acres, in the manner prescribed in the third section of the aforesaid recited act, and for the purpose of erecting thereon a building for the reception of the poor of said county.*

And whereas it is represented, that the court of said county have omitted to lay the tax for the year eighteen hundred and three, agreeable to the first section of said act: *Be it enacted, That the said court shall have full power to lay the same for the year eighteen hundred and four, under the same rules and regulations as are therein mentioned.*

#### CHAP. XXXIX.

An Act to encourage Francis X. Martin to publish a serial of certain Acts of Assembly.

*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 Francis X. Martin shall have the sole and exclusive right, during the term of five years, to begin from and after the first day of June next, of*

printing and vending within this State, a Revival of the public Acts of the General Assembly of this State, passed from the year one thousand seven hundred and ninety, to the end of the present session: *Provided*, the Revival contemplated by a resolution passed at this session of the General Assembly for reviving the laws and connecting them with Judge Iredell's Revival, shall be sanctioned by the next General Assembly which shall be held after the Revival shall be lodged in the Secretary's office.

## CHAP. XL.

An Act to empower George Burton, of Caswell county, to sell certain lands therein mentioned.  
 WHEREAS Charles Burton, late of the county of Caswell, departed this life in the year one thousand seven hundred and eighty-five, having made and published his last will and testament, wherein he directed two certain tracts or parcels of lands, lying and being on Hogan's creek, in the county of Caswell aforesaid (one containing two hundred acres, the other two hundred and eight acres) of which he the said Charles died seized and possessed, to be sold when his son Robert arrived at full age, and the proceeds of said sale to be equally divided among all his children: And whereas the said Robert has long since arrived at full age, and no sale or disposition of the said tracts or parcels of lands has yet been made agreeably to the directions of the said testator, for the want of some person legally authorized for that purpose: To the intent that the will of the said Charles Burton may be executed, and the benefit therein intended for his children may be immediately secured to them:

*Be it enacted by the General Assembly of the State of North-Carolina, that it is hereby enacted by the authority of the same*, That George Burton, one of the children of the aforesaid Charles, shall, immediately after the passing of this act, have full power and authority to sell and dispose of the said two tracts or parcels of lands, one containing two hundred acres, the other two hundred and eight acres, lying and being on Hogan's creek, in the county of Caswell, of which the said Charles died seized and possessed, and to convey to the purchaser all the title or interest whatsoever that the said Charles had in the same; he the said George entering into bond with good and sufficient security with the county court of Caswell, in the sum of two thousand pounds, to pay over to his brothers and sisters, their distributive shares of the proceeds of said sale.

## CHAP. XLI.

An Act to authorize the Clerk of the county court of Pasquotank to deliver the original will of John Stokes, to the person therein named.

WHEREAS it is represented to this General Assembly, that John Stokes, late of the island of Jamaica, died in the county of Pasquotank, having first made his last will and testament in writing, which said last will is now filed in the Clerk's office of the said county court: And whereas it is further represented, that the surviving Executor to the said last will hath fully administered all the effects of the deceased in this country, and that the said original will is necessary to be exhibited in the said island of Jamaica:

*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 Clerk of the county court of Pasquotank be, and he is hereby authorized and required to deliver unto Robert M'Moine, the original will of John Stokes, late of the island of Jamaica, deceased.

II. *And be it further enacted*, That the Clerk of the said county court of Pasquotank shall file, or cause to be filed, a copy of the said last will and testament of the said John Stokes in his office; which said copy shall, to all intents and purposes, be considered and received as high legal evidence of the will as the original might or could be, was it in the said Clerk's office filed; any thing to the contrary notwithstanding.

## CHAP. XLII.

An Act to empower William I. Griffitt, of Brunswick county, and William Wright, of Surry county, to collect the arrearages of taxes due 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, William I. Griffitt, sheriff of Brunswick county, and William Wright, sheriff of Surry county, be, and are hereby empowered, in as full and ample manner as all other sheriffs are by law, to collect the arrearages of taxes due them in said counties of Brunswick and Surry, for the year one thousand eight hundred and one: *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 who has removed out of the counties aforesaid. And this act is hereby declared to remain in force no longer than twelve months from the passage thereof; any law to the contrary notwithstanding.



## CHAP. XLIII.

An Act authorizing David Shuford, late sheriff of Lincoln county, and John Jennings, late sheriff of Anson county, to collect the arrearages of taxes for the years one thousand eight hundred and one thousand eight hundred and one.

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 Shuford, late sheriff of the county of Lincoln, and John Jennings, late sheriff of the county of Anson, be and they are hereby authorized and empowered to collect the arrearages of taxes due them in said county, for the years one thousand eight hundred and one thousand eight hundred and one, in the same manner, and under the same rules and regulations that sheriffs of the several counties within this State are empowered and authorized to collect taxes: *Provided*, that nothing in this act shall authorize said David Shuford and John Jennings to demand or collect any taxes from the estate of any deceased person, or that the same continue in force for a longer time than one year.

## CHAP. XLIV.

An Act authorizing Samuel Lusk, late sheriff of Buncombe county, to collect the arrearages of the county and public tax for the years 1801 and 1802.

INASMUCH as doubts have arisen in the minds of a number of the citizens of the county of Buncombe of the propriety of paying and discharging their county and public tax for the years 1801 and 1802, conceiving and suggesting that those taxes were not laid annually agreeably to Act of Assembly in such case made and provided:

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 proceedings of the county court of Buncombe, so far as regards and relates to the assessing and laying of taxes for the years 1801 and 1802, are held and deemed valid, to all intents and purposes as if the same had been annually laid; and that Samuel Lusk, late sheriff of said county, have full power and authority to collect the same, for those years: *Provided always*, he does not presume to collect from executors or administrators, or from any person who will make oath before a Justice of the Peace that he, she or they have paid the same.

II. And he it further enacted, That it shall be the duty of the said Samuel Lusk, to collect the aforesaid arrearages of the said county and public taxes within twelve months from the passing of this act, and within two months thereafter pay over the same to the County Trustee, such sum as he may be entitled to receive as County Trustee, and the balance to the Treasurer of public buildings, after deducting such commissions as are allowed to sheriffs for collecting public taxes; and on failure thereof, shall be liable to the penalty of five hundred pounds, to be recovered by any person suing for the same, for the use and benefit of the county; any thing to the contrary notwithstanding.

## CHAP. XLV.

An Act authorizing the several persons herein named to collect the taxes due them in their respective 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 George Harris, late sheriff of Cabarrus county, Stephen Harris, late sheriff of the county of Craven, Richard Sessums, late sheriff of the county of Edgecomb, Ebenezer Smithwick, late sheriff of Martin county, and David Jones, late sheriff of New-Hanover county, for the year one thousand eight hundred, be, and they are hereby authorized to collect the arrearages of taxes due them for the years one thousand eight hundred and one thousand eight hundred and one, under the same rules and restrictions as heretofore allowed by law: *Provided always*, that they shall not collect any taxes due them for the said years from Executors or Administrators, or from any person who will make oath that he or she hath paid the same: And *provided further*, that the said sheriffs shall, in all cases, make oath that the taxes demanded are due, if required.

## CHAP. XLVI.

An Act to authorize Thomas Barnes, of Robeson county, to convey certain town lots in the town of Lumberton.

WHEREAS sundry inhabitants of the town of Lumberton have petitioned the General Assembly, praying that an act should be passed authorizing the sheriff to convey certain town lots which were sold by the sheriff of Robeson county, 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 Thomas Barnes, sheriff of Robeson county, be, and he is hereby empowered, after the ratification of this act, and before the first Monday in July next, to execute deeds of conveyance to Richard Powell, John McCall, Peter Lamon, William Moore, Archibald Mac and John Noves, who have purchased a town lot or lots as herein above stated: *Provided always*, that all such purchasers, or some person for them, shall make

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1802 oath before some Justice of the Peace, or produce some other satisfactory evidence, that he or they have actually paid the purchase-money for such lot or lots: *Provided also*, that nothing herein contained shall be construed so as to affect the legal claim of any other person whatever.

II. *And be it further enacted*, That all such deeds as are herein directed to be executed, shall be as good and valid in law as if the same had been made by the Sheriff who sold such lot or lots mentioned in the preceding clause; any thing to the contrary notwithstanding.

## CHAP. XLVI.

An Act to revive an act, entitled "An act directing the manner in which the Sheriffs of Buncombe and Wilkes counties shall hereafter collect and pay out the taxes of said counties, and other purposes therein mentioned," passed in the year 1801.

*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 before recited act be, and the same is hereby declared to be in full force for twelve months after the ratification of this act, so far as it regards the county of Buncombe; any thing to the contrary notwithstanding.

## CHAP. XLVIII.

An Act to repeal an act passed at the last session of the General Assembly, as far as respects the counties of Pasquotank and Camden, entitled "An act directing the mode of Patroles in the counties of Gates, Camden and Pasquotank."

*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 counties of Pasquotank and Camden, is hereby repealed and made void.

## CHAP. XLIX.

An Act to empower the County Court of Johnston to transcribe such parts of the Register's Books of said county as may appear necessary.

*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 county court of Johnston shall have power to employ some proper person to transcribe into a bound book or books, such part of the Register's books as may be in a situation unfit for preserving the records of said county; and that the said records so transcribed, shall be considered, to all intents and purposes, as valid as if the same had been originally recorded in said book or books.

## CHAP. L.

An Act to authorize and empower the County Court of Northampton to appoint some proper person to transcribe the Register's Books of said county.

**WHEREAS** the Register's books of Northampton county are, by long time and use, become much worn, in consequence of which injuries to many individuals may happen: 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 court of Northampton is hereby authorized and required to appoint some proper person or persons to transcribe such of said Register's books as appear to them to want transcribing; and he or they so appointed shall, before their entering on said appointment, take the following oath, to-wit: "I A. B. do swear that I will, to the best of my skill and abilities, fairly and honestly transcribe such Register's books as may be confided to me for that purpose, so help me God." And he or they so appointed, shall be allowed such compensation as the said court may think adequate to his or their services; and such transcript thus made, shall be deemed as good and valid, to all intents and purposes, as the originals are or ever were, any law to the contrary notwithstanding.

## CHAP. LI.

An Act authorizing the County Court of Lincoln to appoint a proper person to transcribe such of the Records in the Register's office as said court should deem necessary.

**INASMUCH** as it is represented to this General Assembly, that a considerable part of the books in the Register's office of Lincoln county, are much obliterated owing to time and use,

*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 county court of Lincoln, after examining the records belonging to the Register's office of said county, shall have full power and authority, if they should deem it necessary, to appoint a capable person to transcribe a part or the whole of said books, and allow him such sum for so doing out of the county tax as may be deemed adequate to his time and trouble.

II. *And be it further enacted*, That after the said records shall be transcribed in books well bound and procured for the purpose, the said transcripts in said books, after the same shall be inspected by persons appointed by the said county court, and by the said court approved, shall

be, and they are hereby declared to be as valid, to all intents and purposes, as the original, and transcripts and copies thereof shall be received in evidence, in as full and ample manner as copies and transcripts from the said originals.

## CHAP. LII.

An Act to repeal an act passed in the year one thousand seven hundred and ninety-seven, entitled "An act to revive an act, entitled An act for the more speedy determining of disputes that have arisen, or hereafter may arise in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, from erecting mill-dams, and to prevent persons from building mills as hereinafter described, passed in the year one thousand seven hundred and eighty-five."

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 before recited act and every part thereof, be, and the same is hereby repealed and made void.

## CHAP. LIII.

An Act to amend an act passed in the year one thousand eight hundred and one, 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."

WHEREAS many of the inhabitants of Burke county, not being informed of the existence of the above recited act, have neglected to enrol their claims with the County Treasurer within six months, as required by the third section of the above recited act; and whereas many of those persons are entitled to claims for their own services, which ought to be obtained,

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 claims in the said county of Burke for service of jurors to the superior and county courts, and of the clerk, sheriff and constables that have not been enrolled as required by the above recited act, shall have six months from the passing of this act for enrolment, and shall be paid and discharged by the County Treasurer, under the regulations and restrictions as other claims already enrolled under the above recited act.

II. And be it further enacted by the authority aforesaid, That the County Treasurer of Burke shall be required, before any claim or claims shall be settled in favour of himself above the amount of five pounds in any one year, to make oath before two Justices of the Peace for the county, and sign a deposition of the same (which shall be filed in the clerk's office of the county) that the claims so required to be settled on his account, were for his own services, or that he gave the full amount for them in current money of this State; any law to the contrary notwithstanding.

## CHAP. LIV.

An Act to repeal part of an act, passed at Raleigh in the year one thousand seven hundred and ninety-seven, entitled "An act making compensation to the county court jurors of New-Hanover, Surry, Stokes, Buncombe, Orange, Cumberland, Montgomery, Wilkes, Sampson, Carteret, Burke, Richmond and Randolph."

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 relates to Richmond county, is hereby repealed and made void: *Provided nevertheless*, that this act shall not prevent the court of the county aforesaid to lay a tax or taxes sufficient to pay off all claims which are or may be obtained for serving as jurors in said county, previous to the first day of April next; but that no such allowance shall afterwards be made, any law to the contrary notwithstanding.

## CHAP. LV.

An Act making compensation to the Jurors 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 the jurors appointed, and who shall regularly attend the county court of Brunswick, at each and every term, shall be entitled to receive for each and every day he or they may attend, the sum of eight shillings, and eight shillings for every thirty miles travelling to and from the said court, for which each juror shall obtain a certificate from the Clerk of the said county, and the said certificate shall be paid off by the County Treasurer or Trustee, under the same rules as are prescribed for the payment of jurors to the superior court.

## CHAP. LVI.

An Act to authorize the County Court of Surry to lay a tax to pay their Jurors, and for 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 county court



1802. of Surry shall have full power and authority to lay and collect a tax for the payment of the jurors in said county, in the same manner, and under the same rules and regulations as other county taxes are laid and collected.

