

APR 12 1917

LAWS

OF

NORTH-CAROLINA.

STATE HOUSE, BOSTON

At a General Assembly, begun and held at Raleigh, on the Nineteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Four, and in the Twenty-ninth Year of the Independence of the said State.

JAMES TURNER, ESQ. GOVERNOR.

CHAP. I.

An Act to confirm a revival of certain Acts of Assembly.

WHEREAS the General Assembly of this State, at their last Session passed a resolution in the following words: "*Resolved*, that Francis Xavier Martin collect and revise the public acts passed since the publication of Judge Iredell's Revival, to the end of the present session, inclusive; which said Revival shall connect the acts passed since Judge Iredell's, by notes and remarks adverting to such as appear to have been virtually repealed, and retaining such as are not expressly so, and cause his said Revival to be printed." And whereas in pursuance of said resolution, the said Francis Xavier Martin has collected and revised the said acts, caused them to be printed, and his Revival has been submitted to, and examined by, a committee of this General Assembly, and found correct,

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 Revival be, and is hereby approved.

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Preamble

Revival approved.

Read three times and ratified in General Assembly, Dec. 12th, A. D. 1804.

JO: RIDDICK, S. S.
S. CABARRUS, S. H. C.

CHAP. II.

An Act to raise a Revenue for the payment of the Civil List, and contingent Charges of Government, for the Year One Thousand Eight Hundred and 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 for the year one thousand eight hundred and five, 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 such taxes hath heretofore been levied, collected and accounted for.

The tax on land, town lots, & polls.

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-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied and collected as above.*

Tax on Stud Horses and Jackasses.

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

Who are subject to 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 licence, 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*

Pedlars licence.

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county in the State, for the term of one year; and if any person shall peddle or hawk goods in any county of this State, without 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.

Tax on Merchants.

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.

Persons bringing goods on board of vessels to pay the tax.

VI. *And be it further enacted*, 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 other taxes are by this act directed.

Sheriff to collect the taxes.

VII. *And be it further enacted*, That the sheriffs of the several counties of the State shall be, and are hereby authorized and directed to collect the taxes herein imposed on vessels arriving in any of the ports of this State, as soon as the said vessel shall break bulk for the purpose of vending goods thereout; and the said sheriff shall also immediately proceed to collect the tax on all stores by this act directed, from all persons who shall or may be considered as transient merchants.

No sinking fund tax.

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

CHAP. III.

An Act to amend an act, entitled "An act directing the manner of appointing Electors to vote for a President and Vice-President of the United States," passed at the last session of the General Assembly.

Preamble.

WHEREAS no provision is made in said act for receiving the votes given in any particular county of the election districts therein established, in case the Sheriff of such county, by reason of sickness or other unavoidable accident, should be unable to attend on the day and at the place appointed for comparing the polls of his election district, and whereas the penalty imposed on the sheriffs of the several counties failing to attend at the several places appointed, is not sufficient to insure their faithful and punctual attendance: For remedy whereof,

The duty of the Sheriffs.

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 sheriffs of the counties composing the several election districts, by said above recited act established, to meet at ten o'clock of the day at the places appointed for their meeting in their respective districts; and in case all of the sheriffs shall not appear, it shall be the duty of those who do attend, at the hour appointed, to send an express or expresses for the sheriff or sheriffs who shall fail to attend as aforesaid, for the purpose of procuring his or their attendance with a list of the poll or polls, in order that the same may be added to and compared with the other polls of the district. And the expence of such express or expresses shall be paid by the sheriffs who shall fail to appear, unless he or they shall declare on oath, that he was prevented from attending by reason of sickness occurring on the road, or immediately at the time of leaving home; in which case, the expenses and charges of such express or expresses shall be paid by the Public Treasurer. That if the sheriffs failing to attend at the hour of ten o'clock as herein directed, shall not appear by sun-set of the same day, the sheriffs attending shall proceed to compare, by comparison and addition, the polls of their several counties, and each of them shall take a list of the number of votes given for the several candidates for whom votes shall appear to have been given in any of their respective counties; after which, they shall adjourn from day to day for the purpose of receiving the polls of the absent sheriffs, until sun-set of the Thursday following the day appointed for their meeting; at which time, or at any time previous, if all the sheriffs shall attend, they shall proceed to make out the certificate for the person

What to be done in case of non-attendance of Sheriffs.

appearing to have the greatest number of votes, as directed by the act herein before recited, adding the polls returned by any sheriff who shall not have been present at the first addition and comparison, and pursuing in all other respects the directions of said act.

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II. *And be it further enacted*, that in case any sheriff shall fail to attend at the hour of ten o'clock of the day at the place appointed for his attendance in his election district, he shall forfeit and pay the sum of five hundred pounds, to be sued for and recovered by the Attorney or Solicitor-General, in the name of the Governor, in an action of debt in the superior court of the district in which such delinquent sheriff shall reside; and the same, when received, shall be applied to and for the use of the State.

Sheriff's failing
to attend e-
lections for-
feit 500L.

CHAP. IV.

An Act to appoint and empower Commissioners to contract with any person or persons for the purpose of opening and establishing a Turnpike Road to pass through part of the territory belonging to the Cherokee Indians.

BE it enacted by the General Assembly of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Forgas, John Welch, James M'Kee, John M'Farland, Hugh Davidson, John Stevenson and Thomas Love, be, and they are hereby appointed commissioners, or a majority of them, to mark and lay off a road from the line that divides this State from the State of Tennessee, by an estimation about fourteen miles, to where the same shall intersect with a road laid off by order of the county court of Buncombe, leading to Scott's Creek.

Commission-
ers.

II. *And be it further enacted*, That the said commissioners, or a majority of them, shall have full power and authority to contract with any person or persons for the purpose of opening and keeping the said road in repair, by the way of a turnpike, not exceeding fifteen years.

Power given
them to con-
tract.

III. *And be it further enacted*, That whenever the undertaker or undertakers of said road shall have completed their contract, to the satisfaction of the afore-said commissioners, or a majority of them, that the first court which shall thereafter happen in the county of Buncombe, that a majority of the acting justices of the county court aforesaid, or any seven of them, shall proceed to rate the different tolls of said turnpike, and such toll, then rated, shall be permanent during the said term of fifteen years, entered into by the said undertaker or undertakers with the commissioners aforesaid, or a majority thereof.

When the road
is completed
the tolls to
be fixed by
Buncombe
county court

IV. *And be it further enacted*, That the afore-said undertaker or undertakers shall be under the directions of the county court aforesaid, as in case of overseers of public roads.

Undertaker
to be under
direction of
said court.

V. *And be it further enacted*, That if in case any person or persons at any time should forcibly break through or round the said turnpike, to avoid payment of such toll or tolls, they shall forfeit the sum of forty shillings, recoverable before any justice of the peace in and for the county aforesaid, to the use of said owner or owners.

Forfeiture for
avoiding pay-
ment of toll.

VI. *And be it further enacted*, That if any person or persons falling of timber, or putting in other obstructions in the said road, or cutting paths or ways round the turnpike aforesaid, leading the same into the said road, as might tend to the damage of said undertaker or undertakers, shall forfeit and pay the sum of five pounds, recoverable before any justice of the peace of the county aforesaid, and applied as the above mentioned fines.

Forfeiture for
obstructing
said road.

CHAP. V.

An act to amend and repeal in part, an act passed in the year one thousand seven hundred and eighty nine, entitled "An act to establish an University in this State."

WHEREAS by the sixth section of the before recited act, the board of Trustees of the University are vested with the power of filling up any vacancy or vacancies which may happen in that body by the death, refusal to act, resignation or removal out of the State, of any of the Trustees for the time being, or to appoint new Trustees when a majority or any fifteen members of the board, may think proper. *And whereas* it would tend to render the institution more conformable to the wishes of the people, if the power of filling up such vacancy or vacancies and making such new appointment or appointments should be vested in the Legislature.

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 the said sixth section of the before recited act be, and the same is hereby repealed and made void.

Sixth section
repealed.

II. *And be it further enacted*, That whenever any vacancy or vacancies as aforesaid shall happen, that the General Assembly shall proceed to elect a proper

When vacan-
cies happen,
G. Assembly
to supply them.

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and suitable person or persons to fill the same by joint ballot of both Houses, and it shall be the duty of the secretary of the board of Trustees, to make known to the General Assembly at each annual session such vacancies as may happen during their recess.

The General Assembly may also appoint additional Trustees.

III. *Be it further enacted*, That the General Assembly shall, whenever they deem it expedient for the interest of the said institution, appoint as aforesaid, any additional Trustees which they shall think proper: *Provided always*, that the number of Trustees shall at no time exceed eight in each superior court district, any law to the contrary notwithstanding.

When the law shall take effect.

IV. *Be it further enacted*, That this law shall take effect from and after the ratification thereof.

CHAP. VI.

An Act giving further time for registering grants, proving deeds and mesne conveyances.

Two years allowed for registration.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all grants for lands entered under the present Government, all deeds, mesne conveyances of lands, tenements and hereditaments, not already proved and registered, shall and may, within two years after the passing of this act, be admitted to registration, under the same rules and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances of lands, tenements or hereditaments, shall be as good and valid, as if they had been registered, within the time heretofore allowed by law; any law, usage or custom to the contrary notwithstanding.

CHAP. VII.

An Act to revive, amend and continue in force, certain acts for ceding to the United States the lands therein mentioned.

Preamble.

WHEREAS the times limited by the acts of one thousand seven hundred and ninety-four, and one thousand and seven hundred and ninety-eight, for erecting Fortifications on the lands thereby ceded, are expired; and the General Government is proceeding without delay, to finish a Fort on Cape Fear River, upon the public ground laid off agreeably to law, by the Commissioners of Smithville:

Ground laid off continue ceded.

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 ground so laid off by the said Commissioners, shall continue to be, and the same is hereby ceded to the United States of America, with the exclusive jurisdiction, except as is hereinafter excepted, of what is occupied by the Fort and works, upon condition that the Fort now building shall be completed on or before the first day of January, one thousand eight hundred and six.

And whereas also, it is expedient that the Government of the United States should be encouraged to fortify the ports or harbours of this State, at the general expence:

Future purchases ceded to the U. States for fortifications.

II. *Be it further enacted*, That in case of purchase from a citizen or citizens thereof by the National Government, of any points, head-lands or islands, which may be deemed necessary for the defence of any River or Harbour in the State, that the said points, head-lands or islands, with the exclusive jurisdiction thereof, except as is hereinafter excepted, be, and the same is or are hereby ceded to the United States of America, on condition that Fortifications be erected on such places, within three years from the time of the purchase, and be continued and kept up forever thereafter, for the public use and defence; and that the quantity of ground in each case shall not exceed five acres.

No cession to prevent state process from being served.

III. *And be it further enacted*, That no cession herein made shall be so construed as to prevent any officer of the State from serving process or levying executions agreeably to the laws thereof, within the limits ceded by, or in pursuance of this act, to the United States, in the same manner, and to the same effect, as if the same was never passed.

Former acts repealed.

IV. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, or contrary thereto, shall be and the same are hereby repealed and declared void.

CHAP. VIII.