II. *And be it further enacted by the authority aforesaid,* That the county court of Surry is hereby empowered to allow to each juror attending said court in future, a sum not exceeding eight shillings per day, and eight shillings for every thirty miles travelling to and from court: *Provided nevertheless,* that no tax shall be laid for this purpose, nor any allowance granted, unless a majority of the acting justices shall be present at the making of the order.

III. *And be it further enacted,* That the jurors shall be paid in the following order: The Clerk of said court shall number the names of the jurors as they are drawn out of each county court, and shall furnish each juror at the rise of the court, with a ticket for his mileage and attendance, numbered in the order their names were drawn at the commencement of the court, and shall continue to number with progressive numbers for one year, and shall proceed to do so in each and every year hereafter; and the Sheriff or County Trustee shall pay the jurors in the order of the numbers of their several tickets, beginning with the lowest number.

IV. *And be it further enacted,* That the Clerk shall be entitled to demand and receive from each juror the sum of eight pence for each ticket by him made out, which shall be taxed in the ticket, and make a part of the charge against the county.

V. *Be it further enacted by the authority aforesaid,* That the Treasurer of public buildings in said county be, and he is hereby authorized to sell the old jail in said county, to the highest bidder; he first giving ten days public notice of the time and place of selling the same, and the money arising from the sale of the same, to be applied as other county taxes.

CHAP. LVII.

An Act to apportion the number of Jurors hereafter to be sent to Newbern Superior Court among the several counties composing the district.

WHEREAS the number of jurors heretofore sent to Newbern superior court have been very disproportionate among the several counties composing 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 first day of February next, the counties composing the district aforesaid, shall send as jurors to the superior court aforesaid, the following number, to wit: Beaufort five, Craven ten, Carteret three, Greene three, Hyde three, Johnston four, Jones four, Lenoir three, Pitt six, and Wayne ten; all of whom shall be appointed by the courts of the counties severally, and sent to the superior courts aforesaid, under the same rules, regulations and restrictions as have been heretofore observed in that case, any law to the contrary notwithstanding.

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

CHAP. LVIII.

An Act to compel the attendance of Jurors appointed by the County Court of Buncombe to review roads.

INASMUCH as great inconveniences and difficulties arise in the county of Buncombe, owing to the non-attendance of the persons appointed by the court to lay off and review public roads:

*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 jurors appointed by the county court of Buncombe to lay off and review public roads, shall always give their attendance at the times and places to them assigned, after receiving notice from the Sheriff whose duty it shall be to give the same; and on failure thereof, they shall be deemed liable to the same forfeitures and penalties that jurors are bound for, on account of their non-attendance at the county courts, any law to the contrary notwithstanding.

CHAP. LIX.

An Act to empower the Wardens of the Poor in the county of Martin, to lay and collect an additional Poor-tax within 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 the Wardens of the Poor of the county of Martin, shall have full power and authority to lay an additional poor-tax within said county, not exceeding three shillings on every taxable poll, one shilling on every hundred acres of land one shilling on every hundred pounds value of town property, ten shillings on every licence to retail spirituous liquors, and on all stud horses one-fourth of the sum asked by the owner of such

stud horse for the season of one mare; which tax shall be collected by the sheriff of the county of Martin, and accounted for in the same manner, and under the same conditions and penalties as heretofore directed by law.

## CHAP. LX.

An Act to empower the County Court of Buncombe to lay the county tax under the regulations herein contained.

WHEREAS it often happens that a majority of the Justices of the Peace do not meet together at the court house in the county of Buncombe, at the time appointed by law for levying the county tax, whereby the collection of the said tax is delayed, and other inconveniences are experienced: 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 Justices of the Peace of the county of Buncombe, at the first court which shall happen after the first day of April in each and every year, to proceed to levy the county tax; and if a majority of the said Justices should not attend the said court, then and in that case it shall and may be lawful for any seven of the said Justices to levy the tax aforesaid; any thing in any law to the contrary notwithstanding.*

## CHAP. LXI.

An Act to empower the Wardens of the Poor of the county of Greene to lay and collect an additional Poor-tax.

WHEREAS the poor-tax now allowed by law within the county of Greene, is found to be insufficient to defray the expence of the poor of the 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, the Wardens of the Poor for the county of Greene, shall have full power and lawful authority to lay an additional poor tax, not exceeding one shilling on each poll, and four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, for discharging the arrears due for the support of the poor within the county aforesaid; which said tax shall be collected and accounted for by the respective sheriffs of said county, 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.*

## CHAP. LXII.

An Act to repeal part of an act, passed at Raleigh in the year one thousand seven hundred and ninety-four, so far as respects Richmond county, entitled "An act to empower the several County Courts therein mentioned to lay a tax for the purpose of destroying Wolves and Bears 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 above recited act, so far as it relates to Richmond county, is hereby repealed and made void: Provided nevertheless, that the Trustee of said county be, and he is hereby directed to receive and pay for all claims which have been obtained, agreeable to the directions of the above recited act; but that no such allowance shall in future be made, any law to the contrary notwithstanding.*

## CHAP. LXIII.

An Act to empower and authorize the Wardens of the county of Camden to lay an additional tax for the support of the Poor of 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 it shall and may be lawful for the Wardens of the Poor for the county aforesaid, to lay a tax not exceeding one shilling on each and every poll, and four pence on every hundred acres of land, to be levied, collected and accounted for as the law in such cases directs.*

## CHAP. LXIV.

An Act to authorize the County Court of Hertford to lay a tax for defraying the expences incurred in suppressing the late Insurrection of the Negroes 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 the county court of Hertford be, and is 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 full amount of what the owners of every stud horse shall receive for the season of one mare, to be levied, collected and accounted for in the county aforesaid, in the same manner as other county taxes.*

1803. II. *And be it further enacted*, That the county court aforesaid shall appoint three proper persons as Commissioners to examine and liquidate the accounts of such persons as have furnished the officers and soldiers who were employed in suppressing said insurrection, either with provisions, arms, or other things necessary for them while called out to suppress the same; likewise the claim of Francis Bell for a horse which was impressed from him by the officers and died in the service, during the time of said insurrection; which claims when so liquidated, shall be discharged and paid by the County Trustee, out of the money so raised and collected in pursuance of this act: *Provided*, that in case any money should remain in the hands of the County Trustee, after the before-recited claims are paid and discharged, that the same shall be by him applied towards the contingent charges of said county.

#### CHAP. LXV.

An Act to repeal part of an act, entitled "An act to empower the County Courts therein mentioned to lay a tax to defray the expences incurred by the late Insurrection of the Negroes, passed at Raleigh in the year one thousand eight hundred and two.

*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 so much of the above recited act as relates to the county of Martin, shall be, and the same is hereby repealed.

#### CHAP. LXVI.

An Act authorising the County Court of Washington to lay a tax in said county, for the purpose of defraying the expences of the late Insurrection of Negroes 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 the county court of Washington be, and they are hereby authorised and empowered to lay a tax in said county not exceeding one shilling and sixpence on each and every poll, and sixpence on each and every hundred acres of land, to be levied and collected and accounted for, in the same manner, and under the same rules, regulations and restrictions as other county taxes are levied, collected and accounted for in the said county of Washington.

II. *Be it further enacted*, That David Clark, Levi Blount and Job Camstock, or any two of them, are hereby appointed Commissioners to examine and liquidate all claims that may be exhibited to them by the citizens of said county for provisions and liquors found for the use of the militia called out to suppress said insurrection, in the month of June, one thousand eight hundred and two; also to make an allowance to the officer and a certain guard that was ordered by the Justices of said county to guard the criminals that were committed to their care: And such accounts as shall be allowed by the Commissioners, or a majority of them, shall be paid by the County Trustee out of the monies arising from said tax, reference being had by said Commissioners in settling said accounts to the militia law, as far as relates to furnishing provisions and liquors; and the balance of said tax, if any, after paying off the claims allowed by said Commissioners, or a majority of them, shall be applied and accounted for by the County Trustee as other county monies.

III. *And be it further enacted*, That the said Commissioners, or a majority of them, before they proceed to discharge the duties required of them by this act, shall give public notice thereof by advertisement, of the place and time of their meeting, at least twenty days before they enter on the discharge of the same.

#### CHAP. LXVII.

An Act to amend an act, passed in the year one thousand seven hundred and ninety-nine, entitled "An act to appoint County Comptrollers in the several counties therein mentioned," as far as it respects the county of Rutherford, and to direct the duty of the officers therein named.

*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 Justices of the Peace for the county of Rutherford shall meet on the second day of the first court that shall happen in each and every year, and elect a Comptroller and all other county officers, and shall at that time lay the county tax, and make the allowance to all persons entitled to pay from the county.

II. *And be it further enacted by the authority aforesaid*, That the Clerk shall, within the space of thirty days after the rise of each court, make return to the Comptroller of all the fines and monies coming to the county, together with the names of the persons from whom the same may be due; and the Comptroller, in thirty days thereafter, shall make report to the County



Treasurer; and the sheriff shall pay into the hands of the County Treasurer, all county monies that he may collect, and the Treasurer's receipt shall be by the sheriff returned with the execution to the clerk's office.

III. *And be it further enacted by the authority aforesaid,* That the Ranger shall, within the space of thirty days after the rising of each court, make return to the Comptroller of all the entries made with him of strays, together with the bonds filed; and when any person proves a stray away out of the possession of any person, before any Justice of the Peace, the Justice is hereby directed, as soon as may be, to file the deposition with the Comptroller, in order to cancel the bond of the taker-up of said stray: And the Comptroller shall, at the expiration of one year after the time that any stray shall be taken up and not proved away from the person having possession of the same, make report to the Treasurer of the sum due to the county, once in every three months; and the County Treasurer shall call on all persons reported against by the Comptroller in the space of three months, and if he neglects or omits calling upon any persons by suit, indebted to the county, and the money be lost in consequence of such neglect or omission, that then and in that case, the Treasurer shall be liable upon his bond to the county, for all such sums as shall be lost.

IV. *And be it further enacted by the authority aforesaid,* That the Wardens of the Poor shall make return every three months by their clerk, the amount of all sums of money laid on the county by them; and also an account of all monies paid to them for the use of the poor, and the Comptroller shall, every three months, make report to the County Treasurer: They shall also annually return to the Comptroller the tax that they lay upon the county for the support of the poor.

V. *And be it further enacted by the authority aforesaid,* That the sheriff shall settle on or before the first Monday in July in each year, after the time that he is allowed to settle the public tax; and he shall settle the county and poor-tax upon oath, or produce to the County Comptroller a certificate from the Comptroller of the State, the amount of lands and polls, and the Comptroller shall report said settlement to the County Treasurer before the first Monday of October following.

VI. *And be it further enacted by the authority aforesaid,* That each and every officer whose duty is by this act prescribed, shall faithfully comply with the duties herein mentioned, and in case of failure, shall forfeit and pay fifty pounds for the use of the county, to be secured as other monies due to the county.

VII. *And be it further enacted by the authority aforesaid,* That all suits shall be brought by the County Treasurer, in the name of the Chairman of the court of said county, and his successors in office, and under the same rules and regulations as other public monies are recovered, for the use of the State.

VIII. *And be it further enacted by the authority aforesaid;* That the county court shall allow the Comptroller and County Treasurer any sum they shall deem sufficient for their services, not exceeding twenty-five pounds each.

IX. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws coming within the purview and meaning of this act, are hereby repealed and made void.

#### CHAP. LXVIII.

An Act to amend the third section of an act, passed at Raleigh in the year one thousand eight hundred and two, entitled "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."

WHEREAS the above recited third section required all those holding claims against the county of Richmond to have them entered and numbered on the claim-book kept by the clerk of the court of said county, by the first day of September last, and part of the citizens having failed to comply with said act, are deprived of receiving their just dues: 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 those holding claims which the court may deem legal and just against said county, shall have until the first day of April next to have entered and numbered such claims, which shall then be deemed as good and valid as if they had complied with the requisites of the above recited section; any law to the contrary notwithstanding.

## CHAP. LXIX.

1803. An Act to alter the time of holding the Court of Pleas and Quarter Sessions of the counties of Sampson and Cumberland.

*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 court of pleas and quarter sessions to be held for the county of Sampson on the first Monday in February next, the said court shall be held on the second Monday in the months of May, August, November and February in every year; and the said court to be held on the first Monday in February next, shall stand adjourned to the second Monday in May following, and all process issuing therefrom shall be made returnable accordingly.

II. *And be it further enacted,* That from and after the court of pleas and quarter sessions to be held for the county of Cumberland on the second Monday in February next, the said court shall be held on the second Monday in the months of April, July, October and January in every year; and the said court to be held on the second Monday in February next, shall stand adjourned to the second Monday in April following, and all process issuing therefrom shall be made returnable accordingly. And that all acts and clauses of acts coming within the purview and meaning of this act, be, and the same are hereby repealed and made void.

## CHAP. LXX.

An Act to tax all suits that may hereafter be brought in the County Court of New-Hanover.

*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 on all suits which may hereafter be brought in the county court of New-Hanover, and on all appeals that may be returned in said court, there shall be laid a tax of ten shillings, which shall be taxed in the bill of costs; and for all suits on land causes the sum of twenty shillings, and on all other causes where the intervention of a jury shall be needful fifteen shillings, to be collected in like manner as other public taxes on suits heretofore used.

II. *Be it further enacted,* That the Clerk of the said court shall, within five days after the expiration of each term, account with and pay to the County Treasurer, the full amount of taxes on judgments or executions which may have been satisfied or discharged at the preceding court, and shall render the same on oath, which oath the said Treasurer is hereby authorized to administer, and an account stated at length with the names of the parties to such judgments or executions; which tax, when received by the said Treasurer, shall be deposited in the common Treasury by him kept, with all other monies received.

III. *And be it further enacted,* That it shall be the duty of the Treasurer of said county to report to the court of his county, annually, the state of the treasury, together with the amount of taxes arising from every species of property by said county taxed, and also the amount arising from suits, and at the same time the amount of disbursements, as well to jurors as for other purposes; and in case of failure, shall forfeit and pay the sum of one hundred pounds, to be applied to the use of said county, to be recovered in the name of the Chairman of the said county court; for which purpose, the County Solicitor shall, on application, bring suit, wherein the onus probandi shall lie on the defendant.