An Act to amend an act, passed at Raleigh, one thousand eight hundred and three, to raise the Jurisdiction of a single Justice of the Peace out of court.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of

this act, that if any person, under any pretence whatever, shall bring a suit in any of the courts of this State, for any sum under thirty pounds, which is cognizable before a single Justice, unless the principal and interest shall exceed the sum of thirty pounds, that this act may be plead in abatement thereof; any law usage or custom to the contrary notwithstanding.

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No suit to be brought into court for less than £39.

II. *And be it further enacted*, That the Constables who hereafter may be appointed, shall give bond and security in the sum of five hundred pounds under the same rules, regulations and restrictions as are already provided by law.

Constables to give bond.

CHAP. IX.

An Act to repeal part of the fourteenth clause or section of an act, entitled "An act to remedy certain inconveniencies arising under the present land laws," passed at the session of the General Assembly begun and held on the twenty-fifth day of November, one thousand seven hundred and ninety-six.

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 that part of the said fourteenth clause or section which relates to the perfecting titles on entries afterwards to be made, to wit, "And in all cases of entries which may be hereafter made, it shall be the duty of the claimant or owner, surveying the same as aforesaid, to complete his title by taking out a grant for the same, or so much thereof as may be found to be vacant land, within two years from the date of such entry, otherwise such entry and claim shall then become utterly null and void, so far as relates to the property in the said land, and the lands included therein shall be held and deemed vacant land to all intents and purposes, as fully as if such entry had never been made," be, and the same is hereby repealed and made void.

Part of the 14th section repealed.

II. *And be it further enacted*, That this act shall take effect from the ratification thereof.

To take effect from ratification.

CHAP. X.

An act to revise and continue in force, the acts and clauses of acts heretofore passed, declaring certain Entries lapsed, notwithstanding the purchase money may have been paid, in case they are not surveyed and returned into the Secretary's Office within a limited time.

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, which have been paid for as by law directed, shall have until the first day of October, one thousand eight hundred and eight, to make surveys and return them into the Secretary's Office.

Entries to have till October 1, 1808, to make surveys, &c.

II. *And be it further enacted by the authority aforesaid*, That this act shall be in force from the ratification thereof.

To be in force from ratification.

CHAP. XI.

An Act giving further time to pay the purchase money to the State on the entries of land therein mentioned, and fixing the times within which the purchase money on all entries which shall be made after the first day of January, one thousand eight hundred and five, shall be paid into the public treasury.

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 persons who have made entries of claim for lands with any of the entry-takers in this State, in the years one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, and one thousand eight hundred and three, and have not paid for the same, shall have until the meeting of the next General Assembly to pay the purchase money into the treasury of the State; and all entries of claim for lands made in the said years, which shall not be paid for on or before that day, shall lapse and revert to the State; and the lands so entered and not paid for, as aforesaid, shall thenceforward be held vacant and unappropriated lands.

Till next meeting of the Gen. Assembly allowed for paying purchase money of land entered from 1800 to 1803.

II. *And be it further enacted*, That all persons who have made, or shall make entries of claim for lands with any of the entry-takers of this State, in the present year, that is to say, in the year one thousand eight hundred and four, and shall not sooner pay for the same, shall have until the second day of the meeting of the General Assembly in the year one thousand eight hundred and six, to pay the purchase money into the treasury of the State; and all entries of claim for lands made in the said year, which shall not be paid for on or before that day, shall lapse; and the lands so entered, and not paid for, shall revert to the State, and shall thenceforward be held vacant and unappropriated.

Entries made in the year 1804, to have till the meeting of the Gen. Assembly in 1806 to pay the purchase money.

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Entries made from 1st Jan. 1805, to 1st Dec. following to have till 1st Nov. 1807 to pay the purchase money.

The fixed law in future,

III. And be it further enacted, That for all entries of claim for lands which may be made with any of the entry-takers in this State, from and including the first day of January, one thousand eight hundred and five, to and including the first day of December next following, the entries shall have until the first day of November, which shall happen in the year one thousand eight hundred and seven, to pay the purchase money into the public treasury.

IV. And be it further enacted by the authority aforesaid, That the fixed and standing law in future shall be, that all entries of land made in the course of any one year, shall, in every event, be paid for on or before the first day of November, which shall happen in the second year thereafter; otherwise all entries of claim for lands so made, as aforesaid, and not paid for on or before the first day of November, which shall happen in the second year after making the same, shall lapse, and the lands so entered shall revert to the State, and shall be free, as shall all other entries which become lapsed by and under this act, for any person or persons to enter as vacant and unappropriated, any law to the contrary notwithstanding.

CHAP. XII.

An Act to amend an act, entitled "An act appointing Commissioners to extend the boundary-line of this State, and the State of South-Carolina," passed at Raleigh, in the year one thousand eight hundred and three.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Governor for the time being, and his successor, shall be and he is hereby vested with full power and authority to enter into any compact or agreement, that he may deem most advisable for the interest of this State, with the Legislative or Executive powers of the States of South-Carolina and Georgia, relative to the establishing permanently, the boundary-line between this State and the said States of South-Carolina and Georgia, and for the extension of the same: *Provided nevertheless*, that nothing herein contained shall be so construed as to affect any part or clause of the above-recited act.

CHAP. XIII

An Act to amend an act, entitled "An act empowering the County Court of Pleas and Quarter Sessions to direct the Secretary of State to correct certain patents or grants therein described, when there have been errors by the Surveyor in the return, or by the Secretary in issuing the same."

Preamble. WHEREAS doubts have arisen whether from the wording of the said act, the benefits therein given can be extended to any other persons than the patentee or claimant in whose name grants are or have been issued,

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 benefits granted by said act to the patentees of land, shall be extended in all cases to every person claiming by, from or under their grant or grants, either by descent, devise or purchase.

Rectified errors to be recorded in the register's books. II. And be it further enacted, That when any error is ordered to be rectified, and the same has been carried through from the grant into the mesne conveyances, the court making such order, shall direct that a copy thereof be recorded in the register's books of the county, for which service the register may demand and receive the sum of two shillings.

CHAP. XIV.

An Act to amend an act passed by the last General Assembly, entitled, "An Act for establishing a Mutual Insurance Society against fire on buildings goods and furniture in this State."

Preamble. WHEREAS doubts have arisen in the minds of some persons whether it was the intention of the Legislature in the above recited act, to fix the board of direction of the said Mutual Insurance Society in the city of Raleigh, notwithstanding by the act aforesaid provision is made for holding the general meetings of said Society in said city, and all suits against said Society are required to be brought in the county court of Wake, and the Mutual Insurance Plan being intended for the equal convenience of the State at large, it is requisite that the concerns of the Society be managed at the seat of government, which is most central and convenient,

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 board of direction of the

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Board of Directors to be in Raleigh.

the said Society shall be held in the city of Raleigh, in which place shall be kept the offices of the principal agent and cashier general, and in and near which shall reside the said officers and the president and a majority of the directors.

And whereas doubts are entertained whether the property insured according to the direction of the act aforesaid will remain as a pledge and security for the payment of any quota demanded after the insured has withdrawn his insurance, or whether any member of said society has the privilege of withdrawing therefrom,

II. *Be it therefore enacted*, That any member of said Insurance Society may withdraw his insurance at any time after the payment of his premium, and such quota or quota's as may of right be demandable of him at the time of delivering his declaration to withdraw: *Provided*, such declaration be in writing and signed by the party so declaring and acknowledged by him before some justice of the peace of this State, with the certificate of said justice that the same was duly acknowledged before him by the person whose signature appears thereto; which declaration shall be delivered to the board of directors, and by them received as evidence of such withdrawing, and shall discharge such member and his insured property as mentioned in said declaration from all further pledge and liability: *Provided however*, such insured property shall be considered and remain liable as a pledge and security for the payment of any quota which may at any time be imposed for the retribution of a loss or losses sustained previous to such discharge.

Members may withdraw from the Society.

CHAP. XV.

An Act to cede to the United States the jurisdiction of the land therein mentioned.

Preamble.

WHEREAS the Congress of the United States, at their last session, passed an act providing among other things, for the erection of a light-house on or near the pitch of Cape Look-out, in this State, and it is expedient that the United States should have exclusive jurisdiction of the land whereon the same is to stand,

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 exclusive jurisdiction of four acres of land lying near the pitch of Cape Look-out, in the county of Carteret, in this State, beginning at a cedar and running north eighty three degrees, east twenty five poles and four tenths of a pole to a live oak, then south seven degrees, east twenty five poles and four tenths of a pole to a post, then south eighty three degrees, west twenty five poles and four tenths of a pole to a post, and thence to the beginning, shall be, and is hereby ceded to the United States, as soon as they shall obtain the title thereof from the proprietor or proprietors.

Jurisdiction ceded.

II. *And be it further enacted*, That the said jurisdiction is ceded to the United States upon the express condition that a light-house shall be erected thereon within five years, and be continued and kept up forever thereafter, for the public use.

Condition of the session.

III. *And be it further enacted*, That nothing herein contained shall be construed to debar or hinder any of the officers of this State from serving any process or levying executions within the limits of which the jurisdiction is by this act ceded to the United States, in the same manner and to the same effect as if this act had never been made.

Not to debar the serving of State process.

CHAP. XVI.

An Act directing in what cases bail shall be given in actions of Ejectment.

Plaintiff in a writ to enter into bond at the return court.

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 the return of any writ of ejectment to any court having cognizance thereof, the real plaintiff in said writ, his agent or attorney, at the return court of said writ, shall enter into bond with the clerk of the court to which said writ shall be returned, with good and sufficient security, to prosecute the same with effect, or otherwise to pay all such costs and damages as shall be awarded on failure thereof.

II. *And be it further enacted*, That in all actions of ejectment, the person or persons who shall make themselves defendants in said suits shall, on doing the same, either by themselves, their agent or attorney, enter into bond, with good and sufficient security, to answer such writ or writs of ejectment in the court to which they may be made returnable; and abide by the determination of the same; which defendant or defendants shall be under the same rules and regulations, and liable to the same judicial proceedings, as to all costs and damages that may be awarded against him or them, as principal and bail are subjected to in other civil actions of law in said court; any law to the contrary notwithstanding.

Defendants to enter into bond to answer such writ.

V. *And be it further enacted*, That whenever any plaintiff or plaintiffs shall fail to give his bond for prosecuting, as before directed, the court shall, on motion,

On failure of giving bond the suit to be dismissed.

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dismiss the suit; and wherever any person or persons may be desirous of becoming defendant or defendants in said suits, they shall give bond as before directed, or be in custody of the sheriff before they or their attorney shall be suffered to plead.

CHAP. XVII.

An Act to relieve certain inhabitants of Mecklenburg county, and other citizens of this State.

Preamble.