## CHAP. LXXI.

An Act to amend an act to appoint public Registers, and to direct the method to be observed in conveying lands, goods and chattels, and for preventing fraudulent deeds and mortgages, passed in the year of our Lord one thousand seven hundred and fifteen, as far as respects the Register of 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 from and after the passing of this act, it shall and may be lawful for the public Register of Pasquotank county to receive for registering each grant, deed, bill of sale, or other instrument of writing, including the certificate of probate, and for every copy taken from the record of the Register's office, the sum of five shillings, and for each search the sum of one shilling; any law to the contrary notwithstanding.

## CHAP. LXXII.

An Act to annex certain penalties on the Clerk of the County Court of Rowan for transacting business in his office in future, which is directed by law to be transacted in open court, and for other purposes.

WHEREAS the county court of Rowan have heretofore granted the privilege to the clerk of said county to do business in his private office which is required to be done in open court, whereby many persons may be injured, and there being no penalty on the clerk for 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, if the clerk of the county court of Rowan shall transact any part of the business of his office in private, which is directed by law to be done in open court, he shall forfeit and pay for every offence, the sum of fifty pounds, and be further subject to a removal from office for a misdemeanor.

II. *And be it further enacted,* That the county court aforesaid shall not appoint any person as constable without a recommendation from the captain and a majority of his company, in the district in which he may reside, and shall renew such recommendations annually so long as he may be a candidate for such appointment; and shall be empowered to proceed to the discharge of his duties, on giving bond and security agreeable to law. And it shall be the duty of the clerk of said county to keep a list of all such officers, and any person whatever hereafter acting as constable within the county of Rowan, without performing the requisites by this act enjoined, shall forfeit and pay the sum of five pounds for each and every offence, unless depu- tized for a special purpose.

III. *And be it further enacted,* That one half of the fines imposed by virtue of this act, shall be for the use of the person or persons who may sue or prosecute for the same, and the other half to the use of the county of Rowan, to be recovered before any jurisdiction having cognizance thereof; any law to the contrary notwithstanding.

#### CHAP. LXXIII.

An Act for running and ascertaining the Boundary-line between the counties of Sampson and Johnston.

WHEREAS it does appear that the dividing-line between the said counties has never been run or ascertained, and that 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 George Draughon, Nathaniel Thornton, Josiah Blackman, William Bryan, Isaac Williams and Henry Stephens, are hereby appointed Commissioners, with full power and authority to meet previous to the first day of June next, run, mark and ascertain the said line; and that they shall receive for their services each the sum of twenty shillings per day, to be paid by the counties to which they respectively belong; and the said line when run, marked and ascertained, shall be entered on the records of each of said counties, thenceforth shall be considered, and is hereby declared the boundary and dividing line between said counties.

#### CHAP. LXXIV.

An Act to establish the dividing-line between the two battalions in the county of Randolph.

*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, Deep River shall be the dividing line between the two battalions, as far down as to the mouth of Brush Creek, thence east to Chatham county line; any thing to the contrary notwithstanding.

#### CHAP. LXXV.

An Act to amend an act, entitled "An act for the division of Wilkes and Tyrrel 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 town already laid off at the court-house in the county of Ashe, shall be, and the same is hereby established into a town by the name of Jefferson.

II. *Be it further enacted,* That the sheriff of said county shall, on the first Monday in January in each and every year, hold an election in said town of Jefferson, for the election of three Commissioners, and the inhabitants of said town holding a lot therein in their own right shall alone be entitled to vote for said Commissioners. And the said Commissioners when so elected, shall have full power and authority to make all such by-laws, rules and regulations for the good government of said town as they, or a majority of them, shall think proper to devise; which laws, when so made, shall be binding on all persons, in the same manner as though they had been particularly mentioned in this act: *Provided,* that such by-laws when so made, be not inconsistent with the laws or constitution of this State, or of the United States.

III. *Be it further enacted,* That if the sheriff of the county of Ashe shall fail to hold the election prescribed by this act, by himself or lawful deputy, he shall forfeit and pay the sum of ten pounds, to be recovered before any jurisdiction having cognizance thereof, in the name of the person suing for the same, one half to the use of the informer or person suing for the same, and the other half to the use of the county.



CHAP. LXXVI.

An Act to establish the dividing-line between the county of Montgomery and Moore.  
**WHEREAS** it is found necessary to establish the dividing-line between the counties of Montgomery and Moore, by which all disputes which have arisen in consequence thereof may be adjusted:

*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 Cockram and James Chapel, of the county of Montgomery, and Murdock Martin and Francis Bullock, of the county of Moore, be, and they are hereby appointed Commissioners to ascertain and establish the dividing-line between said counties; and when it shall be fixed on by the Commissioners, it shall be deemed and established the dividing-line.

**II.** *And be it enacted by the authority aforesaid,* That the said Commissioners shall be governed in ascertaining said line by the laws heretofore passed relative to this subject.

**III.** *And be it further enacted,* That the Commissioners of each county shall, in their discretion, appoint one or two surveyors to assist in running and establishing said line, and a chopper to assist in the demarkation thereof. The commissioners and surveyor or surveyors shall be allowed for their services, for each and every day they are engaged in the business aforesaid, the sum of twenty shillings, and the chopper the sum of ten shillings; which sums shall be paid by each county in equal proportion.

**IV.** *And be it further enacted,* That the commissioners and surveyor or surveyors shall make, or cause to be made, two fair plats of their proceedings, one of which to be recorded in Montgomery, and the other in Moore county; any law to the contrary notwithstanding.

CHAP. LXXVII.

An Act to establish the divisional line between the counties of Cabarrus and Montgomery.

**WHEREAS** it has become necessary to establish the divisional line between the counties of Cabarrus and Montgomery, and to quiet and put an end to future disputes regarding the same,

*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 Martin Phifer and Eliza Spiers, of the county of Cabarrus, and Edmond Lilly and John Smith, of the county of Montgomery, be, and they are hereby appointed Commissioners to ascertain the divisional line between said counties; and when the same shall be so ascertained by said Commissioners, it shall be deemed and established to be the divisional line.

**II.** *And be it enacted by the authority aforesaid,* That the said Commissioners shall be governed in ascertaining said line by the laws heretofore passed fixing the boundaries of said counties, and those from which they have been separated.

**III.** *And be it enacted by the authority aforesaid,* That the Commissioners of each county shall, in their discretion, appoint one surveyor to assist in running and ascertaining said line, and that the commissioners and surveyors shall be allowed twenty shillings a day, for each and every day they are employed in running said line; and those of the county of Cabarrus shall be paid by said county, and those of the county of Montgomery by said county. And the said Commissioners are hereby required when said line shall be ascertained, to make out two fair and accurate plats thereof, one of which shall be recorded in the county of Cabarrus, and the other in the county of Montgomery.

CHAP. LXXVIII.

An Act to keep open Swannano River in the county of Buncombe.

*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, all fish-dams, or dams of any kind whatever, that are erected, or hereafter may be erected on the river Swannano, it shall not be lawful for any person or persons to extend the said dam or dams more than two thirds across said river, under the penalty of ten pounds for every 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 dams of any kind that now are extended across said river, shall, within ten days after due notice being given to the person who may have erected the same, so to alter and conform his said dam agreeable to this act, and on refusal or neglect, shall pay the sum of ten pounds for every year he refuses and neglects the same, to be recovered and applied as aforesaid; any law to the contrary notwithstanding.

## CHAP. LXXIX.

An Act to authorize the County Court of Lincoln to raise by way of lottery the sum of two hundred 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 the county court of Lincoln shall be, and is hereby fully authorized and empowered by one or more lotteries, under such scheme or schemes as the said court may direct, to raise a sum of money not exceeding two hundred dollars, for the purpose of building a bridge over the south fork of the Catawba river, near the town of Lincoln.*

*II. And be it further enacted, That the said county court of Lincoln shall appoint three persons as managers of the lottery aforesaid, who shall be accountable for, and give bond and security to the chairman of said court for the payment of the prizes and profits thereof, according to the scheme or schemes which may be adopted or established.*

## CHAP. LXXX.

An Act to authorize the County Court of Lenoir to raise five hundred dollars by way of lottery, for the purpose of clearing and making navigable the River Neuse 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 it may be lawful for the county court of Lenoir to raise the sum of five hundred dollars by lottery, for the purpose of clearing and making navigable the river Neuse, in such way and under such regulations and rules as they may deem necessary: Provided, that a majority of the acting Justices in said county are present at the time when the plan or plans of said lottery or lotteries are devised.*

## CHAP. LXXXI.

An Act to appoint Commissioners to receive donations and subscriptions for the purpose of clearing out Broad River, from South-Carolina line to the mouth of Green River in Rutherford 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 Jonathan Hampton, Elias Alexander, Noble Hambleton, Joseph Camps, Peter Fisher and William Toms, Esquires, be, and they are hereby appointed Commissioners to receive donations and to open subscriptions for the purpose of clearing out Broad River from the South Carolina line, as far up as Green River in Rutherford county; and the said Commissioners, or a majority of them, and their successors in office, are vested with all the powers and authorities necessary to sue for and recover all monies or other property that may be granted to them by gift, or subscribed to them for the purpose of enabling them to clear out said river.*

*II. And be it further enacted, That the Commissioners appointed by this act shall, in open court, take the following oath: "I A. B. do solemnly swear (or affirm, as the case may be) that I will, according to the best of my skill and ability, execute the trust reposed in me, and will faithfully appropriate and account for all monies that shall come into my hand by virtue of my appointment, so help me God."*

*III. And be it further enacted, That in case of refusal, death, removal or resignation of any Commissioners hereby appointed, or who may hereafter be appointed by virtue of this act, the county court of Rutherford at all times shall have full power and authority to fill all such vacancies which may happen by the refusal, removal, death or resignation of the said Commissioners; and the Commissioners appointed by this act, shall have full power to make their own rules and regulations for the purpose of carrying on the work, and clearing out said river: *Provided always*, that they shall, at all times, or as soon as may be after they establish or make any rule or regulation for the above purpose, advertise the same upon the court-house door in the time of court, and they shall enter in a book to be by them kept for that purpose, the whole of their proceedings, which book shall be open to view and inspection of any person that may wish to enquire into the conduct of the said Commissioners.*

*IV. And be it further enacted, That the said Commissioners shall appoint a Treasurer, who shall give bond and security to the satisfaction of the Commissioners, and shall also take an oath before some Justice of the Peace, that he will faithfully perform the duties of his appointment, according to the best of his knowledge; and said Commissioners shall have full power and authority, whenever they, or a majority of them shall deem it necessary, to remove the said Treasurer from office, without any charge whatever; and the Treasurer shall, upon the demand of the Commissioners, deliver up to them all the cash, bonds, notes, subscription papers, together with all papers and other property that may be in his possession; and in case of refusal or non-compliance with said demand, he shall forfeit and pay double the sum or value of all that may be in his hands belonging to the said Commissioners.*

1981. V. *And be it further enacted*, That the Commissioners shall appoint an Agent, whose duty it shall be to oversee the men employed in labour or working in the river, and shall have the power to discharge all persons who, in his opinion, do not work according to the expectations of the Commissioners; and he shall give the receipts and orders necessary to the Treasurer for all sums of money due to workmen accordingly. The Agent when appointed shall take an oath before some Justice of the Peace, that he will faithfully perform the duties of his appointment, to the best of his skill and abilities; and shall be removed from office whenever the Commissioners, or a majority of them, deem it necessary.

VI. *And be it further enacted*, That the river when opened, shall forever remain free and open for all persons who may wish to pass up or down said river, any law to the contrary notwithstanding.

VII. *And be it further enacted*, That the Commissioners heretofore appointed by law to lay off a town and build a warehouse on Broad River, between the mouth of first Broad and Green River, be directed to complete the same as soon as may be, and they shall keep a book in which they shall enter their proceedings, which shall be open to the inspection of all persons who may wish to see the same; any law to the contrary notwithstanding.

CHAP. LXXXII.

An Act to authorize and empower the Field Officers and Captains of the Militia of their respective counties to appoint the place or places for holding their separate Regimental or Battalion Musters in certain cases.

WHEREAS numerous applications are made to this General Assembly for separate regimental and battalion musters, which consume a considerable part of the time of the Legislature, and is attended with great expence to the State: 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 field officers and captains of each and every regiment within this State, shall have and be vested with full power and authority to appoint the place or places of holding their separate regimental or battalion musters, and of allotting what part of the militia of their respective counties shall compose the same: *Provided always*, that nothing herein contained shall affect any law heretofore made, granting separate regimental or battalion musters to any county within this State; and such arrangements by them so made, shall be as good and valid in law, to all intents and purposes, as if there was a special act of Assembly for that purpose.

II. *And be it further enacted*, That no general officer shall be obliged to review single battalions but at general reviews. The regiment to be reviewed shall be called together at the usual place of regimental musters; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXIII.

An Act granting certain privileges to the Light Infantry Company of the second regiment in the county of Edgecomb.

*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 light infantry company of the second regiment in the county of Edgecomb and town of Tarborough, shall, from and after the passing of this act, have full power and authority to make all such laws, rules and regulations for their own government, as they, or a majority of them, shall think proper to devise: *Provided nevertheless*, that such rules and regulations when made, shall not be repugnant to the laws or constitution of this State or the United States; and that the said company shall be governed by the field officers of the regiment, and in all respects subject to the orders and regulations of a battalion parade; but shall not be subject to do duty in any other company in said county; any thing to the contrary notwithstanding.

CHAP. LXXXIV.

An Act granting cert in privileges to the Grenadier Company of the second Regiment of the county 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 grenadier company of the second regiment of the county of Halifax, shall, from and after the passing of this act, have full power and authority to make all such laws, rules and regulations for their own government, as they, or a majority of them, shall think proper to devise: *Provided nevertheless*, that such rules and regulations when made, shall not be repugnant to the laws or constitution of the State or of the United States; and that the said company shall be governed by the field officers of the regiment, and



in all respects subject to the orders and regulations of a battalion regimental parade; but shall not be subject to do duty in any other company in said county; any thing to the contrary notwithstanding.