WHEREAS by an act of the General Assembly passed at the city of Raleigh in the year 1794, entitled "An Act more liberally to endow the University of North Carolina, and secure the titles of certain inhabitants of Mecklenburg county and other citizens of this State, to certain lands heretofore purchased from Henry Eustace M'Culloch," it is enacted, that all lands not heretofore sold, which under any of the laws commonly called confiscation laws have been forfeited or confiscated to the use of the State, and be and the same are hereby granted to and vested in the trustees of the University of North Carolina, and their successors forever in trust for the use and benefit of said University: And with respect to lands which had been sold by the said Henry Eustace M'Culloch, and for which he had taken bonds or mortgages previous to the fourth day of July, in the year one thousand seven hundred and seventy six, in the second section of the above recited act, it is enacted, "That so much and such part of the said confiscated lands as may have been bona fide purchased or mortgaged as aforesaid are granted to, and vested in the trustees of the University of North Carolina and their successors, not only for the use and purpose above mentioned in this act, but on the express trust, that the said trustees and their successors shall take and use all proper ways and means, both in law and equity, to convey and assure to the equitable owners and claimants of such lands, a good and sufficient title in law, to the lands so purchased or mortgaged as aforesaid, such equitable owners or claimants paying or securing to be paid to the said trustees or their successors such sum or sums of money as may be justly due on such purchase or mortgage: *Provided*, that the interest to be required from such claimant, shall in no instance exceed the principal; nor shall interest in any case be calculated during the war:" And in the fourth section, of said act, it is further enacted "That the proceeds of all sales which shall be made, and the amount of all payments received under this act, shall be considered as a fund the interest whereof shall be applied to the use and purposes expressed in this act for the term of ten years, at the expiration of which time, the principal thereof, after deducting the charges of collection, shall be subject to the direction and disposition of the General Assembly. *And whereas* the said trustees of the University of North Carolina, by themselves, their agents or attorneys, in pursuance of the said act, have received from the inhabitants of Mecklenburg county, and other citizens of this State, considerable sums of money which were due for lands purchased from or mortgaged to the said Henry Eustace M'Culloch, and by said act granted to and vested in the said trustees and their successors, which said sums of money, the said inhabitants of Mecklenburg county and other citizens of this State, by reason of a recent adjudication in the Court of Conference of this State, are held and considered still liable for and bound to pay to the said Henry Eustace M'Culloch, his agent or attorney, notwithstanding they have heretofore paid the same, or become bound to pay the same, to the said trustees and their successors, whereby they may be compelled to pay a second time the debts contracted with the said Henry Eustace M'Culloch. *And whereas*, it has been represented to this General Assembly, that the sums of money received by the trustees of the University, their agents and attorneys, on account of the lands sold by and mortgaged to the said Henry Eustace M'Culloch, and also the greater part of the monies received by the said trustees from other sources, have from time to time been invested in stock of the United States; by which means, they the said trustees, have not in possession a sum sufficient to meet and discharge the demands which may be made on them by the said inhabitants of Mecklenburg county and other citizens of the State, on account of the liability to the said Henry Eustace M'Culloch as aforesaid: *And whereas*, it is but just that they should be indemnified: For remedy whereof,

Treasurer directed to pay sums due to persons on account of money paid the Trustees of University for lands sold by H. E. M'Culloch.

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 Treasurer of this State shall, and he is hereby authorized and directed to pay out of any monies in the public treasury not otherwise appropriated, to each and every person, such sum or sums of money which he, she or they may have paid to the said trustees of the University, their agents or attorneys, on account of lands sold by, or by virtue of mortgages made to the said Henry Eustace M'Culloch, under the act herein before recited,

with lawful interest thereon from the time the several sums of money were respectively paid: *Provided nevertheless*, that the whole sum paid out shall not exceed the sum of four thousand five hundred pounds: *Provided also*, that no person shall be entitled to receive any sum of money by virtue of this act, without producing by him or herself, or by his or her attorney legally authorized for that purpose, to the Public Treasurer, a receipt or receipts from the said trustees, or some one of their agents or attorneys, for the sum or sums of money which he, she or they may have paid as aforesaid; or in case the money shall have been paid in pursuance of any judgment rendered in behalf of the said trustees, on any suit or suits by them brought on account of debts due for lands of the said Henry Eustace M'Culloch, sold or mortgaged as aforesaid, without producing to the said Public Treasurer, a transcript of the record of said judgment, or so much thereof as shall be satisfactory to the said Treasurer, with a certificate of the clerk of the court wherein the same was rendered, stating the amount paid on account thereof.

Provided it does not exceed a certain amount.

And on their producing the receipt of the Trustees.

Or on the record of the judgment, if sold in pursuance of one.

II. *And be it further enacted*, That the board of trustees of the University of North-Carolina shall, during the present session of the General Assembly, make a report, in which shall be stated the amount collected for lands sold by, and mortgages made to the said Henry Eustace M'Culloch, and the disbursements and expenses attending the collection; and that so much of the stock of the United States belonging to the said board of trustees, as shall be equal in amount to the nett sum collected by them, their agents or attorneys, shall be, and the same is hereby declared to be, pledged to the State of North-Carolina, as a fund which may be applied towards the repayment of the monies herein directed to be advanced to the inhabitants of Mecklenburg county, and other citizens of this State.

Trustees to make a report during present session on this subject.

III. *And be it further enacted*, That the board of trustees shall cause to be transferred such amount of their stock as shall be equal to the sum contemplated, as above mentioned in the last enacting clause, and herein pledged; and until such transfer is made, the Treasurer shall not pay any sum or sums authorized and directed by this act to be paid to the citizens of Mecklenburg, and others.

Trustees of the University to transfer their stock to the State.

CHAP. XVIII.

An Act to continue in force an act passed in the year one thousand eight hundred and one, entitled "An act to continue longer in force and to amend an act passed in the year one thousand seven hundred and ninety-nine, entitled An act directing the Judges of the Superior Courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of persons concerned in certain frauds."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, an act of the General Assembly, passed in the year one thousand eight hundred and one, entitled "An act to continue longer in force and to amend an act passed in the year one thousand seven hundred and ninety-nine, entitled An act directing the Judges of the Superior Courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of persons concerned in certain frauds," be, and the same is hereby declared to be in full force and virtue: And that the Judges shall so arrange the ridings among themselves, that one of the Judges of the Superior Courts shall attend any of the Superior Courts of law and equity, that they shall interchange their ridings alternately, so that no one of them shall attend the same court, or any one of said courts, twice in succession. And one Judge of the said courts shall hereafter have full power and authority to hold said courts, and determine all cases both in law and equity, depending, or hereafter to depend in the same, and to do every thing therein which the case may require.

The act of 1801 declared in full force.

The Judges to interchange their ridings alternately.

II. *And be it further enacted*, That the Judges of the said Court of Conference shall not only reduce their opinions to writing, and file the same in the Clerk's Office, as heretofore directed by law, but that the Judges of the said court shall likewise, when their opinions are made, deliver the same *viva voce* in open court. That the said court shall be deemed a Court of Record, and that the papers and records belonging to the clerk's office of said court, shall hereafter be constantly kept within the city of Raleigh; any thing to the contrary notwithstanding.

How the Judges in court of Conference shall deliver their opinions.

Papers and records to be kept at Raleigh.

CHAP. XIX.

An Act specifying the duties and salary of Public Printer.

WHEREAS doubts have arisen with respect to the duties to be performed by the Public Printer under the annual salary allowed him by law:

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is

1804.

Printer's duty:

hereby enacted by the authority of the same, That it shall be the duty of the Public Printer to print a sufficient number of the Journals of each session of the General Assembly to supply each member thereof with one copy, and the offices of the Governor, Treasurer, Secretary and Comptroller, with each a copy, and one other copy for each of the Clerks of the General Assembly; a sufficient number of the Acts passed at each session to serve each Member of the General Assembly with one copy, also one copy for each of the public offices and clerks as aforesaid, one copy for every Judge and Clerk of the superior courts, one for the Attorney and Solicitor-General each, one for every Clerk and Master in Equity, and one copy for every Justice of the Peace, County-court Clerk, Sheriff and Coroner throughout the State, and one copy for the Executive of each State in the Union. It shall also be the duty of the Public Printer, without making any extra charge therefor, to print for the use of the two Houses of the General Assembly whilst in session, copies for every member thereof of the rules of their respective houses, and of such public bills, resolutions, reports or messages, as they may from time to time direct, as well as a copy of the titles of the laws passed at the close of each session, certificates for the attendance of the members, and alphabetical lists of the names of the members for the use of the clerks. And it shall be the further duty of the Public Printer, to publish in the State-Gazette, as soon as may be after the close of each session, all the acts of a public nature which have been passed, as well as any Proclamation which may at any time be issued by his Excellency the Governor of this State.

The laws and Journals how to be delivered.

II. And be it further enacted, That it shall be the further duty of the Public Printer, to have the Laws and Journals of each session printed, and ready for delivery, within ninety days from the close of every session; and when thus finished and addressed to every Member of Assembly, Judge, Justice of the Peace, and others entitled to receive them, that he cause them to be packed up in parcels for each county, and delivered by trusty persons employed for the purpose, to the Clerks of every county court in this State; or in the absence of such clerk, to some proper person in his behalf, whose receipt for the same he shall deliver to the Comptroller, before he shall be considered as having fulfilled the duties of his office.

Salary.

Allowance for delivering the laws, &c.

III. And be it further enacted, That the Public Printer shall be allowed the sum of six hundred pounds annually, in full compensation for the aforesaid enumerated services, together with an extra allowance of forty shillings for each and every county in the State, for distributing the Laws and Journals as herein before directed; which shall be paid him, one half thereof at the rise of each session of the General Assembly, the other half whenever he shall produce to the Comptroller receipts certifying that he hath fully complied with the provisions of this act in the distribution of the laws and journals aforesaid.

Former acts repealed.

IV. And be it further enacted by the authority aforesaid, That all acts and clauses of acts that come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XX.

An Act for the relief of foreign Seamen brought into the port of Wilmington.

Preamble.

WHEREAS it frequently happens that some of the seamen composing the crews of foreign vessels arriving in the port of Wilmington, are discharged from their vessels by reason of sickness or incapacity for duty, and are left in the town of said port in a sick and helpless condition, without any means of support, whereby they suffer for want of relief, and in many cases become burthensome to the inhabitants of said town: For remedy whereof,

Masters of vessels, on their arrival, to exhibit lists of their crews, before allowed an entry.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the master or commander of every foreign vessel which shall enter the port of Wilmington, shall exhibit to the harbour-master of said port, on oath, which the said harbour-master is hereby authorised to administer, a list of his crew or ship's company, a copy of which list, with the certificate of the said harbour-master that the same has been sworn to, the said captain or commander shall exhibit to the collector of the said port of Wilmington, before he shall be entitled to an entry at the custom-house; and before he shall be entitled to clear out his vessel from said custom-house, the said captain shall exhibit on oath as aforesaid to the said harbour-master, a list of the crew or ship's company with which he intends to leave the said port; and if any of the seamen which made a part of the ship's crew or company on her arrival, shall not appear on said list, the said captain shall declare on oath the cause thereof,

And also before they clear out.

and if it shall appear that any of them have been discharged or put on shore by reason of sickness or incapacity to perform duty on board said vessel, then and in that case, the said captain, his owner or consignee, shall enter into bond with sufficient security, to be judged of by the said harbour-master, payable to the wardens of the poor for the county of New-Hanover, in the sum of one hundred pounds for each and every seaman discharged or put ashore as aforesaid, conditioned that each and every seaman so discharged or put ashore, shall be supported and taken due care of until his health is so restored as to be in a condition, by his labour or by any trade which he may profess, to earn or procure a subsistence.

1804.

If the lists do not agree, the cause to be assigned.

Captain to give bond for supporting any seaman put ashore.

II. *And be it further enacted*, That the bonds taken in pursuance of this act shall, by the harbour-master of the said port of Wilmington, be delivered over to the wardens of the poor of the county of New-Hanover; and in case of the failure of the obligors to support the seamen for whose support they shall have become bound, the said wardens shall administer support and relief to the same as paupers of the county. And the said wardens of the poor shall, and are hereby authorised and empowered, in case of failure as aforesaid, in their name as wardens of the county of New-Hanover, to institute and prosecute suit or suits on said bonds in any court of record having jurisdiction thereof; and the sum recovered shall be considered and applied as a fund to and for the use of the poor of said county; and a demand made by the said wardens by themselves, their agent, or attorney, on the said obligors, or any one of them, and a refusal to advance the sum which shall be required for one month's support of any of such seamen, shall be received and considered as sufficient evidence of the failure and breach of the conditions of any bond given as aforesaid, in any court in which a suit thereon shall be sued and prosecuted.

Bonds taken to be delivered to the Wardens of the Poor, &c.

III. *And be it further enacted*, That this act shall not be in force until the same is ratified and confirmed by an act of the Congress of the United States.

This act to be ratified by Congress.

CHAP. XXI.

An Act for establishing a Bank in the town of Wilmington.

WHEREAS the increase of population and commerce in the districts of Wilmington and Fayetteville, render it expedient that a Bank should be established for their accommodation in the town of Wilmington:

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 a Bank shall be established in the town of Wilmington, the capital stock whereof shall not exceed two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; but in the mean time, subscriptions towards constituting one hundred thousand dollars of said stock shall be opened; that is to say, at Wilmington on the first Monday in April next, for five hundred shares, under the superintendence of George Hooper, John London, John Hill, John Hogg, Richard Bradley, William Giles and Henry Watters; and on the same day at Fayetteville, for five hundred shares, under the superintendence of John Winslow, David Anderson, William B. Grove, Duncan M'Leran, Robert Holliday, Peter Perry and Simeon Belden. And a majority of said commissioners, at the places above mentioned respectively, shall be sufficient to perform the duties of their appointment; and it shall be competent for the corporation created by this act, to proceed to fill up, in whole or in part, the remaining fifteen hundred shares, by subscriptions to be opened at the above places, respectively, at such time, and under such commissioners, as they may appoint, giving three months notice thereof in the Wilmington, Newbern and State Gazettes.

Capital Stock.

Subscriptions to be opened.

II. *And be it further enacted*, That the amount of the share or shares subscribed for, shall be paid by the several and respective subscribers in gold or silver, one fourth thereof at the time of subscribing, to the said commissioners, and one fourth within sixty days after the Bank shall go into operation, one fourth within one hundred and twenty days, and one fourth in six months, to the Bank directors for the time being: *Provided always*, That it shall be lawful for any subscriber to pay the whole of his subscription-money, or any greater part than is hereby required, before the time limited for the same; and each and every subscriber so paying in advance, shall have a discount at the rate of six per centum per annum on such advance, computing from the commencement of the operation of the said Bank; and any person or persons failing to pay any instalment at the time herein appointed, shall forfeit to the corporation the sum or sums by him or them before paid, and shall thenceforth cease to be a member thereof; and it shall be competent for

Subscriptions to be paid in gold or silver.

When paid.

Forfeiture on failure to pay.

1804. the corporation to supply any deficiency occasioned by any such delinquency, by sale or otherwise, as they may deem proper.

III. *And be it further enacted,* That the subscribers to the said Bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, in law and in fact, by the name and style of "*The President, Directors and Company of the Bank of Cape Fear,*" and shall so continue until the first day of January, one thousand eight hundred and twenty, and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole (including the amount of the capital stock aforesaid) six hundred thousand dollars, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; and also to make, have and use, a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary for the government of the said corporation, not being contrary to the constitution of this State, or of the United States, or of the said corporation; for which purpose, general meetings of the stockholders shall and may be called by the directors as hereinafter specified, and generally to do and execute all such acts, matters and things as to them shall and may appear necessary; subject nevertheless to the rules, regulations and restrictions hereinafter declared and prescribed.

IV. *And be it further enacted,* That for the well ordering of the affairs of the said corporation, there shall be eleven directors, being citizens of this State, of whom at least seven shall be residents of Wilmington, or within fifteen miles thereof, elected yearly by the stockholders, at a general meeting to be held annually at Wilmington, on the first Monday in January; provided the first election of directors shall not be included in the before-mentioned general regulation, but shall be held at the time and in the manner hereinafter directed; and provided that in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall be lawful on any other day within ten days thereafter, to hold and make an election for directors, in such manner as shall be regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation or absence from the state, of any director, his place shall be filled up by a new choice for the remainder of the year by a majority of the directors.

V. *And be it further enacted,* That on the first day of May next, and every thirty days thereafter, if the subscription shall not be sooner closed, the commissioners appointed at Fayetteville, shall transmit and deliver to the commissioners appointed at Wilmington, a list of the several subscribers at such place, and the share or shares to each and every subscriber belonging, together with the full amount of the subscription money by the said commissioners received as aforesaid; for which amount the receipt in writing of the said commissioners appointed in and for the town of Wilmington, or a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same; and as soon as the sum of twenty five thousand dollars in the manner aforesaid shall be actually received on account of the subscription to the said capital stock of the said bank, notice thereof shall be given by the commissioners appointed in and for the town of Wilmington, in the Wilmington and State Gazettes, and the same persons shall at the same time notify a time and place within the said town at the distance of twenty days from the time of such notification, for proceeding to the choice of directors; and it shall be lawful for such election to be then and there made, and the eleven persons who shall then and there be chosen, shall be the first directors and shall be capable of serving until the first Monday in January thereafter or until their successors shall be duly elected; and the said directors shall forthwith commence the operations of the said bank at the town of Wilmington.

VI. *And be it further enacted,* That it shall be lawful for the corporation to establish a branch of said bank, whenever they shall think fit, at and in the town of Fayetteville, for the purpose of discount and deposit only, and upon the same terms and in the same manner as shall be practised at the bank in Wilmington, and to commit the management of the said office or branch, and the making of the said discounts, to such persons under such agreements, and subject to such re-

regulations as they shall deem proper, not contrary to the Constitution of this State, the United States, or of this Corporation: Subscriptions may be made in person or by proxies appointed in writing.

1804.

VII. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks, and servants under them, as they shall deem proper, and regulate their respective duties and compensation, and shall be capable of exercising such other powers and authorities as shall be described, fixed and determined by the laws, regulations and ordinances of the corporation.

Directors to
appoint Off-
cers, Clerks,
&c.

VIII. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be the fundamental articles of the constitution of the said corporation: The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, one vote for each share; they shall have a right to vote by a proxy, he being a stockholder: No director shall receive any emolument; the stockholders may allow a salary or other compensation to the President: No less than five directors shall constitute a board for the transaction of business, of whom the President shall always be one, unless in case of sickness or necessary absence, he shall appoint by a written instrument a director to fill his place: A number of stockholders, not less than twenty-five, being altogether owners of fifty shares, shall have power to demand a general meeting, and the President shall call one within thirty days after the communication of their request: Every cashier shall give bond and security before he enters on the duties of his office, in the sum of ten thousand dollars, and the other officers, clerks or servants of the corporation, shall give such security as the directors shall require: The stock of the said corporation shall be transferable and alienable, according to such rules and regulations as the corporation shall, from time to time, make for that purpose: Bills, bonds and notes subscribed by the President and countersigned by the cashier, shall be binding and obligatory upon the corporation: Half-yearly dividends shall be made of such part of the profits of the Bank as shall appear advisable: The total amount of notes emitted or thrown into circulation by the said corporation, together with their debts of every description, shall not at any time exceed the sum of seven hundred and fifty thousand dollars, over and above the monies then actually deposited in the Bank for safe-keeping; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural private capacities, and an action of debt may in such case be brought against them, or any of them, or their heirs, executors or administrators, in any court of record, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding: *Provided*, that any of the directors who may have been absent, or have dissented from the resolution or act whereby such excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith entering their protest with and before a notary public, and to the stockholders at a general meeting, which they shall have power and are hereby required and directed to call for that purpose: None but a stockholder, being a citizen of this State, shall be eligible as a director: The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales on judgments, which shall have been obtained for such debts: Nor shall this corporation, directly or indirectly, deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods the produce of its lands; neither shall the said corporation take more than at the rate of a half per centum for thirty days, for or on account of its loans or discounts.

Fundamental
articles of the
constitution of
the Bank.

IX. *And be it further enacted*, That it shall and may be lawful for the State of North-Carolina, at any time within three years from and after the passing of this act, to become interested in said Bank, to an amount not exceeding two hundred and fifty shares of one hundred dollars each; and on the payment into the said Bank by the State for any shares she may deem it advisable so to take, it shall be lawful thence forward for the said corporation to issue notes founded on

The State
may become
interested in
the Bank.

1804. such extension of capital, in the same ratio as is herein before provided on the original stock created by virtue of this act.

A house &c.
to be provided.

X. *And be it further enacted*, That the commissioners appointed by this act for receiving subscriptions in the town of Wilmington, shall, immediately after a sufficient number of shares are taken, provide a house for carrying on the business of the Bank, together with all necessary paper, stationery, vaults and utensils suitable to the same, so that as soon as the directors are chosen, the operations of the said Bank may be immediately prosecuted and carried into effect.

Persons in-
debted to the
Bank may be
proceeded a-
gainst by mo-
tion.

XI. *And be it further enacted*, That in case any person shall be indebted to the said Bank on any bill, bond or note, duly executed or endorsed, in the body of which bill, bond, note or endorsement, it shall be expressly stated that the same shall be negotiable at the said Bank; or shall be indebted to said Bank by reason of or under any acceptance, shall fail to make payment at the time specified, the President or Cashier, or any number of directors as may be appointed by the directors of said Bank, shall cause a demand of payment to be made in writing on such delinquent; and if the money so due, shall not be paid within ten days thereafter, the President, Cashier, or any number of directors which may be appointed by the directors of said Bank, may, on motion, either in the Superior Court of Wilmington district, or within any County Court within the said district, of which notice shall be given at the time of making the demand as aforesaid, enter up judgment for such sum as shall appear due on any bill, bond, note or acceptance as aforesaid: *Provided always*, that if any such delinquent shall, at the Court at which he shall be notified judgment will be moved for against him, deny the whole or any of the same demand to be due, the said Court shall direct an issue to be made up and a jury empanelled, who shall proceed to the trial of the same, and their verdict and the judgment thereon shall be final and conclusive, and from which there shall be no appeal.

This Bank not
to have pre-
ference to any
State Bank.

XII. *And be it further enacted*, That nothing herein contained shall be construed to give to the Bank by this act created, any precedence or preference to any Bank which the Legislature may at any time hereafter establish at the towns of Wilmington and Fayetteville, or elsewhere; and the said Bank by this act established, may become a branch (on such terms as may be agreed on) of any general Bank which may be established for this State in the city of Raleigh or elsewhere.

CHAP. XXII.

An Act to incorporate the Newbern Marine Insurance Company, and to establish a Bank in said town.

Preamble,

WHEREAS James M'Kinlay and others, associated as a company, under the style of the Newbern Marine Insurance Company, have prayed to be incorporated,

Insurance
Company in-
corporated.