## CHAP. LXXXV.

An Act to establish a separate Battalion Muster in the county of Nash.

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 Dempsey Taylor, Drury Williams and Robert Williams, be, and they are hereby appointed Commissioners to fix and ascertain a suitable place for the inhabitants on the south side of Tar River to hold their separate battalion musters; and when a place is so fixed on, the companies commanded at present by Dempsey Taylor, Drury Williams and Robert Williams, shall compose the said battalion south of Tar River, 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.

## CHAP. LXXXVI.

An Act to divide the Militia on the north side of the Yalkin River, in the county of Rowan, into two Regiments, and for other purposes.

WHEREAS the great extent of that part of the county of Rowan lying north of the Yalkin river, and the many water courses intersecting the same, renders it inconvenient for the people to meet at Lexington for the purpose of general musters, and the number of the militia being sufficient to form two regiments,

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 at present commanded by Captains Bodenhammer, McKie, Goss, Ellis, Smith, Facker, Childress and Yarbrough, shall compose and be formed into one regiment, and shall remain and be called and distinguished by the name of the second Regiment of Rowan, and shall hold their general and regimental musters and reviews at the house of Abraham Poppinger.

II. And be it further enacted, That the field officers of the second regiment of Rowan now residing within the said regiment, as herein laid off and established, shall still be and remain the field officers of the said second regiment, according to the rank they now hold, until promoted by the General Assembly.

III. And be it further enacted, That the companies at present commanded by Captains Williams, Reed, Harmond, Markland, Peck, Sappenfield and Wellborn, shall compose and be formed into another regiment, and shall be known and distinguished by the name of the fourth Regiment of Rowan, and shall hold their general and regimental musters at the house of Michael Kraver, in the said county.

IV. And be it further enacted, That the said two regiments, as herein and hereby established, and the companies composing the same, shall be mustered, disciplined, officered, armed and accounted in all respects, and governed by the same rules, regulations and restrictions as are now in force under the militia laws of this State.

V. And be it further enacted, That all acts or parts of acts of the General Assembly heretofore passed, which come within the purview, or are contrary to the true intent and meaning of this act, are hereby repealed and made void, any thing to the contrary notwithstanding.

VI. And be it further enacted, That from and after the passing of this act, it shall be lawful for the company now commanded by Captain William Phillips, in the third regiment of said county, to give their votes at the election held at the house of Lazrly Haggey; any law to the contrary notwithstanding.

## CHAP. LXXXVII.

An Act to divide the Militia of Mecklenburg county into two Regiments.

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 of Mecklenburg county shall be divided into two regiments, in the following manner, viz. the companies at present commanded by Captains Cathey, Hartt, and that late by Bowman Gray, McCary, Wilson, Kindrick, Henderson and Wallis, shall compose the upper or first Regiment of the militia of said county; and the companies at present commanded by Captains Polk, Morrison, Hood, Keer, Ray, Howard, Ligget and Davis, shall compose the lower or second regiment of the militia of said county.

II. *And be it enacted by the authority aforesaid, That a majority of the commissioned officers in each regiment; when so divided, shall have power to appoint the places for holding their regimental musters, and to divide each of their respective regiments into two battalions; and a majority of the commissioned officers in each battalion, when so divided, shall have power to fix on the place for their respective battalion musters.*

III. *And be it further enacted by the authority aforesaid, That an act passed at Raleigh in the year one thousand seven hundred and ninety-five, entitled "An act to divide the militia of Mecklenburg into three battalions," be, and the same is hereby repealed and made void.*

CHAP. LXXXVIII.

An Act to alter the time of holding the Elections in the county of Nash, and to establish two separate Elections 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 election for members to serve in the General Assembly, and for members to the Congress of the United States, shall be opened at Nash court-house, on the first Saturday in August in each and every year.*

II. *And be it further enacted, That the election which has been heretofore held at the house of Wilson Taylor, on the south side of Tar river, shall be held in future at the house aforesaid, on Wednesday next preceding the said first Saturday in August in each and every year.*

III. *And be it further enacted, That the sheriff of the county of Nash, or his lawful deputy, shall open and hold an election at the house of Tomkins Rose, in Benjamin Mason's district, on the Friday next preceding the aforesaid first Saturday in August in each and every year, in order to receive the votes of the inhabitants of the north end of said county for members of the General Assembly, and members to the Congress of the United States.*

IV. *And be it further enacted, That the votes taken at the two separate elections aforesaid, shall be carried by the inspectors in sealed boxes to the court house of said county, on the first Saturday in August, and shall proceed with the sheriff to receive the votes there given, and the votes shall be added with those taken at the separate elections aforesaid; and all of which elections shall be conducted under the same rules, regulations and restrictions as other elections are within this State; any law to the contrary notwithstanding.*

CHAP. LXXXIX.

An Act to alter and amend the several acts of the General Assembly, establishing separate Elections in the county of Orange, and to establish a Battalion Muster at George Carrington's Mill.

*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 so much of the before recited acts as prohibits the freemen of said county from voting at any election not within the district in which they reside, be, and the same is hereby repealed and made void; and that hereafter it shall and may be lawful for the freemen of said county to vote at any one of the elections that may be within the same.*

II. *And be it further enacted by the authority aforesaid, That it shall not be lawful for any freeman to vote at more than one of said elections for the same year, under the penalty of ten pounds for every such offence; to be recovered to the use of him who will sue for the same.*

III. *And be it further enacted by the authority aforesaid, That the companies at present commanded by Captains Sims, Ray, Yeasly, Carrington, Rhodes and Hearndon, shall hold battalion musters at George Carrington's Mill on Eno river, under the same rules, regulations and restrictions as are prescribed by the militia laws of this State.*

CHAP. XC

An Act granting separate Elections to the Inhabitants of Wake and Halifax counties, 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 Lodowick Allford, James Botten, William Barham, 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 on the east side of Neuse river in Wake county, and more especially those living on Buffalo creek, Little river and Mauker-son creek, on the waters of Mark's creek; and the place so fixed on by them, or a majority of them, shall be the place of election to receive votes for the 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 Sa-*

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Thursday 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 three public places on the said east side of Neuse river.

II. *And be it further enacted*, That the votes taken as aforesaid, shall be counted out by the sheriff, or his lawful deputy, at the close of the poll, in the presence of the inspectors, and transmitted to the court-house in said county by the sheriff, or his lawful deputy, which shall be, and they are hereby declared to be a part of the suffrages of Wake county.

III. *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 Justice of Peace, one half to the use of the informer, and the other half to the use of the county.

III. *And be it further enacted*, That the inhabitants of the upper end of Halifax county shall have the privilege of a separate election, to be held at the house of Lemuel Clifton, on Monday preceding the second Thursday of August in each and every year; on Tuesday following at the house of Josiah Brinkley; and on Wednesday at Enfield, at the house of John Branch; on Thursday at Henry Baker's store; and on Friday at the court-house in the town of Halifax, for the purpose of electing members to the General Assembly, and representatives to the Congress of the United States, and ballot for electors to vote for President and Vice-President of the United States; the elections to be conducted in the same manner, and under the same rules and regulations as the elections heretofore granted; any law, usage or custom to the contrary notwithstanding.

## CHAP. XCI.

An Act granting two separate Elections to the inhabitants of Moore 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, a separate election shall be granted to the inhabitants of the west end of said county of Moore, at such place as shall be appointed by the Commissioners hereafter named; separate from such places of election as may have been heretofore established; and that another separate election be granted to the inhabitants of the east end of said county, at such place as shall be appointed by Commissioners hereinafter named; and that such elections be held for the purpose of electing members of the General Assembly, members in the Congress of the United States, and for an elector to vote for President and Vice-President.

II. *And be it further enacted*, That John Dissee, William Waddle and Murdock Martin be, and they are hereby appointed Commissioners to settle and fix on the most convenient place for the inhabitants of the west end of said county; and that Archibald M'Bride, Henry Cox and Hugh Cameron be, and they are hereby appointed— fix and settle on the most convenient place for the inhabitants in the east end of said county; and such places when fixed on by said Commissioners, or a majority of them, shall be the permanent places of holding the said separate elections.

III. *And be it further enacted*, That the sheriff of Moore county, either by himself or deputy of said county, shall attend at the place so fixed on by the Commissioners for the east end of said county, on the Wednesday preceding the second Thursday in August, then and there to receive the votes which may be offered; and also the said sheriff, or his deputy, shall attend on the same day, at such place as shall be fixed on by the Commissioners for the west end of said county, then and there to receive the votes of the inhabitants of said county which may be offered, under the same regulations heretofore prescribed; and that it shall be the duty of the said sheriff, or his deputy, to count out the votes on the evening of the same day on which they have been given, in the presence of the inspectors: And that a check of each candidate's number shall be made out by the officer of said election, and subscribed by the inspectors in the presence of said sheriff, whose duty it shall be to convey the same to the court-house of said county, and add them to the general votes of the county.

IV. *And be it further enacted*, That if any person or persons shall vote at any two places of election within said county, in the same year, he shall, on proof thereof, forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, to the use of the poor of said county; any law, usage or custom to the contrary notwithstanding.



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### CHAP. XCII.

An Act limiting the time of holding Elections at the court-houses in Wayne and Washington counties: **WHEREAS** it hath been ascertained that the number of freemen in Wayne and Washington counties entitled to vote at the court-house, can easily give in their suffrages in one day: *Be it therefore enacted*; That in future, there shall be but one day allowed by law for elections to be held at the court-house of said counties, which shall be the first Friday after the second Thursday in every month of August in each year, any law to the contrary notwithstanding.

### CHAP. XCIII.

An Act to alter the place for holding the separate Election at Cox's Ferry, in Craven county, and for 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 the separate election which has heretofore been held at Cox's Ferry, in Craven county, shall in future be held at the house of Captain Daniel West, in said county, under the same rules, regulations and restrictions as heretofore directed by law for holding the separate election at Cox's Ferry.

II. *And be it further enacted*; That in future there shall be but one day for opening the poll and receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for President and Vice-President of the United States, in the town of Newbern, in the county of Craven, and in the town of Washington, in the county of Beaufort; which day shall be the Friday succeeding the second Thursday of August in each and every year, any law to the contrary notwithstanding.

And whereas it is found inconvenient for the inhabitants of the west part of Cumberland county to attend at the election in the town of Fayetteville: 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 inhabitants of the county of Cumberland shall hereafter be entitled to give their suffrages at any separate election in said county; and that the separate election heretofore held at the house of Colonel Daniel Smith, in the county aforesaid, shall hereafter be held on Monday preceding the day of the annual election at the town of Fayetteville, for the purpose of receiving suffrages for members of the General Assembly, members of Congress, and electors to vote for a President and Vice-President of the United States.

### CHAP. XCIV.

An Act to alter the time of holding the annual Elections in the county of Surry.

**WHEREAS** the present mode of conducting the elections in said county hath been found inconvenient to the citizens: 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 annual election in said county shall be held on the Friday after the second Thursday in August in each and every year, at Rockford, and the several places already appointed for holding elections in said county.

II. *And be it further enacted by the authority aforesaid*, That the sheriff, by himself or lawful deputies, shall, on the said Friday after the second Thursday in August in each and every year, between the hours of eight and ten of the clock in the morning, open and hold an election at the several places provided by law, to receive the votes of those entitled to vote at such election, and shall keep the same open until the hour of four in the afternoon, at which time he or they shall close the polls, and immediately proceed to count out the votes in presence of the inspectors, and shall make out a fair list of the votes taken at the elections, which lists shall be signed by the inspectors present, and countersigned by the sheriff holding such election, which lists shall be by said sheriff transmitted to the court-house in Rockford, and shall on the next day be publicly compared and added together, and the person or persons having the greatest number of votes shall be declared duly elected.

III. *And be it further enacted*, That the election for representatives in Congress, and for electors for a President and Vice-President of the United States, shall be held at the same places as those provided for electing members to represent said county in the General Assembly, under the same rules and regulations as are or may be provided for that purpose.

IV. *And be it further enacted by the authority aforesaid*, That all acts or parts of acts of the General Assembly that come within the purview of this act, shall be, and are hereby repealed and made void.

CHAP. XCV.

An Act granting an additional separate Election to the inhabitants of the county of New-Hanover.  
*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 New-Hanover county, by himself or his deputy, shall open an election for the purpose of electing members of the General Assembly of this State, and for representatives to Congress of the United States, and also for elections to vote for a President and Vice-President of the United States, on Saturday preceding the second Thursday in August annually, at the house of Thomas Rogers, on Black River, to continue from ten o'clock until sun-set, for the reception of 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 said separate elections shall be sealed up by the sheriff, or his deputy, in the presence of the inspectors, and transmitted to the court-house of said county by the sheriff, or his deputy, and counted out, together with, and in like manner as is by law heretofore directed, any usage or custom to the contrary notwithstanding.*

CHAP. XCVI.

An Act to alter the place of holding a separate Election in the county of Currituck.  
*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 future the election which has been heretofore held at the house of Abel Ashbees, on Roanoke Island, in Currituck county, be, and the same is hereby removed to the house of Stephen Westket's on said Island.*

*II. And be it further enacted, That the returning officer of the county aforesaid shall open the said election at the house of Stephen Westket on said Island, on the first Friday preceding the second Thursday in August in each and every year, at the hour of ten o'clock, and be kept open until four o'clock in the afternoon, and closed under the same rules, regulations and restrictions as other elections are in this State; and the boxes which contain the votes shall be sealed up in the presence of the inspectors, by the sheriff or his deputy, or returning officer, and by him transmitted to the court-house, under the care of the aforesaid officer who held the election, and the ballots are hereby declared to be part of the election of said county.*

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

CHAP. XCVII.

An Act to alter and amend an act, entitled "An act granting to the inhabitants of Edgecomb county, the privilege of separate Elections and General Musters," passed at Raleigh, in the year 1800.