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 such persons as now are, or hereafter shall be stockholders of said company, shall be, and are hereby constituted, ordained and declared to be, a body politic and corporate, by the name of "*The Newbern Marine Insurance Company*," and that by that name, they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answer and being answered unto, defending and being defended, in all courts and pleas whatsoever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and be capable of purchasing, holding and conveying any estate, real and personal, for the use of said company.

Shares to be
\$01. each.

II. *And be it further enacted*, That a share in the stock of the said company shall be fifty pounds, payable in advance, or by such instalments as the President and Directors, hereafter directed to be appointed, shall direct; and the number of shares shall not exceed five hundred, and subscription books may from time to time be opened, under the direction of the said President and Directors.

Corporation
to be managed
by eleven Di-
rectors.

III. *And be it further enacted*, That the stock and property, affairs and concerns of said corporation, shall be managed and conducted by eleven directors (one of whom shall be President, and another Secretary) who shall hold their offices for one year, and until others shall be chosen, and at the time of their election shall be stockholders and inhabitants of the town of Newbern, and shall be elected on the second Monday of January in every year, at such time of the day, and at such place in said town, as the directors for the time being shall appoint, and

every stockholder shall, at such election, have a vote for every share he holds, reckoning no share except such as were acquired ninety days before the election; and the persons having the greatest number of votes (a majority of the votes of the stockholders being taken) shall be elected.

That the directors shall meet as soon as may be after every election, and shall chuse the officers and servants of the company, the latter of whom shall be removable at their pleasure, and shall during the year fill up any vacancy that may happen in their own body, or in said officers or servants; but such appointments shall expire on the day of the next annual election; but until the second of January, one thousand, eight hundred and six, Samuel Chapman, Josiah Collins, jun. John Devereux, John Harvey, Moses Griffin, James M'Kinlay, Francois Xavier Martin, William Sheppard, John Stanly, Isaac Taylor and Alexander Torrans, shall be Directors, and James M'Kinlay President, and William Sheppard Secretary.

Directors to meet and chuse the officers & servants of the company.

The Directors till 1806 named,

IV. And be it further enacted, That if it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act it ought to have been made, the said corporation shall not therefore be dissolved, but it shall and may be lawful to hold and make an election of directors in such a manner, and at such time, as the laws and ordinances of the corporation may direct.

Corporation not dissolved by a failure of making an election of Directors.

The President and six Directors shall constitute a board competent for the transaction of business, and have power to make laws and ordinances for the management and disposition of the stock, property, estate and effects of the corporation, the transfer of shares, and the duties and compensations of the secretary and servants employed. They shall also appoint a committee of four directors, any two of whom, with the President, shall have power, on behalf of the corporation, to make insurances, fix premiums, lend money on bottomry or respondentia bonds, mortgages on the personal security of two responsible freeholders, direct the issuing of policies, notes, and all and every instrument of writing that may be necessary and proper in the transaction of the affairs of the company; and all such instruments, subscribed by the President and countersigned by the Secretary, shall bind the property, real or personal, of the corporation; and until the second Monday of February, one thousand, eight hundred and six, John Devereux, Isaac Taylor, John Harvey and Alexander Torrans, shall be the committee of directors.

President & six directors constitute a board.

A committee to make insurances &c.

V. And be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a Bank shall be established in the town of Newbern, the capital stock whereof shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each; but in the mean time, subscriptions shall be opened in the said town for five hundred shares, on the first day of April next, under the superintendence of James M'Kinlay, John Devereux, Francois Xavier Martin, Isaac Taylor and John Harvey, a majority of which said commissioners shall be competent to perform the duties of their appointment: And they shall keep the subscription books open for the term of ten days; and if the number of shares shall not be subscribed within the said term of ten days, then they shall keep the said books open until the said five hundred shares are subscribed, and no longer: And the corporation by this act created, may, at any future time, open books to receive subscriptions for the remaining fifteen hundred shares, at such time and at such place, and under the superintendence of such persons, as they may deem advisable and expedient. Subscriptions may be made in person, or by proxy in writing.

A Bank to be established.

The capital.

Subscriptions to be opened.

VI. And be it further enacted, That the amount of the share or shares subscribed for, shall be paid by the several and respective subscribers in gold or silver, one fourth thereof at the time of subscribing, to the commissioners, one fourth within sixty days after the Bank shall go into operation, one fourth within one hundred and twenty days, and one fourth in six months, to the Bank directors for the time being: *Provided always*, That it shall be lawful for any subscriber to pay the whole of his subscription-money, or any greater part than is hereby required, before the time limited for the payment of the same; and each and every subscriber so paying in advance, shall have a discount at the rate of six per centum per annum on such advance, computing the same from the commencement of the operation of the said Bank.

Share to be paid for in gold or silver.

VII. And be it further enacted, That the subscribers to the said Bank, their successors and assigns, shall be, and are hereby created and made a corporation

1804.

and body politic, in law and in fact, by the name and style of "*The President and Directors of the Bank of Newbern*," and shall so continue until the first day of January, in the year eighteen hundred and twenty, and by the name and style aforesaid they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain, to themselves and successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole five hundred thousand dollars, including the amount of the capital stock aforesaid, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also to make, have and use, a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws of this State, or of the United States; and for the making whereof general meetings of the stockholders may be called by the directors in the manner hereinafter specified, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may or can lawfully do and execute; subject to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.

To be eleven
Directors.

VIII. *And be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be eleven directors, being citizens of this State, elected yearly by the stockholders, at a general meeting to be held annually at Newbern, on the first Monday in January, seven of whom shall reside at Newbern, or within twenty miles thereof; provided that the first election of directors shall not be included in the above-mentioned general regulation, but shall be held at the time and in the manner hereinafter directed; and provided that in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful at any other day within ten days thereafter, to hold and make an election for directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation or absence from the state, of a director, his place shall be filled up by a new choice for the remainder of the year by a majority of directors.

When
12,500\$ received
said Bank
may go into
operation.

IX *And be it further enacted*, That as soon as twelve thousand five hundred dollars shall be actually received on account of the subscription to the said capital stock of the said Bank, notice shall be given thereof by the said commissioners, or a majority of them, in the Gazettes printed in the said town of Newbern; and the same persons shall, at the same time, notify a time and place within the said town, within the distance of twenty days from the time of such notification, for proceeding to the choice of directors, and it shall be lawful for such choice to be then and there made; and the eleven persons who shall be then and there chosen, shall be the first directors, and shall be capable of serving until the first Monday in January thereafter, by virtue of such choice, or until their successors shall be duly elected. And the said directors shall forthwith thereafter commence the operation of the said Bank in the town of Newbern.

Directors to
appoint officers,
clerks, & ser-
vants.

X. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of said corporation, and to allow them such compensation for their services respectively as shall be reasonable; and shall be capable of exercising all such powers and authorities for the well governing of the affairs of the corporation, as shall be prescribed by the laws, ordinances and regulations of the same.

Rules of the
Bank.

XI. *And be it further enacted*, That the following rules, regulations, restrictions, limitations and provisions, shall be and form the fundamental articles of the constitution of the said corporation. No stockholder shall be entitled to more than one vote for each and every share he may hold: They shall be entitled to vote by proxy, he being a stockholder: No director shall receive any emolument, nor shall any person be a director who is not a stockholder: The stockholders may allow the President a salary, or other compensation: Not less than five directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence,

in which case his place may be supplied by any other director properly authorized by him by an instrument in writing: A number of stockholders, not less than twenty-five, being altogether owners of fifty shares, shall have power to demand a general meeting, and the President shall call one within thirty days after the communication of their request: Every cashier or treasurer shall give bond and security before he enter on the duties of his office, in the sum of ten thousand dollars, and the other officers, clerks and servants of the corporation, shall give such security as the directors shall require: The stock of the said corporation shall be transferable and alienable, agreeable to such rules and regulations as the corporation shall, from time to time, make for that purpose: Bills, bonds and notes signed by the President and countersigned by the Cashier, shall be binding and obligatory on the corporation: Half-yearly dividends shall be made of such part of the profits of the Bank as shall appear advisable: The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts: Nor shall this corporation, directly or indirectly, deal in or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of one half per centum for thirty days, for or on account of its loans or discounts: The total amount of notes emitted or thrown into circulation by the said corporation, together with their debts of every description, shall not any time exceed six hundred thousand dollars, over and above the monies then actually deposited in the Bank for safe-keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the State; in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their natural private capacities, and an action of debt may be brought against them, or any of them, or their heirs, executors or administrators, in any court of record, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same from being also liable for, and chargeable with the said excess; such of the said directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was created or contracted, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, with and before some notary public, and to the stockholders at a general meeting, which they shall have power and are hereby directed to call for that purpose.

XII. *And be it further enacted*, That if any person shall become indebted to the said Bank on any bond, bill or note, by him, her or them duly executed or endorsed, with an express consent in writing that the same shall be negotiable at the Bank; or shall be indebted thereto by reason of any acceptance to said Bank, shall fail to make payment when the same shall become due, judgment shall and may be entered up, on motion made either in the Superior Court of the district of Newbern, or any County Court within the said district, for such sum as shall, by the Cashier and President of the said Bank, be stated to be due on any such bill, bond, note or acceptance. *Provided always*, that before any judgment shall be granted or rendered as herein directed, it shall be made to appear to the satisfaction of the court in which the motion shall be made, that ten days notice have been given to the party or parties against whom the motion is made, which notice shall state the court in which the motion is intended to be made. *And provided also*, that in case the sum demanded, and for which judgment shall be prayed, shall be contested, in whole or in part, by the debtor, the said court shall immediately direct an issue to be made up and a jury empannelled to try the same, and the verdict of the said jury ascertaining the amount due, and the judgment thereon, shall be final and conclusive.

Proceedings
to be had in
cases of failure
of payment of
notes, &c.

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Provisions
for allowing
the State an
interest in this
Bank.

Nothing in
this act to give
this Bank a
preference.

A house to be
provided.

XIII. And be it further enacted, That if the State of North-Carolina shall, at any time within three years, deem it advisable to become interested in said Bank, it shall and may be lawful for the said State to cause to be subscribed therein, an amount not exceeding two hundred and fifty shares of one hundred dollars each; in which case, notes and bills may be issued by said Bank, founded on the extension of capital produced by the subscription and payment in consequence thereof on the part of the State, to a greater amount than before authorized, in the same ratio as on the original capital stock created by this act; but nothing in this act shall be construed to give a preference or precedence to the Bank created by this act to any State Bank which hereafter may be established at the town of Newbern, or elsewhere; and the said Bank may become, on such terms as may be agreed on, a branch of any general State Bank which may be established at the city of Raleigh, or elsewhere.

XIV. And be it further enacted, That as soon as five hundred shares shall be subscribed, the commissioners in the town of Newbern may, and are hereby authorized to provide a house for transacting the business of said Bank, together with all necessary stationary, utensils, paper, and vaults for carrying on the business thereof, so that the said Bank may commence its operations as soon as directors shall be appointed.

CHAP. XXIII.

An Act to continue in force for a longer time an act, entitled "An act for the relief of non-commissioned officers and soldiers of the continental line and militia of this State, who have been disabled in the service of the United States or of this State, during the late war, and who are not placed on the pension-list of the United States, and are barred by the act of limitation," passed in the year one thousand seven hundred and ninety-nine.

Preamble.

WHEREAS it is represented to this General Assembly, that some of the persons who came within the description and meaning of the above recited act, have, from want of due knowledge thereof, failed to make application for the purpose of being put on the pension-list as therein prescribed: For remedy whereof,

The act con-
tinued for one
year.

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 above-recited act be, and the same is hereby continued in force for the term of one year, from the rising of the present General Assembly: and that all such persons as shall, within the same term, obtain from any of the Judges of the Superior Courts, a certificate as is directed and required by the said act, shall be entitled to receive the same allowance as he would have been entitled to receive, had he so applied and obtained such certificate within the time limited by the said act.

CHAP. XXIV.

An Act to amend an act, passed in the year one thousand seven hundred and eighty-three, so far as respects the Fines of County Court Jurors.

Forfeiture on
neglecting to
attend as a ju-
ror.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that every person summoned to attend as a juror to any of the county courts of this State, who shall fail or neglect to attend said court as a juror, shall forfeit and pay a sum not exceeding five pounds, nor under forty shillings, which forfeiture shall be assessed by the court to which such person shall be returned as juror, recovered and applied as the aforesaid law directs: Provided, that each delinquent jurymen shall have till the next succeeding term to make his excuse to said court for his non-attendance; and if he shall at the said term render, to the satisfaction of the court, sufficient excuse, such delinquent juror shall be discharged without costs; any law to the contrary notwithstanding.

CHAP. XXV.

An Act to amend an act, entitled "An act better to ascertain how witnesses attending in behalf of the State in certain cases shall be paid," passed in one thousand eight hundred, and to repeal that part of the same which provides for the payment of witnesses attending in behalf of the State in the courts of pleas and quarter sessions.

Witnesses, on
indictments
for capital
cases to be
paid by the
State, when
the prisoner
breaks jail.

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 where indictments shall be preferred in any of the superior courts, against persons charged with capital offences, the State shall be bound to pay such witnesses as shall be summoned in her behalf, on condition the person charged shall break jail, and shall not afterwards be retaken.

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Where nolle
prosequi are
entered for the
State, witness-
es to be paid
by the State.

II. *Be it further enacted*, That in all cases where nolle prosequi shall be entered by the Attorney or Solicitor-General for the State, the witnesses who are summoned in behalf of the State and did attend, shall be paid by the State; and the courts are hereby required to enter the names of such witnesses on record, a certificate of which made by the clerk of the court shall accompany the certificate of allowance, and shall be made under the same rules, regulations and restrictions, as is required by the before recited act.

No case to come within this act which is not capital.

III. *Be it further enacted by the authority aforesaid*, That in future no cases shall be considered as coming within the purview of this act, that would not affect the life, limb or member of the person charged in case of conviction, or that would not authorize the court to inflict corporal punishment; and that such offences, and no other, shall be considered as capital offences, and that witnesses already in these cases only shall be paid by the State.

Certificates granted to witnesses to be presented to the Comptroller.

IV. *Be it further enacted*, That certificates for the attendance of witnesses in behalf of the State for which payment is demanded, shall be presented to the Comptroller for payment within two years after the same shall have been proved in court; and that it shall be the duty of the clerks of the superior courts to annex the witnesses certificates to the one by them given, stating whether the person charged was tried, convicted or acquitted, as the case may be.

Part of the recited act repealed.

V. *Be it further enacted by the authority aforesaid*, That so much of the before-recited act as authorizes the payment of witnesses in the courts of pleas and quarter sessions be, and the same is hereby repealed and made void, except as to petit larceny.

CHAP. LXV.

An Act to repeal so much of the tenth section of an act passed in the year one thousand seven hundred and ninety-five, entitled "An act to amend the laws heretofore passed concerning court-houses and prisons, and to provide for the safe keeping and humane treatment of persons in confinement," as directs the manner of paying guards, and to direct how in future compensation shall be made them.

Preamble.

WHEREAS by the before-recited act, the Public Treasurer is required to pay guards over criminals where any of the district gaols are deemed insufficient for the safe-keeping of those committed to them, whereby large sums are annually drawn from the public chest, and those districts which have been at the expence of building good and sufficient gaols are again equally taxed with those that have not, which makes the said law unequal in its operation: For remedy whereof,

Part of the recited section 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 from and after the first day of April, in the year one thousand eight hundred and six, the above section, or so much of it as relates to the payment of guards out of the Public Treasury, shall be repealed, and have no farther operation.

Expenses of guards to be paid by a tax on the several counties of the district.

II. *And be it further enacted by the authority aforesaid*, That from and after the said first day of April, one thousand eight hundred and six, that when district gaols are insufficient for the safe-keeping of criminals who have committed crimes in said district, and a guard shall be required, that all expence arising therefrom shall be paid by a tax on the several counties composing said district; which shall be apportioned in the following manner: The county wherein the district gaol is situated shall pay three shares or dividends, and every other county in said district one share each; which shares are to be regulated according to the amount of public taxes paid into the Treasury of this State in the preceding year.

Clerk of the Superior Court to furnish each county in the district with its share of such expence.

III. *And be it further enacted*, That it shall be the duty of the clerk of the superior court where a collection of monies is necessary to defray the expence of said guard, to furnish each county court of said district with the amount of their respective shares or dividends under this act; which said county courts are hereby directed and empowered to lay a tax on each poll, every three hundred acres of land, and every hundred pounds value of town property, the same sum on each, equivalent to the sum required. And the sheriffs of said counties are hereby authorized and directed to collect the same, in like manner as other public taxes, for which he shall be allowed a commission of six per cent. and the taxes so collected, the said sheriff shall pay over to the clerk of the superior court of said district, and the said clerk is hereby directed to receive the same, and to pay it to those persons respectively who may be entitled thereto.

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The expence
of guards to be
governed by
the act of 1795.
Clerks in case
of failure of
Sheriffs to ac-
count to bring
suit.

If a Clerk fail
to pay the mo-
nies received,
the persons en-
titled to it, may
recover on mo-
tion.

Clerks duty.

IV. *And be it further enacted*, That the said clerk, in ascertaining the expence of any guard or guards, shall be governed by the aforesaid act of one thousand seven hundred and ninety-five.

V. *And be it further enacted*, That the clerks of the said superior courts, in case of failure of said sheriffs to account for the taxes by them collected, shall have power and authority, and are hereby directed to institute a suit or suits for the recovery thereof.

VI. *And be it further enacted*, That if the said clerks shall fail or refuse to pay the monies by them received under this act to the persons entitled to the same, such persons shall be entitled to recover the same by a motion to the said superior court, the complainant giving the said clerk ten days previous notice thereof.

VII. *And be it further enacted*, That the clerks of the several superior courts in this State, who shall receive any monies under this act, shall, at the first court that shall happen after the first day of January in each and every year, make out two fair and correct statements of the sums by him received and paid out, one of which he shall return to the said court, and the other shall be put up at the court-house door of said district in term-time.

CHAP. XXVII.

An Act to amend an act, entitled "An act concerning proving of wills and granting letters of administration, and to prevent frauds in the management of intestates estates," passed in the year one thousand seven hundred and eighty-nine.

Preamble.

WHEREAS the fifth section of the before-recited act requires every executor and administrator to advertise, at the court-house of the county where the deceased usually dwelt at the time of his death, and other public places in said county, and at the district court-house at the next district superior court of law and equity held for the district in which said county may be, for all persons to bring their accounts and demands of every kind and denomination to the said executor or administrator, but hath provided no way by which such executor or administrator shall prove such advertising:

Executors and
Administra-
tors to take
a copy of the
advertis-
ment put up
in pursuance
of the above
act which
shall be filed
in the Clerks
office.

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 every executor and administrator shall take a copy or copies of the advertisements which he, she or they copy or copies, with an affidavit made thereon before some Justice of the Peace of the county in which advertisements are by said act directed to be made, by some competent witness, stating therein the time and times, and place and places, when and where the said advertisements were seen, shall, at the term of that county court next following that in which any last will and testament shall have been admitted to probate, or any administration shall have been granted, be filed in the office of the clerk of said court: And the said copy or copies attested as aforesaid, shall be considered as a record of said court; and the same, with a certificate of the clerk thereof certifying that the said copy or copies was or were filed at the time herein required, shall be received as evidence in any court of law or equity, or before any other jurisdiction in this State: *Provided always*, that nothing herein contained shall be so construed as to preclude any executor or administrator from proving his, her or their compliance with the requisites of the fifth section of the said recited act, in any other manner which may be deemed competent by the superior courts of law and equity of this State.

CHAP. XXVIII.

An Act to repeal so much of an act passed in the year one thousand seven hundred and forty-one, as exempts Constables from paying provincial, county and parish taxes.

Former acts re-
pealed.

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 acts and clauses of acts that grant to constables exemption from the payment of taxes, be, and the same are hereby declared void and of none effect; any law, usage or custom to the contrary notwithstanding.

CHAP. XXIX.

An Act for the further limitation of Actions.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of

this act, when any person or persons against whom there is cause of action, shall be beyond sea at the time of such cause of action given or accrued, fallen or come, that the person who shall have such cause of action, may bring their action against them within such time or times as are limited for bringing such actions by the act of one thousand seven hundred and fifteen, after their return.

1804.

CHAP. XXX.

An Act to exempt all regular-bred Physicians, or Practitioners of Physic and Surgery, from serving as Jurors, either in the county or superior courts.

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 regular-bred physicians or practitioners of physic and surgery shall, and they are hereby declared to be exempt from serving as jurors, either in the county or superior courts of this State; any law or custom to the contrary notwithstanding.

Physicians exempted from jury service.

CHAP. XXXI.

An Act to repeal the second section of an act passed in the year one thousand seven hundred and ninety-eight, entitled "An act for the prevention of Vice and Immorality, by suppressing excessive gaming."

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 respects billiard-tables be, and the same is hereby repealed and made void.

Former act respecting Billiard Tables repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful for any person or persons in the State aforesaid, to erect and keep a billiard-table, on he, she or they paying a tax of twenty-five pounds annually for each table so erected; to be collected and accounted for as other public taxes; any law, usage or custom to the contrary notwithstanding: *Provided,* that nothing in this act contained, shall be so construed as to repeal any part of an act, entitled "An act to prevent gaming-tables in the neighbourhood of the University."

A tax of 25l. a year on Billiard Tables.

CHAP. XXXII.

An Act to amend the several Processioning Laws of this State.

WHEREAS inconveniencies and difficulties arise under the present processioning law, as to the manner of processioning tracts of land that lie partly in one county and partly in another: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter it shall be lawful for the processioners of the district in either county, on application of any person who may have lands so divided as aforesaid, lying partly in his said district, to procession the same, under the same rules, regulations and restrictions as heretofore established by law.

Processioners to procession certain lands.

And whereas the act passed in one thousand seven hundred and ninety-two, required that processioners should be appointed at the first court held in each county after the tenth day of May, one thousand seven hundred and ninety-three, and only provides for supplying vacancies in cases of appointment agreeably to the tenor of the said act, and it is represented that such appointment did not take place in all the counties of the State:

County Courts to appoint processioners whenever application is made.

II. *Be it further enacted,* That it shall and may be the duty of the county courts to appoint processioners whenever application is made for the same, and to fill vacancies agreeably to the said law.

CHAP. XXXIII.

An Act to revive and continue in force an act passed at Raleigh, in the year of our Lord 1795, entitled "An act giving further time for the registration of certain deeds issued from Lord Granville's Office."