*WHEREAS by the second section of the said act, the field officers in said county are authorized and empowered to muster and discipline the militia of certain companies at the house of Joseph Pender, Esquire, and James Phillips, in the said act named, and the same is neglected to be done, and the militia of the several companies authorized to muster at the house of the said Pender and Phillips are drawn to muster at Tarborough, in said county, to the great injury and inconvenience of many good citizens composing the said companies of militia:*

*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 field officers of said county shall, and they are hereby enjoined and required to muster the said militia composing said companies, at the house of the said Joseph Pender and Phillips, and not elsewhere.*

CHAP. XCVIII.

An Act granting a separate Election and Battalion Muster to the inhabitants of Sampson 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 inhabitants of the lower end of the county of Sampson shall have a separate election at the house of John Tredwell, jun. in the town of Lisbon, where all the inhabitants of 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 Sampson, either by himself or his lawful deputy, shall open and hold the said separate election at the house of the said*

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1803 John Tredwell, jun. on Saturday preceeding the second Thursday and Friday in 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 Sampson; and the votes taken thereat shall be counted out at the place where they are taken, and added with other votes taken in the county, in the same manner as heretofore used.

III. *And be it further enacted by the authority aforesaid,* That the companies which are at present commanded by Gerge Draughon, John Fleming, Ollen Mobley and James Marley, shall be formed into a distinct and separate battalion, and shall be entitled to hold their battalion musters at the place where Joseph Williams, sen. Thomas Thornton, jun. Theophilus Stevens, Samuel Peters and John Elliott, or a majority of them, may designate or ascertain, and they are hereby appointed Commissioners for that purpose; and the said battalion muster shall be under the same rules and regulations as are directed by the militia laws of this State, any law to the contrary notwithstanding.

### CHAP. XCIX.

An Act granting a separate Election to the Inhabitants of Carteret 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 sheriff of Carteret county, by himself or lawful deputy, shall, on the Monday next preceeding the second Thursday and Friday in August annually, open an election for members of the General Assembly for said county, a representative in Congress of the United States, and for electors to vote for a President and Vice-President of the United States, at the same place which is appointed by law for a separate battalion muster in the east end of said county.

II. *Be it further enacted,* That the said election shall be held open until sun-set, and that the votes taken as aforesaid shall be counted out by the sheriff, or his deputy, in the presence of the inspectors, and they shall be, and are hereby declared to be, part of the suffrages of the county of Carteret.

III. *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, recoverable before a single magistrate, to be applied to the use of the county.

### CHAP. C.

An Act to amend an act passed at Raleigh in the year one thousand eight hundred and two, entitled "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 so much of the above recited act as requires the election to be held at Sails' new house on the road, on the Friday preceeding the second Thursday and Friday in August in every year, be, and the same is hereby repealed and made void: And in future, it shall be lawful for the sheriff, by himself or deputy, to open and hold the said election on the Friday after the second Thursday in August in every year, at the dwelling-house of Cornelius Sails, under the same rules, regulations and restrictions as pointed out in the above-recited act, any thing to the contrary notwithstanding.

### CHAP. CI.

An Act to amend an act of the General Assembly, passed at Raleigh in the year one thousand eight hundred and one, granting to the second regiment in Rowan county the privilege of two separate elections.

*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 future, the company commanded by Captain Samuel Creson, in the first regiment of said county, shall have the privilege of giving their votes at the election held at James Morgan's in the said second regiment, any law to the contrary notwithstanding.

### CHAP. CII.

An Act limiting the time of holding Elections at the court-house in Tyrrel county.

WHEREAS it hath been ascertained that the number of freemen in Tyrrel county entitled to vote at the court-house, can easily give in their suffrages in one day,

*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 future, there shall be but one day allowed by law for elections to be held at the court-house of said county, which shall be the first Friday after the second Thursday in every month of August in each year, any law to the contrary notwithstanding.



## CHAP. CIII.

An Act granting two separate Elections in the county of Rutherford, and directing the time when all the separate Elections in said county shall be held.

*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, there shall be an election opened and held at the place known by the name of Cooper's Spring, where the inhabitants of Captain Jones's, Captain Whitehead's and Captain Daniel Carson's companies, shall and may give in their votes for members of the General Assembly; electors and representatives to the Congress of the United States. Said election shall be held under the same rules, regulations and penalties as separate elections have heretofore been held in the county of Rutherford.

*II. And be it further enacted by the authority aforesaid,* That from and after the passing of this act, there shall be an election opened and held at the dwelling-house of Ezekiel Walthrop's, where the inhabitants of Captain Logan's, Captain Mills's and Captain William Hawkins's companies shall and may give in their votes for members of the General Assembly, electors and representatives to the Congress of the United States; and said election shall be held under the same rules, regulations and penalties as separate elections heretofore have been held in said county.

*III. And be it further enacted,* That the said elections shall be held in each and every year on the second Thursday of August, and the separate elections heretofore granted to the inhabitants of Rutherford county, shall hereafter be held upon the said second Thursday of August in each and every year.

*IV. And be it further enacted,* That the sheriff shall deputize one fit and proper person to conduct each separate election, who shall, in open court, take the following oath or affirmation, as the case may be: "I A. B. do solemnly swear (or affirm) that I will conduct the separate election for which I am appointed without prejudice, favour or affection, and according to law, to the best of my skill and ability: So help me God."

*V. And be it further enacted,* where it shall so happen, by accident or otherwise, that the person appointed to conduct any of the said elections shall not attend, or any of the persons appointed by the court to inspect said election, that then and in that case, any two justices of the peace are hereby empowered to appoint others in the room and place of those that do not attend; and the person or persons so appointed and sworn, are hereby vested with the same powers and authorities to conduct the said elections as if they had been appointed as by law directed.

*VI. And be it further enacted,* That all persons who may not find it convenient to vote at any of the separate elections in said county, are entitled to vote at the court house, in the same manner as if this act had never passed: *Provided always,* that if any person who may give his vote at any of the separate elections in Rutherford county shall vote at the court-house, or at any other election than that where he gave in his vote first, shall pay twenty pounds for the use of the county, to be recovered before a justice of the peace on an action of debt; and the sheriff is hereby directed to collect and account for all such monies, after deducting the one-fourth part for his trouble.

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

## CHAP. CIV.

An Act granting three separate Elections to the inhabitants of Robeson county.

*WHEREAS* it has been represented to this General Assembly that the inhabitants of Robeson county labour under very great inconvenience in attending public duty at the court-house of said county, arising from its not being in a central situation: 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 sheriff of Robeson county, either by himself or deputy, shall, on the Friday preceding the day of the annual election in each and every year, open and hold an election for 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, at the house of John M'Phaul, and on Tuesday following at the house of Major Sion Alford, and on the Wednesday thereafter at the house of Captain Jesse Lee; which several elections shall be opened at twelve o'clock, and shall continue open until sun set on each of the days above mentioned, and shall be subject to all such rules and regulations as other elections in this State are subject.

*II. And be it further enacted by the authority aforesaid,* That the votes taken at the separate elections hereby established, shall be counted out at the close of the polls, and the amount of

1803. them shall be added to the votes taken at the town of Lumberton on the days of the annual election, and are hereby declared to constitute a part of the suffrages of Robeson county, any law to the contrary notwithstanding.

## CHAP. CV.

An Act to establish four separate Battalion Musters in the county of Buncombe.

*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 Clayton, Fane, Rhodes, Laxton and M'Bryer, shall compose the first battalion of said Buncombe regiment, and shall be entitled to hold their battalion musters at the place of holding the upper election in the said county, on French Broad river.

II. *And be it further enacted,* That the companies commanded by the Captains Williams, Baird, Rutherford, Patton and Garrison, shall compose the second battalion, and shall be entitled to hold their battalion musters at the court house in Asheville.

III. *And be it further enacted,* That the companies commanded by the Captains Keith, Baker, Love, Sheals and Edwards, shall compose the third battalion, and shall be entitled to hold their battalion muster at the place known by Shotes old field.

IV. *And be it further enacted,* That the companies commanded by the Captains Gillaspie, Dever, Stevenson and Wolf, shall compose the fourth battalion, and shall be entitled to hold their battalion musters at the house of James Chambers, on the waters of Pigeon-river.

V. *And be it further enacted,* That the militia composing the several battalions according to this act, shall be under the same rules and regulations as are directed by the militia laws of this State, any law to the contrary notwithstanding.

VI. *And be it further enacted,* That the regiment of said county of Buncombe shall be reviewed at the court house in Asheville by the Brigadier-General, at the several periods by law pointed out for him so to do, in which year it shall not be lawful for the several battalions to hold their musters as pointed out in this act, any law to the contrary notwithstanding.

## CHAP. CVI.

An Act to grant a separate Election in Mercklenburg 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 sheriff of Mercklenburg county, or his lawful deputy, shall open an election at the dwelling house of Mistress Margaret Davidson, in said county, at twelve o'clock on the Tuesday preceding the second Thursday in August in each year, and shall keep the said election open until sun-set on said day, where it shall be lawful for all persons privileged by the constitution to vote, within the bounds of the companies commanded by Captains Cathey, Hart, Gray, Bowman and M'Clary, to give their suffrages for members of the General Assembly and representatives to Congress, when said election may be, and at sun-set shall seal up the election boxes, which boxes shall be transmitted to Charlotte before twelve o'clock on the last day of the election, and on counting the ballots so taken, they shall be added and taken as part of the election of said county.

II. *And be it further enacted,* That the election for electors to elect a President and Vice-President of the United States, shall be held at the dwelling-house aforesaid, which election shall be opened at twelve o'clock on the day of election, and continued open until four o'clock, and the ballots taken at said election shall be sealed up and transmitted to Charlotte before seven o'clock on said evening, which ballots shall be counted and taken as part of the election of said county.

III. *And be it further enacted,* That any thing herein contained shall not prevent any person within the aforesaid bounds, who do not vote at said election, to vote at the court-house in Charlotte.

## CHAP. CVII.

An Act to incorporate Davie Lodge, No. 39. in Bertie 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 worshipful master, wardens and members, who are at present, or in future may be of Davie Lodge, No. 39, in the county of Bertie, be and they are hereby constituted and declared to be a body politic and corporate, under the name and title of Davie Lodge, No. 39, in the county of Bertie; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire 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. CVIII.

An Act to incorporate Washington Lodge, No. 15, in Beaufort county.

1809.

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 worshipful master, wardens and members, who are at present, or in future may be of the Washington Lodge, No. 15, in the town of Washington, and county of Beaufort, be and they are hereby constituted and declared to be a body corporate, under the name and title of the Washington Lodge, No. 15, in the county of Beaufort; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire 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. CIX.

An Act to incorporate Hiram Lodge, No. 24, in Williamsborough, in the county of Granville.

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 worshipful master, wardens and members, who are at present, or in future may be of Hiram Lodge, No. 24, in Williamsborough, in the county of Granville, be and they are hereby constituted and declared to be a body corporate and politic, under the name and title of Hiram Lodge, No. 24, Williamsborough, Granville county; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such laws and regulations for their own government 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. CX.

An Act to incorporate Mount Moriah Lodge, No. 27, in the county of 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 the worshipful master, wardens and members, who are at present, or in future may be, of the Mount Moriah Lodge, No. 27, in the county of Iredell, be and they are hereby constituted and declared to be a body corporate, under the name, title and title of the Mount Moriah Lodge, No. 27, in the county of Iredell; and by the name aforesaid shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire 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. CXI.

An Act to incorporate the Newbern Library Society.

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 persons who are at present members of the Newbern Library, and such other persons as may hereafter become or shall be admitted members of the same, according to its constitution, are hereby created, constituted and declared a body politic and corporate, by the name, title and title of the Newbern Library Society; and by the same name shall and may have perpetual succession, and be capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, as fully and amply as any other citizens of the State may or can sue or be sued, implead or be impleaded, defend or be defended, by any lawful ways or means whatsoever.

II. Be it further enacted, That the said members and their successors, by the same name, for ever hereafter, shall be capable and able in the law to purchase, take, hold, receive and enjoy, to them and their successors, any messages, tenements, houses and real estate whatsoever, and all other hereditaments of whatsoever nature, kind or quality they be, in fee-simple, for term of life or lives, or in any other manner howsoever, and also any goods, chattels and personal estate whatsoever. And they and their successors by the same name, shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estate at their will and pleasure, as they shall judge to be most beneficial and advantageous to the said society. And that it shall and may be lawful for them and their successors, forever hereafter, to have a common seal to serve for the concern of the society; and also to alter and amend the constitution and by-laws of the said society as often as they may deem it expedient and necessary,



1803. III. And be it further enacted, That all the acts and proceedings of the said society, and of the President and Directors of the same, since their voluntary association, be, and the same are hereby ratified, confirmed and made valid.

CHAP. CXII.

An Act to secure to Elizabeth Everitt, wife of Turner Everitt, such estate as she may hereafter acquire. WHEREAS it is represented to this General Assembly, that Turner Everitt hath for a considerable time past absented himself from his wife Elizabeth, and there being no expectation of his ever returning to her again, 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 Everitt shall be entitled 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 Turner, clear from the claim or claims of the said Turner, or any of his creditors; and the said Elizabeth Everitt shall have full power to sue for and recover, in any court of record or any jurisdiction having cognizance thereof, from any person or persons, any property which she may be entitled to, in the same manner as if she had never been married to the said Turner Everitt: Provided, that this act shall not be pleaded in bar to any just debt contracted by said Turner Everitt previous to the passing of this act, any law to the contrary notwithstanding.

CHAP. CXIII.

An Act to secure to Rachel M'Clure, wife of John M'Clure such estate as she may hereafter acquire. WHEREAS it is represented to this General Assembly, that John M'Clure hath for several years past conducted himself in such a cruel manner towards his wife Rachel, and there being no expectation of a reconciliation, and having it in his power to deprive his said wife Rachel 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 Rachel M'Clure shall be entitled 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 Rachel had never been married to the said John, clear from the claim or claims of the said John, or any of his creditors; and the said Rachel M'Clure shall have full power to sue for and recover, in any court of record having cognizance thereof, from the said John M'Clure, or any other person or persons, any property which she may be entitled to, in the same manner as if she had never been married to the said John M'Clure, any law to the contrary notwithstanding.