WHEREAS many of the good people of this State have not availed themselves of the benefits of the said recited act, and it would be just and right that the persons holding lands under such deeds should have the privilege of perpetuating the same:

Preamble.

LAWS OF NORTH-CAROLINA.

1804.

The said act
to continue in
force for two
years.

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 recited act shall be, and continue in full force and operation for two years hereafter; any thing in the before-recited act to the contrary notwithstanding.

CHAP. XXXIV.

An Act to incorporate two companies for the purpose of cutting a Navigable Canal from Roanoke River to Meherrin River, and another Navigable Canal from Benner's Creek, in this State, to Nansemond River, in the State of Virginia.

Preamble.

Stipulations agreed upon between the two States.

WHEREAS the opening of a Navigable Canal from Roanoke River to Meherrin River, and from Benner's Creek, in this State, to Nansemond River, in the State of Virginia, so as to form by the most practicable plan, a water communication between the said rivers Roanoke and Nansemond, is an object of great importance to the interior commerce of a large portion of this State and of Virginia, and many persons in both States are willing to subscribe large sums of money for the purpose of effecting those beneficial works, and it is just and proper that they, their heirs and assigns, should be empowered to receive reasonable tolls, in satisfaction for the money advanced by them in carrying the said works into execution, and the risk they run: And whereas, by a resolution of the General Assembly of Virginia passed on the fourth day of January, one thousand eight hundred and four, five commissioners were appointed, any three of whom were empowered to wait on this General Assembly, and to enter into reasonable stipulations relative to the opening of the canals aforesaid, subject to the consideration of the respective Legislatures of Virginia and North-Carolina, and Thomas Swepson, Robert H. Fisher and William Munford, Esquires, three of the said commissioners, have accordingly attended the present General Assembly, and on a conference with the said gentlemen by a joint-committee of the Senate and House of Commons, the following stipulations have been mutually agreed upon, and approved by the said commissioners on the part of Virginia, and by the said committee of both houses, viz. First, the State of Virginia agrees, that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the State of North-Carolina, brought through the said canals, or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. Secondly, the State of Virginia agrees, that the waters of Roanoke river, and all its branches, and all the other waters communicating with Albemarle Sound, as far as the same are in Virginia, shall be forever considered as a common highway free for the use and navigation of vessels belonging to the State of North-Carolina, or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Thirdly, the State of North-Carolina agrees, that the waters of Roanoke river, and all its branches, and all the other waters communicating with Albemarle Sound, as far as the same are in North-Carolina, shall be forever considered as a common highway free for the use and navigation of vessels belonging to the State of Virginia, or any of its citizens, and that they shall not be therein subject to the payment of any toll or charge whatever, imposed for the purpose of raising revenue. Fourthly, the State of North-Carolina agrees, that no restriction, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the State of Virginia, passing through the aforesaid waters, or any of them, to the said canals or through the said canals, or either of them, for sale or exportation, and that the same may be sold or exported without re-inspection. In those articles where it is expressed that no duty or impost is to be laid for the purpose of raising revenue, it is not to be understood that the imposition of tolls for the purpose of improving the navigation of the said waters is prevented. Lastly, the citizens of each of the said two States may have the use of the inspection of the other for the purpose of re-inspecting any damaged commodities which have passed through the said canals, or either of them, on paying the price of the labour of re-inspection, and no more.

And whereas this General Assembly are of opinion, that the said stipulations are made on just and mutual principles of the true interest of both States:

Stipulations before mentioned are confirmed.

Be it therefore enacted, That the said stipulations are hereby approved, confirmed and ratified by the General Assembly of the State of North-Carolina, and that every part thereof shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably preserved and kept by this Government and all its citizens, according to the true intent and meaning thereof.

Books of subscription to be opened.

II. *And be it further 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 to open books in the counties of Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax and Northampton, under the management of William Barnett in Stokes, Robert Galloway in Rockingham, Solomon Graves in Caswell, James Cochran in Person, James Vaughan in Granville, Marmaduke Johnson in Warren, John Eaton in Halifax, and Lawrence Smith in Northampton; and under the management of such persons, and at such places in Virginia, as shall be appointed by that State for receiving and entering subscriptions to the amount of one hundred thousand dollars, for the purpose of accomplishing the canal first above-mentioned: which subscription shall be made personally or by power of attorney; that the*

said books shall be opened for receiving subscriptions on the first Monday in May next, and continue open until the first Monday in May in the year one thousand eight hundred and six, and on the said last mentioned day there shall be a general meeting of the subscribers at Williamsborough, in the State of North-Carolina; of which meeting notice shall be given by the said managers, or any three of them, in the Gazettes of both the aforesaid States, at least one month next before the said meeting, and such meeting shall and may be continued from day to day until the business is finished. And the acting managers shall, at the time and place aforesaid, lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscription, and if one half of the capital sum aforesaid should on examination appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency. And a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands, into the superior court of the district of Hillsborough, and into such court as the State of Virginia shall direct, to be there recorded. And in case more than the said sum of one hundred thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at, and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid of one hundred thousand dollars, or until a share is taken from all subscriptions above one share, and lots shall be drawn between subscribers of equal sums to determine the numbers in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or until all the subscribers are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded to reduce the subscription to the capital aforesaid; which striking-off shall be certified in the list aforesaid. And the said capital sum shall be reckoned and divided into one thousand shares at one hundred dollars each, of which every person subscribing may take or subscribe for one or more whole shares, and not otherwise: *Provided*, that unless one half of the capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the President and Directors, or a majority of them, for the time being, and returned to, and recorded in the courts aforesaid.

1804.

A general meeting to be held.

Manner of managing the Subscription.

It is And be it enacted, That in case one half of the said capital, or a greater sum, shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of their said first meeting, shall be, and are hereby declared to be incorporated into a company by the name of *The Roanoke Company*, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and four Directors for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as ten shares, and one vote for every five shares above ten by him or her held at the time in said company; and any proprietor, by writing under his or her hand, executed before two witnesses, may deput any other member or proprietor to vote or act as proxy for him or her in any general meeting.

Subscribers incorporated.

President and Directors to be appointed.

Manner of voting at general meetings.

IV. And be it enacted, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons on behalf of the said company, to cut the said canal, and to erect such locks, and to perform such other works as they shall judge necessary for the navigation of the said canal, and carrying on the same from place to place, and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls, to pay for the same, and to repair and keep in order the said canal, locks and other works necessary thereto, and to defray all incidental charges; and also to appoint a treasurer and clerk, and such other officers, toll-gatherers, managers and servants as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts; and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same, and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall by a general meeting of the subscribers be determined: *Provided always*, that the treasurer shall give bond in such penalty, and with such security, as the said President and Directors, or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made to him for his services shall not exceed three dollars in the hundred for the disbursements by him made. And that no officer in the said company shall have a vote in the settlement or passing his own account.

President & Directors may agree for the cutting said canal, &c.

Treasurer to give bond.

1804.

V. And be it enacted, That the said President and Directors, and their successors, or a majority of them, shall have full power and authority, from time to time as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia and North-Carolina Gazettes. And they are hereby authorised and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for the carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid; and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct. And if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same is so ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction, and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the Virginia and North-Carolina Gazettes; and after retaining the sum due and charges of sale, out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owners; and if such sale should not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may, in the name of the company, sue and recover the balance, by motion, on ten days previous notice. And the said purchaser or purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor. And to continue the succession of the said President and Directors, and to keep up the same number,

President & Directors to sign orders for money and direct at what time and in what proportion proprietors shall make advances.

Shares of proprietors neglecting to pay to be sold.

How the President and Directors shall be elected.

President & Directors to take an oath of office.

Proprietors necessary to form a general meeting.

Dividends to be made of the profits.

Extra meetings may be called.

Places where books shall be opened for the Nansmond canal.

When to be opened.

VI. Be it enacted, That from time to time, on the expiration of the term for which the said President and Directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said President and Directors, or any of them, or shall chuse others in their stead; and in case of the death, removal, resignation, or incapacity of the President or any of the Directors, may and shall, in manner aforesaid, elect any other person or persons to be President and Directors, in the room of him or them so dying, removing, resigning, or become incapable of acting; and may, at any of their general meetings, remove the President or any of the Directors, and appoint others for and during the remainder of the term for which such person or persons were at first to have acted.

VII. And be it enacted, That every President and Director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

VIII. And be it enacted, That the presence of proprietors having six hundred shares at least, shall be necessary to constitute a general meeting; and that there be a general meeting of the proprietors on the first Monday in May in every year, at such convenient places as shall, from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished: To which meeting the President and Directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books. And at such yearly general meeting, after leaving in the hands of the treasurer such sum as the proprietors, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the nett profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company in proportion to their several shares. And on any emergency, in the interval between the said yearly meetings, the President, or a majority of the Directors, may appoint a general meeting of the proprietors of the company, at any convenient place, giving at least one month's previous notice in the Virginia and North-Carolina Gazettes, which meeting may be adjourned and continued as aforesaid.

IX. And be it further enacted, That it shall and may be lawful to open books at Murfreesborough, in Hertford county, at Windsor, in Bertie county, at Edenton, and also in the county of Gates, under the management of Hardy Murfree at Murfreesborough, of William Cherry at Windsor, of Nathaniel Allen at Edenton, and Wells Cooper in Gates county; and under the management of such persons and at such places in Virginia as shall be appointed by that State, for receiving and entering subscriptions to the amount of seventy thousand dollars, for the purpose of accomplishing a Navigable Canal from Bennet's creek, in this State, to Nansmond river, at Suffolk, in the State of Virginia: which subscriptions shall be made personally or by power of attorney; that the said books shall be opened for the receiving of subscriptions on the first Monday in May next, and continue open till the first Monday in November following, on which day there shall be a general meeting of all the subscribers at Suffolk, of which meeting notice shall be given by the said managers, or any three of them, in the Gazettes of Virginia and North-Carolina, at least one month next before the said meeting; and such meeting shall and may be continued from day to day until the business is finished. And the acting managers at the said meeting shall in all respects comply with, and be guided by the regulations relative to the arrangement of the shares, and making a list of the subscribers, and other directions contained in the second section of

this act concerning the Roanoak Company; except that the list of the subscribers, and of the sum subscribed by each, shall be returned to the superior court of the district of Edenton, and to such court as the State of Virginia shall direct, to be there recorded.

1804.

X. *And be it enacted*, That in case one half of the said capital of seventy thousand dollars, or a greater sum, shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting shall be, and are hereby declared to be incorporated into a company, by the name of *The Nansemond Canal Company*, and may sue and be sued as such. The said company shall elect a President and four Directors, in the same manner as the President and Directors of the Roanoak Company are to be elected, in pursuance of this act; and all the regulations and provisions contained in the third, fourth, fifth, sixth, seventh and eighth sections of this act, relative to the Roanoak Company, shall also be applicable to the said Nansemond Canal Company, and they shall be governed by and comply with the same in the management of the affairs of the said corporation: *Provided*, that the presence of the subscribers holding four hundred shares only, shall be necessary to constitute a general meeting of the said Nansemond Canal Company.

Subscribers incorporated.