CHAP. CXIV.

An Act to secure to the persons therein mentioned such estates as they may hereafter acquire. WHEREAS it is represented to this General Assembly, that Jacob Staley, Francis Nichols, William Daniel, William Blinn, Killian Jarrott, Leonard Miller, William Harris, Drury Oliver Howell, Jacob Hall, Reese Williams, Samuel Moody, David Record, Henry Lightfoot, John M'Neely, John Parker, Peter Glascock and Abraham Mitchell, hath for several years past absented themselves from their wives, Eve Staley, Lillis Nichols, Elizabeth Daniel, Sarah Blinn, Esther Jarrott, Jane Miller, Amelia Harris, Mary Howell, Amy Hall, Mary Williams, Lucy Moody, Mary Record, Patsy Lightfoot, Hannah M'Neely, Mary Parker, Elizabeth Glascock and Missiniah Mitchell, and there being no expectation of a reconciliation, and having it in their power to deprive their wives of such estate as they may by their 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 Eve Staley, Lillis Nichols, Elizabeth Daniel, Sarah Blinn, Esther Jarrott, Jane Miller, Amelia Harris, Mary Howell, Amy Hall, Mary Williams, Lucy Moody, Mary Record, Patsy Lightfoot, Hannah M'Neely, Mary Parker, Elizabeth Glascock and Missiniah Mitchell, shall be entitled to and possess, in their sole right respectively, all such estate, either real or personal, as they or either of them may hereafter lawfully acquire, by purchase or otherwise, in as full and ample manner as if they the said Eve Staley, Lillis Nichols, Elizabeth Daniel, Sarah Blinn, Esther Jarrott, Jane Miller, Amelia Harris, Mary Howell, Amy Hall, Mary Williams, Lucy Moody, Mary Record, Patsy Lightfoot, Hannah M'Neely, Mary Parker, Elizabeth Glascock and Missiniah Mitchell had never been married to the said Jacob Staley, Francis Nichols, William Daniel, William Blinn, Killian Jarrott, Leonard Miller, William Harris, Drury Oliver Howell, Jacob Hall, Reese Williams, Samuel Moody, David Record, Henry Lightfoot, John M'Neely, John Parker, Peter Glascock and Abraham Mitchell, clear from the claim or claims of the said Jacob Staley, Francis Nichols, William Daniel, William Blinn, Killian Jarrott, Leonard Miller, William Harris, Drury Oliver Howell, Jacob Hall, Reese Williams, Samuel Moody, David Record, Henry Lightfoot, John M'Neely, John Parker, Peter Glascock and Abraham Mitchell, or any of their creditors; and the said Eve Staley, Lillis Nichols, Elizabeth Daniel, Sarah Blinn, Esther Jarrott, Jane Miller, Amelia Harris, Mary Howell, Amy Hall, Mary Williams, Lucy Moody, Mary Record, Patsy Lightfoot, Hannah M'Neely, Mary Parker, Elizabeth Glascock and Missiniah Mitchell shall have, respectively

full power to sue for and recover, in any court of record, or before any justice having cognizance thereof, any property they, or either of them, may hereafter be entitled to, in as full and ample manner as if they had never been married to the said Jacob Staley, Francis Nichols, William Daniel, William Blinn, William J. Fort, Leonard Miller, William Harris, Drury Oave Howell, Jacob Hall, Reese Williams, Samuel Moody, David Record, Henry Lightfoot, John M'Neely, John Parker, Peter Giascock and Abraham Mitchell, any law to the contrary notwithstanding.

## CHAP. CXV.

An Act for the relief of certain persons therein mentioned.

WHEREAS Lucy Robinson and Sarah Husk, illegitimate children of John Williford, deceased, of Cumberland county, hath prayed this General Assembly to pass an act vesting in them all such personal property as their natural-born brother William Williford was possessed of, or entitled to during his life:

*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 the personal estate of William Williford, deceased, of Cumberland county, the natural-born son of John Williford, of said county, shall be vested in, and equally divided between the said Lucy Robinson and Sarah Husk.

II. *And be it further enacted by the authority aforesaid,* That the said Lucy Robinson and Sarah Husk shall have full power and authority to ask, demand, sue for and recover, all such personal property from any person or persons who may have the same in their care or possession: *Provided nevertheless,* that this act be not construed to prevent creditors from a recovery of their just demands against the estate aforesaid, any thing to the contrary notwithstanding.

## CHAP. CXVI.

An Act for the relief of John Gatchey and his wife Catharine, of Rowan county, and William Gregory and his wife Elizabeth of Chowan county.

WHEREAS John Gatchey and Catharine his wife have petitioned this General Assembly that the property of each may be secured to them respectively, and that neither be subjected to the payment of the debts of each other:

*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 John Gatchey shall not from henceforward be subject to the payment of any debt or debts which may hereafter be contracted by the said Catharine Gatchey, nor shall the property of the said John be liable to any claim or demand of the said Catharine, nor shall the lands of the said John be subject after his death to any claim for the dower of the said Catharine: *Provided always,* that the said John Gatchey do, and shall, within two months from the passage of this act, return, release and pay over to the said Catharine Gatchey, all the property or sums of money which come to his hands, by reason of, or in consequence of his said marriage with the said Catharine; and that he do release and relinquish all right, demand, or claim to the property which the said Catharine now has, or hereafter may inherit or acquire, and that the said Catharine shall possess and enjoy the same, in her own name and right, in the same manner as if she had never been married to the said John Gatchey.

And whereas it is represented to this General Assembly, that William Gregory and Elizabeth his wife, of the county of Chowan, have agreed to separate and hereafter live apart, and the said William hath bound himself by his obligation to deliver to Trustees for the use and benefit of said Elizabeth, all the property which he acquired by his intermarriage with her, and to allow the said Elizabeth the sum of forty pounds per annum during her natural life.

II. *Be it enacted by the authority aforesaid,* That the said William Gregory shall not, from henceforward, be subject to the payment of any debt or debts which may hereafter be contracted by the said Elizabeth Gregory, nor shall the property of the said William be liable to the claim or demand of the said Elizabeth, nor the lands of the said William be subject, after his death, to any claim for the dower of the said Elizabeth: *Provided always,* that the said William, his heirs, executors and administrators, shall continue to pay to the said Elizabeth, the sum of forty pounds a year during her natural life, and that the said William shall release and relinquish all right, demand or claim to the property which the said Elizabeth now hath, or may hereafter inherit or acquire, and that the said Elizabeth shall possess and enjoy the same, in her own name and right, in the same manner as if she had never been married to the said William Gregory, any law, usage or custom to the contrary notwithstanding.

## CHAP. CXVII.

An Act to pardon and restore to credit James Gaskins, of the county of Halifax.

WHEREAS James Gaskins, of the county of Halifax, was convicted of petit larceny in the county court of Halifax, and a number of the citizens of the said county have petitioned to this General Assembly for his restoration to credit:

*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 James Gaskins do, and he is hereby declared to be restored to credit, in as full and ample a manner as if he had never been convicted of the said offence of petit larceny; and that due faith and credit shall be paid and given to his oath in all cases when necessary to be given, in the same manner as if he had never been convicted; any thing to the contrary notwithstanding.

## CHAP. CXVIII.

An Act to restore to credit Matthews Davis, of Moore 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, Matthews Davis, of the county of Moore, shall be pardoned and restored to credit, in as full and ample a manner as if he had never been convicted of any crime of what kind or nature soever, and that he shall be as 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.

## CHAP. CXIX.

An Act to alter the names and legitimate Welcome and Silas Hallet.

*WHEREAS* it is the desire of Elias Hoell and Delilah his wife, that the names of their children Welcome Hallet and Silas Hallet, should be altered to that of Welcome Hoell and Silas Hoell, and that the said Welcome and Silas be legitimate, and be made capable to inherit, in the same manner as if they had been born in wedlock:

*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 names of the said Welcome Hallet and Silas Hallet, shall be altered to that of Welcome Hoell and Silas Hoell, by which names they shall forever hereafter be called and known, and by those names be able to sue and be sued, plead and be impleaded, in any court of law or equity whatever.

*II. And be it further enacted,* That the said Welcome and Silas be, and they are hereby legitimated and made capable to take, inherit and claim any estate, real or personal, which may be devised or descend to them, or either of them, in as full and ample a manner as if they had been lawfully begotten, and in all respects placed in the same situation with their other children who were born in wedlock; any law to the contrary notwithstanding.

## CHAP. CXX.

An Act to alter the names of the persons therein mentioned, and to legitimate a part thereof.

*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 name of Gray Briggs Onais, be altered to the name of Gray Briggs Price; the names of Joseph Baker and James Baker, be altered to the names of Joseph White, and James White; that the names of Simeon Upchurch, Benjamin Upchurch, Jabel Upchurch, Winitred Upchurch, Churchwell Upchurch and Jephtha Worley, be altered to the names of Simeon Carpenter, Benjamin Carpenter, Jabel Carpenter, Winitred Carpenter, Churchwell Carpenter and Jephtha Harris; the name of Elvey Smith, be altered to the name of Elvey Lewis; that the names of Benjamin Bunn, Kizziah Bunn and Kerenhappouch Bunn, be altered to the names of Benjamin Wheeler, Kizziah Wheeler and Kerenhappouch Wheeler; that the name of Pinckney Croom, be altered to the name of Pinckney Hardy; that the name of Cajah Atkinson, be altered to that of Cajah Anson; that the names of Willoughby Norman, Hezekiah Norman, Caleb McCabe and Ann McCabe, be altered to the name of Willoughby Philips, Hezekiah Philips, Caleb Philips, and Ann Philips; the name of Alexander Cheinut be altered to that of Alexander Merrit; and that the names of two natural born children of Miles Jones of Camden county, be confirmed to that of Malachi Washington Jones, and Fanny Washington Jones; the name of a daughter of Benjamin Fessenden, be confirmed to that of Fanny Freeman Fessenden; that the name of a natural born son of William Atkinson, be confirmed to that of James Atkinson.

*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 Fereby Warner, wife of John Warner, and reputed daughter of William Mears, together with the persons described in the first section of this act, shall, for ever hereafter, be legitimated and made capable to possess, inherit and enjoy, by descent or otherwise, any estate real and personal, to all intents and purposes as if they had been born in lawful wedlock.

*IV. And be it further enacted by the authority aforesaid* That from and after the passing of this act, the name of Bedreadon Carraway, be altered to that of James Carraway; the name of Joel Gunter to that of Joel Tatom; the name of Elijah Barfield to that of Elijah Sheppard; that the names of John Bull and Hannah Bull, together with four of their children, Oney Cypress Bull, Lenny Bull, Jackson Bull and Elizabeth Bull, to that of John Randal, Hannah Randal, Oney Cypress Randal, Lenny Randal, Jackson Randal, and Elizabeth Randal; and the name of William Walker, jun. of Rockingham County, be altered to that of William Ephraim Walker; and the name of John Cowan, jun. of Bladen county, be altered to that of John Bradley Cowan; and the name of Sally Hopkins a natural daughter of Thomas Tison, of Pitt county be altered to that of Sally Hopkins Tison, and by these names respectively so altered, 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.

Read three times and ratified in General Assembly and day of December,  
Anno Domini, 1825.

J. RIDDICK, S. S.  
S. CABARRUS, S. H. C.

Copy, WILLIAM WHITE, Secretary.



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To amend an act passed in 1796, to appoint commissioners to lay off & establish a town at the place fixed upon in More county for erecting a court-house, &c.	30
Granting further power to the commissioners of the town of Louisville, in the county of Franklin,	ib.
To establish a town on the lands of Thomas Rivers, on the north side of Dan river, in Stokes county,	ib.
To amend an act for establishing the town of Trenton, in Jones county,	ib.
To appoint additional commissioners to those already appointed for the town of Jamestown,	ib.
To amend the 5th section of an act passed in 1799, to repeal an act passed in 1795, for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, &c.	ib.
For the relief of Innis Academy,	ib.
To establish an Academy in Richmond county,	ib.
To establish an Academy in Nixonton, in Pasquotank county,	ib.
To establish an Academy in town of Wilmington,	ib.
To carry more fully into effect the first section of an act passed in 1801, empowering the county court of Chowan to lay a tax for the erection of a poor-house, and to authorise the commissioners of Edenton to convey a part of the town commons for that purpose,	ib.
To encourage Francis X. Martin to publish a revival of certain Acts of Assembly,	33
To empower George Burton, of Caswell county, to sell certain lands therein mentioned,	ib.
To authorise the clerk of the county court of Pasquotank to deliver the original will of John Stokes, to the person therein named,	34
To empower William I. Griffet, of Brunswick, and Wm. Wright of Surry, to collect their arrears,	ib.
Authorising David Shuford, of Lincoln, and J. Jennings, of Anson, to collect arrears of taxes,	ib.
Authorising Samuel Lusk, of Buncombe, to collect arrears of taxes,	35
Authorising the several persons therein named to collect the taxes due them in their respective counties,	ib.
To authorise Thomas Barnes, of Robeson county, to convey certain town lots in Lumberton,	ib.
To revise an act directing the manner in which the sheriffs of Buncombe and Wilkes counties shall collect and pay out taxes, passed in 1801,	ib.
To repeal an act past at the last session, as far as respects the counties of Pasquotank and Camden, directing the mode of patrols in the counties of Gates, Hamden and Pasquotank,	36
To empower the county court of Johnston to transcribe such parts of the Register's books of said county as may appear necessary,	ib.
To authorise the county court of Northampton to appoint some proper person to transcribe the Register's books of said county,	ib.
Authorising the county court of Lincoln to appoint a proper person to transcribe such of the Records in the Register's Office as said court should deem necessary,	ib.
To repeal an act passed in 1797, to revise an act for the more speedy determining of disputes that have arisen, or hereafter may arise in the counties of Rowan, Mecklenburg, &c. from erecting mill-dams, &c. passed in 1785,	37
To amend an act passed in the year 1801, to alter the mode of raising money to defray the expences of the jurors from the county of Burke, &c.	ib.
To repeal part of an act passed in 1797, making compensation to the county court jurors of New-Hanover, Surry, Stokes, Buncombe, &c.	ib.
Making compensation to the jurors of Brunswick,	ib.
To authorise the county court of Surry to lay a tax to pay their jurors, and for other purposes,	ib.
To apportion the number of jurors hereafter to be sent to Newbern superior court among the several counties composing the district,	ib.
To compel the attendance of jurors appointed by the county court of Buncombe to review roads,	38
To empower the wardens of the poor of Martin to lay and collect an additional poor-tax,	ib.

To empower the county court of Buncombe to lay the county tax, under certain regulations, - 39  
To empower the wardens of the poor of Greene to lay and collect an additional poor-tax - ib.  
To repeal part of an act passed in 1794, so far as respects Richmond county, to empower the several county courts therein mentioned to lay a tax for the purpose of destroying wolves and hews, - ib.  
To empower and authorize the wardens of Camden to lay an additional tax for the support of the poor - ib.  
To authorize the county court of Hertford to lay a tax for defraying the expences incurred in suppressing the late insurrection of the negroes, - ib.  
To repeal part of an act to empower the county courts therein mentioned to lay a tax to defray the expences incurred by the late insurrection of the Negroes, passed in 1802, - 40  
Authorizing the county court of Washington to lay a tax in said county, for the purpose of defraying the expences of the late insurrection of Negroes, - ib.  
To amend an act passed in 1799, to appoint county commissioners in the counties therein mentioned as far as respects the county of Rutherford, and to direct the duty of the officers therein named, - ib.  
To amend the 3d section of an act passed in 1801, to repeal part of an act passed in 1784, so far as respects Richmond county, to empower the several county courts therein mentioned to lay a tax annually for the purpose of erecting or repairing the court-house, prison, &c. - 41  
To alter the time of holding the court of pleas and quarter sessions of Sampson and Cumberland - 42  
To tax all suits that may hereafter be brought in the county court of New-Hanover, - ib.  
To amend an act to appoint public registers, and to direct the method to be observed in conveying lands, goods and chattels, and for preventing fraudulent deeds, &c. passed in 1715 as far as respects the register of Pasquotank county, - ib.  
To annex certain penalties on the clerk of the county court of Rowan for transacting business in his office in future, which is directed by law to be transacted in open court, and for other purposes, - ib.  
For running and ascertaining the boundary line between the counties of Johnson and Sampson - 43  
To establish the dividing-line between the two battalions in the county of Randolph, - ib.  
To amend an act for the division of Wilkes and Tyrrel counties, - ib.  
To establish the dividing-line between the county of Montgomery and Moore, - 44  
To establish the divisional line between the counties of Cabarrus and Montgomery, - ib.  
To keep open Swannano river in the county of Buncombe - ib.  
To authorize the county court of Lincoln to raise by lottery the sum of 200 dollars, - 45  
To authorize the county court of Lenoir to raise 500 dollars by lottery, for the purpose of clearing and making navigable the river Neuse, - ib.  
To appoint commissioners to receive donations and subscriptions for the purpose of clearing out Broad river, from South-Carolina Line to the mouth of Green river, in Rutherford county, - ib.  
To authorize and empower the field officers and captains of the militia of their respective counties to appoint the place or places for holding their separate regimental or battalion musters, in certain cases, - 46  
Granting certain privileges to the light infantry company of the 2d regiment in Edgecomb, - ib.

Granting certain privileges to the grenadier company of the 2d regiment of Halifax county - 46  
To establish a separate battalion muster in Nash, - 47  
To divide the militia on the north side of the Yadkin river, in Cowan, into two regiments, &c. - ib.  
To divide the militia of Mecklenburg county into two regiments - ib.  
To alter the time of holding the elections in Nash county, and to establish two separate elections, - 48  
To alter and amend the several acts establishing separate elections in the county of Orange, and to establish a battalion muster at G. Carrington's mill, - ib.  
Granting separate elections to Wake and Halifax counties, and for other purposes, - ib.  
Granting two separate Elections to the inhabitants of Moore county, - 49  
To alter the place for holding the separate election at Cox's Ferry, in Craven county &c. - 50  
To alter the time of holding the annual elections in the county of Surry, - ib.  
Granting an additional separate election to the county of New-Hanover, - 51  
To alter the place of holding a separate election in the county of Currituck, - ib.  
To alter and amend an act granting to the inhabitants of Edgecomb county, the privilege of separate elections and general musters, passed in 1800, - ib.  
Granting a separate election and battalion muster to the inhabitants of Sampson county, - ib.  
Granting a separate Election to the Inhabitants of Carter County, - 52  
To amend an act passed in 1802, granting a separate Election to the inhabitants of Wilkes, - ib.  
To amend an act passed in 1801, granting to the second regiment in Rowan county the privilege of two separate elections, - ib.  
Limiting the time of holding Elections at the court house in Tyrrel county, - ib.  
Granting two separate Elections in the county of Rutherford, and directing the time when all the separate Elections in said county shall be held, - 53  
Granting three separate Elections to the inhabitants of Robeson county, - ib.  
To establish four separate Battalion Musters in the county of Buncombe, - 54  
To grant a separate Election in Mecklenburg, - ib.  
To incorporate Davie Lodge, No. 39, in Bertie, - ib.  
To incorporate WASHINGTON Lodge, No. 15, in Beaufort county, - 55  
To incorporate Hiram Lodge, No. 24, in Williamsburg, in Granville county, - ib.  
To incorporate Mount Moriah Lodge, No. 27, in the county of Iredell, - ib.  
To incorporate the Newbern Library Society, - ib.  
To secure to Elizabeth Everitt, wife of Turner Everitt, such estate as she may hereafter acquire, - 56  
To secure to Rachel McClure, wife of John McClure such estate as she may hereafter acquire, - ib.  
To secure to the persons therein mentioned such estate as they may hereafter acquire, - ib.  
For the relief of persons therein mentioned, - 57  
For the relief of John Gatchey and his wife, of Rowan county, and William Gregory and his wife of Chowan county, - ib.  
To pardon and restore to credit James Gaskins, of the county of Halifax, - ib.  
To restore to credit Matthews Davis of Moore, - 58  
To alter the names and legitimate Welcome and Silas Hallatt, - ib.  
To alter the names of the persons therein mentioned, and to legitimate a part thereof, - 59



# COMPTROLLER'S STATEMENTS.

The following Statements, marked A, B. and C. and the List of Delinquents, are printed at the end of the Laws, agreeable to a resolution of the General Assembly, passed on the 20th of December 1803.

[ A ]

## A STATEMENT

Of the net amount of each branch of the Revenue of the State of North-Carolina for the year 1803, 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 Head Horse Tax.	Amount of the Town Property Tax.	Amount of the Tavern License Tax.	Amount of the Cotton Gin Tax.	Total Amount due from Sheriffs.	Amount paid by Sheriffs.
Anson	103 17 2	131 8 3	9 3 4	12 7 10	13 10 9	43 0 2	313 7 1	313 7 1
Ashe	50 1 1	39 15 9	2 2 4		4 10 3		96 9 3	96 9 3
Beaufort	94 16 7	126 4 1	1 17 8	28 8 11	18 16 3	14 2	270 18 1	270 18 1
Bladen	148 1 1	179 14 7	7 15 2	5 0 1	14 5 10	2 18 0	357 15 1	357 15 1
Bertie	99 12 2	326 5 0	7 3 5	7 7 1	27 1 0	4 14	472 3 1	472 3 1
Brunswick	131 5 7	93 16 3	3 5 10	7 11 1	5 12 10		241 11 7	241 11 7
Burke	235 18 1	156 12 1	8 1 9	5 17 10	9 15 7	6 2 2	422 7 7	422 7 7
Buncombe	219 12 6	97 4 6	6 13 6	1 15 7	11 5 8		336 11 8	336 11 8
Craven	157 1 2	204 13 10	7 1 1	103 16 6	47 15 1	11 8	621 15 7	621 15 7
Carteret	46 8 9	78 13 7	1 12 11	3 1 2	15 15 11		147 12 4	147 12 4
Chatham	136 9 10	256 14 4	3 10 0	0 5 1	38 7 1	36 17 11	513 10 9	513 10 9
Calwell	70 12 0	219 19 2	15 0 10		28 4 4	22 4 3	362 0 10	362 0 10
Chowan	29 1 1	159 8 6	3 1 2	17 19 1	30 1 8	4 14	244 5 3	244 5 3
Camden	32 3 2	107 7 1	10 6 10		16 18 5		166 15 2	166 15 2
Currituck	43 12 0	141 17 5	5 12 10		29 9 8		230 12 8	230 12 8
Cumberland	228 5 8	235 13 2	1 1 2	77 2 5	26 8 8	57 11 6	649 2 9	649 2 9
Cabarrus	52 19 5	192 17 0	14 7 1	2 16 6	13 13 3	23 8 5	265 7 3	265 7 3
D. p. in	122 5 1	152 18 10	8 9 3		13 10 0	7 15 2	304 10 0	304 10 0
Edgecombe	116 17 4	297 6 0	25 4 11	15 13 10	49 12 6	15 5 5	519 18 0	519 18 0
Franklin	82 19 0	238 7 9	31 11 0	3 1 5	16 18 5	21 2 8	393 10 1	393 10 1
Granville	134 15 10	393 7 10	38 12 0	3 8 5	52 5 4	13 7 11	635 18 1	635 18 1
Gates	49 1 10	109 15 4	8 18 0		15 8 4		243 4 4	243 4 4
Greene	43 9 6	131 16 11	11 5 8		4 10 3		161 1 6	161 1 6
Guilford	113 18 6	197 13 8	13 13 13	1 2 2	27 1 6	9 17 3	263 8 2	263 8 2
Halifax	118 13 5	429 17 3	71 8 16	8 12 4	48 10 1	4 14	621 15 11	621 15 11
Hertford	51 5 9	179 11 5	7 13 2	8 13 1	27 1 1	4 14	278 9 4	278 9 4
Hyde	89 13 10	106 12 1			15 15 10		212 1 2	212 1 2
Iredell	111 17 7	173 19 11	23 7 6	3 17 7	29 6 7	60 11 1	421 10 1	421 10 1
Johnston	141 13 5	158 6 1	2 1 10	4 19 3	15 8 4	26 4 1	368 12 11	368 12 11
Jones	63 5 6	126 4 11	10 16 3	2 0 1	13 3 3	4 14	240 4 1	240 4 1
Lincoln	161 12 7	188 3 10	13 12 2	5 12 7	29 6 7	62 10 10	460 8 7	460 8 7
Lenoir	58 5 11	170 7 2	10 11 6	2 11 4	15 8 4	14 9 1	211 13 4	211 13 4
Martin	56 7 3	146 14 9	10 15 5	3 10 6	15 8 4		232 17 1	232 17 1
Mecklenburg	103 14 7	217 6 7	28 8 9	3 8 6	20 6 1	253 16	627 0 6	627 0 6
Montgomery	113 3 9	154 18 3	17 19 1	3 2 8	32 6 9	64 3 2	325 13 8	325 13 8
Moore	95 5 10	14 15 1	6 11 8		20 6 1	22 11 3	239 9 11	239 9 11
Nash	94 5 3	175 19 5	10 12 8		15 15 11	2 18 9	309 12 1	309 12 1
New-Hanover	92 11 10	107 14 10	2 16 5	104 7 10	43 19 11	5 17 6	457 8 4	457 8 4
Northampton	90 8 1	338 19 9	30 8 8	2 1 5	19 3 7	32 13 4	533 14 10	533 14 10
Orange	161 0 8	338 8 5	51 11 8	16 5 8	18 18 3	17 12 0	597 16 9	597 16 9
Onslow	74 3 10	132 12 0	4 9 4	2 7 7	21 8 6	5 17 6	240 19 1	240 19 1
Pasquotank	35 17 4	128 15 8	9 12 9	7 13 1	18 1 1		200 4 10	200 4 10
Perquimons	39 17 4	136 7 11	16 9 9	3 3 3	7 10 5		203 7 10	203 7 10
Pitt	95 1 9	200 6 4	23 19 5	5 2 1	27 1 0	2 16 5	354 7 6	354 7 6
Person	66 6 9	164 15 5	12 2 10		21 16 2	16 2 2	281 3 5	281 3 5
Rutherford	199 14 5	158 0 4	20 6 1	3 0 4	28 4 4	45 1 1	454 5 3	454 5 3
Rowan	211 4 10	374 0 7	16 15 10	14 13 1	26 14 1	75 3 8	748 10 10	748 10 10
Randolph	115 19 0	144 11 6	26 8 9	18 4 2	22 11 2	16 13 0	327 2 7	327 2 7
Rockingham	80 2 3	155 19 15	5 6 1	1 19 5	31 4 2	10 11 0	205 1 10	205 1 10
Richmond	75 2 9	110 18 5	1 8 3	2 19 3	12 0 8	54 3 5	256 5 9	256 5 9
Robeson	182 4 11	125 19 3	7 12 9	4 12 4	33 16 10	14 18 1	369 4 7	369 4 7
Stokes	128 16 6	168 7 1	22 2 9	4 6 1	24 16 4	13 7 11	361 16 9	361 16 9
Surry	157 18 5	157 14 8	16 9 6		18 1 1		329 18 7	329 18 7
Sampson	139 5 8	151 14 4	10 2 2		20 6 1	21 10 1	333 18 4	333 18 4
Tyrrell	89 2 9	63 14 8	7 5 9		16 18 5		177 1 5	177 1 5
Wayne	94 2 2	159 6 8	20 8 11		20 6 1	36 3 10	330 5 8	330 5 8
Warren	109 5 1	397 3 7	21 3 3	22 19 3	24 16 4	28 18 2	604 5 1	604 5 1
Wilkes	93 18 9	333 19 3	31 19 3	11 18 2	28 11 7	22 15 8	512 18 1	512 18 1
Washington	68 4 4	118 10 9	14 3 6	4 11 9	6 15 5	4 18 0	217 4 0	217 4 0
	53 17 3	74 9 0	6 2 3		11 5 1		145 14 2	145 14 2
Total								
£. 6273 5 7 10854 8 0 956 3 11 562 10 2 1368 14 9 1296 8 10 21212 0 2 8 4								

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

December 6th, 1803.

J. CRAVEN, Comptroller.



[ B ]

## 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 1808.

Counties.	Amount of Fees and Salaries.	Amount of Fines.	Amount of other Licenses.	Amount for from Clerks.	Amount paid by Clerks.
Anson,	31 6			31 6	31 6
Ashe,	1 8 3			1 8 3	1 8 3
Beaufort,					
Bladen,	9 12 9			9 12 9	9 12 9
Bertie,	105		37 12	142 12	142 12
Brunswick,	4 4 8			4 4 8	4 4 8
Burke,	35 19 2			35 19 2	35 19 2
Buncombe,	11 5 8			11 5 8	11 5 8
Craven,	32 12 5		9 8	42 5	42 5
Carteret,	8 2 8			8 2 8	8 2 8
Chatham,	22 6 6			22 6 6	22 6 6
Caswell,	34 6 2		9 8	43 14 2	43 14 2
Chowan,	31 5 2			31 5 2	31 5 2
Camden,	29 5 8		47	76 5 8	50 6
Currituck,	17 3 2		28 4	45 7 2	45 7 2
Cumberland,	31 14 6			31 14 6	31 14 6
Cabarrus,	9 8			9 8	9 8
Duplin,	18 1 11			18 1 11	18 1 11
Edgecomb,	41 16 8			41 16 8	41 16 8
Franklin,	23 5 4			23 5 4	
Granville,	58 10 4	3 11	37 12	96 6 3	96 6 3
Gates,	39 10 7		9 8	48 18 7	48 18 7
Greene,	7 10 5			7 10 5	7 10 5
Guilford,	12 18 6			12 18 6	12 18 6
Halifax,	47 18 10			47 18 10	
Hertford,					
Hyde,					
Iredell,					
Johnston,	33 16 10			33 16 10	33 16 10
Jones,	7 10 5			7 10 5	7 10 5
Lincoln,	16 9			16 9	16 9
Lenoir,	5 12 10			5 12 10	5 12 10
Martin,					
Mecklenburg,	43 4 10		28 4	71 8 10	71 8 10
Montgomery,	18 18 10			18 18 10	18 18 10
Moore,	13 17 4	6		13 17 10	13 17 10
Nash,	10 2 2			10 2 2	
New-Hanover,	27 6			27 0 6	27 6
Northampton,	24 4 2			24 4 2	24 4 2
Orange,	24 4 2		18 16	43 2	43 2
Onslow,	9 3 4			9 3 4	9 3 4
Pasquotank,	60 18 3			60 18 3	60 18 3
Perquimans,	26 11 2			26 11 2	
Pitt,	34 15 8		9 8	44 3 8	44 3 8
Perfon,	15 10 3			15 10 3	15 10 3
Rutherford,	28 18 2	3 5 10		32 4	32 4
Rowan,	35 9 9		9 8	44 17 9	44 17 9
Randolph,	8 13 11			8 13 11	8 13 11
Rockingham,					23 5
Richmond,	5 8 2			5 8 2	5 8 2
Robeson,	7 1			7 1	7 1
Stokes,	31 14 6			31 14 6	31 14 6
Surry,	16 4 4			16 4 4	16 4 4
Sampson,	11 5 8			11 5 8	11 5 8
Tyrrel,	6 16 4			6 16 4	6 16 4
Wayne,	39 0 2		18 16	57 16 2	57 16 2
Wake,	30 11 1			30 11 1	16 4 4
Warren,	40 3 9	30 11	24 4	98 18 9	98 18 9
Wilkes,	7 15 2			7 15 2	7 15 2
Washington,	10 16 3			10 16 3	10 16 3
	1310 5 10	34 1 3	291 8 0	1641 15 1	1516 16 2

The Fines included in this return were laid in 1808, but not collected till 1809. J. C.

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

Dec. 6, 1803.

T. 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 1802.

Names of Districts.	Amount of Tax received by the 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 of Tax received by the Clerks of the Superior Courts.	Amount of Tax received by the Clerks of the Superior Courts.	Amount of Tax received by the Clerks of the Superior Courts.
Morgan.	44 11 5	34 15 8	49 7 1	49 7 1	8 9 3	
Salisbury.	24 18 3	9 8	34 6 3		9 8	9 8
Hillsborough.	57 16 3	11 5 8	69 1 11		24 8 10	
Halifax.	51 14	31 0 5	82 14 5	82 14 5	21 12 5	21 12 5
Edenton.					17 17 3	17 17 3
Newbern.	119 5 5	15 19 8	129 5 1	129 5 1	20 13 8	20 13 8
Wilmington.	43 4 10	28 4	71 8 10	50		
Fayetteville.	22 16 10	0 8	43 4 10	13 4 10	5 12 10	5 12 10
	339 7	140 1 5	479 8 5	551 11 5	100 2 3	75 4 2

Extracted from Documents in the Comptroller's Office of North-Carolina,  
December 6th, 1803.

J. CRAVEN, Comptroller.

## LIST of DELINQUENTS

To the Treasury of the State of North-Carolina.

### Fayetteville District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Newbern	Thomas Wade,	Sheriff,	1790.	438 14 2	350 17 10	Judgment.
	Jesse Gilbert,	Do.	1787	419 5 1	144 6 10	Do.
	David Jameison,	Do.	1788	478 11 5	334 11 9	Do.
	Michael Auld,	Clerk,		1 12		
	William Johnston,	Do.		10 7 6		Judgment.
	Stephen Miller,	Former Sheriff,	1799	1 14 9		
	Samuel Spencer,	Judge,		46 7 9		Suit.
	Willis and Aikin,	Confisca. property,				Do.
	Wm. Wood and C. Lanier,	Do.			75	Do.
	A. M. Morris & W. Wood,	Do.			32	Do.
Cumberland	James Emmett,	Do.	1785	618 3	699 3 6	Judgment.
	John Campbell,	Do.	1787	1212 13 5	1023	Do.
	John Sibley,	For a Negro,		13 18 5		Do.
Richmond	John Cole,	Sheriff,	1796	70 10 11		Suit depending.
Swain	Owes nothing.					
Wayne	Owes nothing.					
Yadkin	Owes nothing.					

### Wilmington District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
New-Hamover	Amasa Jockey,	Clerk, &c.	No Return.			
	James Moran,	Entry-Taker.	1793 & 1794	587 16 4	950 5 2	Judgment.
	Kingborough and Jones,	Confisca. property.			1004	Suit.
	James Chairs and others,	Do.			1875	Do.
	Griffith J. M'Ree,	Do.				
Trenton	Peter Mallett,	Commissionary.		51 17 6	608 11 10	
	Frederick Ward,	Clerk,		814 0 10		Judgment.
	Peter Harco,	Do.		31 0 7	22 5	Do.
Wades	William Dry,	Entry-Taker,		8 19 9		
John	William M'Ree,	Sheriff,	1788	300	7371 16 1	Do.
John	Michael J. Kenan,	Entry-Taker,		706 2 3	163 1 6	Judgment.
John	Thomas Johnson,	Sheriff,	1794	140 12 3	1563 8 11	Do.

### Newbern District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Craw	Samuel Barron,	Clerk & m. chancery.	1799	18 10		
	William Cox,	Confisca. property,				
	Rowland Williams,	do.		11		
	Liott Hilbert,	do.		21 13 4		
	Alexander Sanders,	do.		155		
	Edward Tinker,	do.		245 24 6		
	Abner Nash,	do.		300		
	James Taylor,	Delegato.		140		Judgment.
	Henry Ellison,	Agent,		708		In suit. Has render'd services [for part of this charge.]
	Do.	Clerk,	1799 1700 & 1	46 3 3		
Newport	James Bonner,	Sheriff,	1801	No ret or pt. [by security.]		
	Reading Blount,	Entry-Taker,	1800	Dead, no. rds. locg'd		Paid in part 1991. 18s. 6d
	Richard Reipas,	Sheriff,	1794	1128 17 11		Judgment.
	Joseph Kidd,	Vendue Master,	1784	6 1 5	15 6 11	
	Jesse Latham,	Entry-Taker,		24 2 4		
	James Harrison,	Entry-Taker,		2566 15 9		Judgment.
	Winston Calwell,	do.		208 0	63435 10	Judgment.
	Benjamin Calwell,	Sheriff,			36 14 9	do.
	Richard Calwell,	For cash received,	1439 14	343 15 2		Suit.
	Winston Calwell,	Former Clerk,	928 6 10			Judgment.
Swain	Samuel Speight,	Tower-Hill lands.	14 5 9			
Wayne	Owes nothing.	Sheriff,	1800			Judgment.
Yadkin	Owes nothing.					
Yadkin	Owes nothing.					

## Ft Morgan District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Burke	Joseph Spencer,	Clerk & m. chancery	1801.	54 10 9	judgment.	
Butlerford	William Neville,	Sheriff,	1787.	516 15 6	465 19 9	Suit or Judgment.
Lincoln	Jones nothing.					
Wilkes	William Hall,					
Runcombs	Jones nothing.					
Athol	Jones nothing.					

## Edenton District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Cornwall	William Bluff,	Lik. Superior Court		No return or payment.		
Lenoir	Owes nothing.					
Camden	Owes nothing.	Entry-Taker,			101 3 3	Judgment.
Curtis	Thomas Youngusband,					
Gates	Owes nothing.					
Hertford	Owes nothing.	Clerk,		53 16 5		
Perquimans	John Harty,	Sheriff, for absent	Paid Negro	218 17 5		Judgment.
	Edward Hall,			400		
	Jonathan Price,			290		
	Price and Christmas,			500		
	Price and Strother,	do. do.	No return.	Paid in part.		300l.
	Robert McMorine,					
	Owes nothing.					
Tyrrell	Owes nothing.					
Washington	Owes nothing.					

## Halifax District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Halifax	Amos Thomas,	Agent,	1801	479 3 0	101 3 3	has rendered services for part
	Lindford Long,	Clerk,		47 18 10		
Beaufort	Owes nothing.					
Franklin	Peter Goodwin,	Entry-Taker,		14 1		Judgment.
	Thomas Erickell,	do.		26 7 1		Do.
	Do. do.	Clerk,		80 5 5		Do.
	John Haywood,	Judge,	No return or	payment of	tax fees &	attorney's licences
	Anthony Walker,	Maleigh Lott,		159 19		Judgment.
Northampton	Owes nothing.					
Nash	William Hall,	Clerk,		27 13 4		
	do. do.		1802	No return or	payment.	
Warren	Benjamin Mose,	Sheriff,		21 11 6		Judgment.
	John Macon,	Raleigh Lott,		41 15	with interest	do. execution of interest.
	Logan, Poole & Macon,	do. do.		129 13 4		Do.
	John Hall,	Judge,	No account	rendered		Paid in part 321. 13.
Watauga	John B. Hunter,	Clerk,	1800 & 1801	44 14 1		
	do. do.	do.	1802	No return or	payment.	

## Hillsborough District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Orange	Robert Bell,	Clerk & m. chanc.		70 3 11		
	Leonard Henderson,	Clerk,		156 13 8		Judgment.
	Samuel Benton,	do.		09 1 11		
	Williams, Long, and Ex'rs,	Confiscated property		219 14 0		
	Williams and Ex'rs	do.		71 17 7		
	Colby Jackson,	owes the interest on		31 1 3	from July	798. Judgment.
	Thomas H. Perkins,	owes do.		33 0 0	from do.	do. Do.
	Andrew Gibson,	owes do.		60 4 2	from do.	do. Do.
Randolph	Robert M'Lein,	Sheriff,		663 16 8	1539 1 1	do. Do.
	John Arnold,	Entry-taker,	1794.	793 15 4		do. Do.
Wake	Nathaniel Lane,	Clerk,		108 8 1		do. Do.
	Martin Cole,	Confiscated property.			473 2	do. Do.
	Jesse Mitchell,	do.		60 0 0		do. Do.
	Lawrence Smith,	Raleigh lott, owes the		13 0 0	from March	793. Do.
	William Lane,	do.		17 0 0		do. Do.
	Ephraim Persons,	do.		42 5 0		do. Do.
Granville	Stephen Sneed,	Clerk,	1800.	0 4 0		
Person	Owes nothing.					
Cuthbert	Owes nothing.					

## Salisbury District.

County.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Rowan	Robert Martin,	Joiner clk. sup. courts		80 13 0		
	James Brandon,	Entry-Taker,		129 17	9863 12	Judgment.
	Benjamin Knefellev,	Confiscated property		166 0 7		do. paid by Assembly.
	Joseph Cunningham,	Judge,	paid in part	177 10	with interest	Judgment.
	Spruce Macay,	Clerk,	1802	No return or	payment.	No return. 100l.
Iredell	Abner Sharpe,	Sheriff,	1797	153 7 2		Judgment.
	Thomas Morris,	do.	1801	115 1 6		Do.
Mecklenburg	James Neal,	do.	1802	Paid in part.	No ass. lodged	Paid in part 569l. 19s. 6
	Richard Barry,	Former Clerk,		326 19 3		Judgment.
	Samuel Martin,					
Cabarrus	Owes nothing.					
Rockingham	Owes nothing.					
Stokes	Owes nothing.					
Surry	Owes nothing.					
Montgomery	Thomas C. Williams,	Sheriff,	1802	1664 3 2		Judgment.
Guilford	John H. Spruce	do.		57 7 4		

### Balances

Due from Individuals on the Books of the late  
Comptroller.

Benjamin Hawkins,	Delegates	1280
William Cunningham,	in	730
James Blair,	Congress	1704
Paul Mathews,		0
James Anson,	Invalids	34
Linda Hunt,		34

### NORTH CAROLINA.

Comptroller's Office, Dec. 6, 1802.

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

JOHN CRAVEN,  
Comptroller.