XI. *And be it enacted*, That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canals, erecting locks, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canals, locks and other works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, for one hundred and twenty years, to be computed from the completion of the said work, as tenants in common, in proportion to their respective shares, and for the said term of one hundred and twenty years shall be exempt from the payment of any tax, imposition or assessment whatever. And it shall and may be lawful for the said Presidents and Directors, respectively, and at all times for the term aforesaid, to demand and receive, at some convenient place near one of the extremities of each canal, for all commodities transported through it, tolls according to the following table and rates, to-wit:

The canals, &c. vested in the proprietors for 120 years.

Commodities transported.	Rates of Toll for the Roanoak Canal cents.	Rates of Toll for the Nansemond cents.	Commodities transported.	Rates of Toll for the Roanoak Canal cents.	Rates of Toll for the Nansemond do. cents.
Every pipe or hogshead of wine, containing more than sixty-five gallons,	seventy-five	fifty	Every hundred bushels of lime or of shells,	thirty three	twenty five
Every hogshead of rum, or other spirits,	fifty	forty	Every thousand bricks or tiles	fifty	forty
Every hogshead of tobacco,	forty two	thirty three	Every hundred of pipe staves,	twelve & half	eight & half
Every hogshead of molasses,	thirty three	twenty five	Every hundred of hogshead staves, or pipe or hogshead heading,	eight	six
Every hogshead or but of malt liquor,	thirty three	twenty five	Every hundred of barrel staves or barrel heading,	six	four
Every cask between sixty-five and thirty-five gallons, one half of a pipe or hogshead; every barrel one fourth part, and every smaller cask or keg in proportion to the quantity and quality of their contents.			Every thousand shingles from 18 to 24 inches,	eight	six
Every dozen bottled wine,	two	one and half	Every thousand three feet shingles,	seventeen	twelve & half
Every dozen bottled malt liquor,	two	one and half	Every thousand clap boards or poles,	seventeen	twelve & half
Every bushel of wheat, peas, beans, rice or flax-seed,	one and half	one	Every cord of fire-wood,	eight	six
Every bushel of Indian corn, or other grain or salt,	one and half	one	Every hundred cubic feet of plank or scantling,	seventy five	fifty
Every barrel of pork,	twelve & half	eight & half	Every hundred cubic feet of all other timber,	sixty three	forty-two
Every barrel of beef,	eight & half	six	Every hundred weight of brown or clayed sugar,	eight & half	five and half
Every barrel of fish,	twelve & half	eight & half	All other produce, goods, wares or merchandize, one fourth of one per cent.		
Every barrel of tar, pitch, turpentine or rosin,	five	three	Every boat or vessel exceeding one ton burthen, which has not commodities on board to yield so much, except an empty vessel or boat returning, whose load has already paid the toll, in which case she is to re-pass free of toll,	eighty	fifty five and half
Every cask of linseed oil, or spirits of turpentine, the same as molasses.			Every canoe, boat or vessel under one ton burthen, which has not commodities on board to yield so much, except as in the preceding article excepted,	thirty three	twenty five
Every ton of hemp, flax, pot ash or bar-iron,	seventy five	fifty	Every hundred weight of Indigo,	twenty five	seventeen
Every ton of pig-iron or castings,	twenty five	seventeen			
Every ton of copper, lead or other ore, other than iron,	fifty	forty			
Every ton of stone or iron ore other than the ballast of the vessel,	twelve & half	eight & half			
Every chaldron of coals,	seventeen	twelve & half			

1804. And in case of refusal to pay the tolls at the time of offering to pass the places aforesaid, and previous to passing the same, the collectors respectively may lawfully refuse passage to whatever refuses payment; and if any vessel shall pass without paying the toll, then the said collectors respectively may seize such vessel and sell the same at auction for ready money, advertising the said sale previously one month; the money arising from which, so far as is necessary, shall be applied towards paying the said tolls and all expences of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel shall be liable for such tolls if the same are not paid by the sale aforesaid.

Penalty for
refusing to pay
tolls.

These canals
to be public
highways.

XI. *And be it enacted*, That the said canals, and works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, on payment of the tolls imposed by this act; and no other toll or tax whatever for the use of the water of the said canals and the works thereon erected, shall at any time hereafter be imposed without the consent of the Legislature of both Virginia and North-Carolina.

And whereas it is necessary for the making of the said canals, locks and other works, that a provision should be made for condemning a quantity of land for the purpose,

President &
Directors may
purchase land
through which
the canals pass.

XII. *Be it enacted*, That it shall and may be lawful for the said President and Directors respectively, or a majority of them, to agree with the owners of any land through which the said canals are intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age or non compos, or out of the State, on application to any two justices of the county in which such lands shall be, the said justices shall issue their warrants under their hands, to the sheriff of their county to summon a jury of eighteen inhabitants of his county, of property and reputation, being freeholders not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrants, not less than ten, nor more than twenty days thereafter; and the sheriff, on receiving the said warrants, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, truly and impartially value the land (not exceeding the width of ninety feet) and all damages the owners thereof shall sustain by cutting the said canal through such lands, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favour or affection, nor any person grieve through malice, hatred or ill-will. And the inquisition thereon taken shall be signed by the sheriff, or some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and the valuation shall be conclusive on all persons, and shall be paid by the said President and Directors respectively, to the owner of the land or his legal representatives; and on payment thereof, the said companies shall be seized of such lands, as if conveyed by the owner to them and their successors by legal conveyance, until the completion of the said works, and thence forward for the term of one hundred and twenty years; and after the expiration of this term, the said land, together with all the messuages, tenements and appurtenances, shall revert to the States of North-Carolina and Virginia, respectively, in which the same may lie: *Provided nevertheless*, that if any further damage shall arise to any proprietor of land, in consequence of opening such canals or erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as such new damage shall happen, by application to, and a warrant from any two justices of the county where the land lies, to have further damages valued in like manner, and to receive and recover the same of the said President and Directors; but nothing herein shall be taken or construed to entitle the proprietor of any such lands to recover compensation for any damages which may happen to any mills or other works or improvements which shall be begun or erected by such proprietor after such valuation, unless the said damage is wilfully or maliciously done by the said President and Directors, or some person by their authority.

President &
Directors may
purchase land
on which to e-
rect necessary
buildings.

XIII. *And be it enacted*, That the said Presidents and Directors, or a majority of them, respectively, are hereby authorized to agree with the proprietor or proprietors, for the purchase of a quantity of land, not exceeding one acre for each canal, at or near the receipt of the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid, and the said company shall, on payment of the valuation of the said land, be seized thereof as aforesaid.

And whereas some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills and other water works, and the persons possessors of such situations may design to improve the same, and it is not the intention of this act to interfere with private property, but for the purpose of improving and perfecting the said navigation,

Water of the
canals to be u-
sed only for
navigation ex-
cept in certain
cases.

XIV. *Be it enacted*, That the water, or any part thereof, conveyed through the said canals shall not be used for any purpose but navigation, unless there shall be sufficient to answer both the purposes of navigation and water works aforesaid, in which case, the said Presidents and Directors, or a majority of them respectively, are hereby empowered and directed, to enter into reasonable agreements with the proprietors of such situations concerning the just proportion of the expences of making the canals capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works aforesaid.

XV. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered after proof of the execution thereof in the said company's books, and not otherwise except by devise; which devise shall also be exhibited to the President and Directors of the company in which the share is held, and registered in their books before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. *Provided*, that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred or held, in trust for the use and benefit, or in the name of another, whereby the said Presidents and Directors, or proprietors members of the said companies, or any of them, shall or may be challenged or made to answer any such trust, but that every such person appearing as aforesaid to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such; but between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

1804.

Shares to be transferable,

But not parts of Shares.

XVI. *And be it enacted*, That if the said capitals granted by this act shall prove insufficient, it shall and may be lawful for the said companies from time to time to increase their respective capitals by the addition of so many whole shares as shall be judged necessary by the proprietors members of such company, or a majority of them, who shall be present at any general meeting. And the said Presidents and Directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Virginia and North-Carolina Gazettes, to open books at the before-mentioned places, for receiving and entering such additional subscriptions, in which the proprietors for the time being shall and are hereby declared to have the preference of 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 chuse. And the said Presidents 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 or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the courts as aforesaid, to be there recorded. And all proprietors of such additional sums shall and are hereby declared to be from thenceforward incorporated into the said company.

If the capitals granted be insufficient they may be increased.

XVII. *And it is hereby declared and enacted*, That the tolls herein before allowed to be demanded and received, are granted and shall be paid on condition only, that the said companies shall make the respective canals each twenty feet wide, and of such depth below the surface of the earth, as will render them navigable in dry seasons by vessels drawing three feet water, with sufficient locks where the same shall be necessary.

The width &c. of the canals.

XVIII. *And it is hereby enacted and provided*, That in case the said companies respectively shall not begin the said works, the said Roanoke Company in two years, and the said Nansemond Canal Company in one year, from and after the closing of their respective books for receiving subscriptions; or if the said companies respectively shall not complete the navigation and works as aforesaid, the said Roanoke Company within fifteen years, and the said Nansemond Canal Company within ten years, after closing the said books as aforesaid, then shall all interest of the company so failing, and all preference in its favour as to the navigation and tolls of the canal to be opened by it as aforesaid, be forfeited and cease. *Provided*, that if the said Roanoke Company shall, at the expiration of the said fifteen years have completed two-thirds of the Roanoke canal, they shall have a further term of five years for finishing the same. Every act or part of an act of the General Assembly which comes within the purview and meaning of this act, shall be, and the same is hereby repealed. This act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia; and the faith and honour of this State are hereby solemnly pledged and engaged to the General Assembly of the State of Virginia, and the government and citizens thereof, that this law shall never be repealed or altered by the Legislature of this State, without the consent of the State of Virginia.

When the companies are to begin their works.

This act to be in force after the passing of a like act by Virginia.

CHAP. XXXV.

An Act to revive and amend an act, entitled "An act to amend and revise an act passed at Raleigh in the year one thousand seven hundred and ninety-six, entitled An act to encourage the cutting a navigable canal from Roanoke River, or the waters thereof, near the town of Plymouth, to Pungo River, and to make other and more effectual provision for the same."

WHEREAS by the first section of the above recited act, and in the provisions contained in the same, it provided that unless the one-third of the capital aforesaid shall be subscribed before, or at the meeting of the subscribers at Plymouth aforesaid, on the second Monday of July next, all subscriptions made in consequence of this act shall be void. And whereas in consequence of one-third of said subscriptions not having been subscribed on the said day, the aforesaid desirable work is likely not to be performed and effected: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the aforesaid act be revived, and that a further time of five years be allowed to complete the subscriptions contemplated by the said act, from and after the ratification of this act.

A further time of 5 years allowed.

1804.

CHAP. XXXVI.

An Act for adding to the Board of Commissioners for the navigation of Ocacock Inlet, and regulating the Pilots thereof.

Commission-
ers added.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Wallace, John May and George R. Dickson, be added to the board of commissioners of Navigation for Ocacock Inlet, and that they, in conjunction with the other commissioners, shall have all the powers, privileges and rights of any other board of commissioners in this State, by any law heretofore made,

CHAP. XXXVII.

An Act to facilitate the Navigation of lower Little River.

WHEREAS for the want of sufficient slips on lower Little River, the owners of lumber frequently sustain much injury in transporting rafts down the same: For remedy whereof,

Slips to be
made at saw-
mills.

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 persons who now have, or who shall hereafter have saw-mills erected on lower Little River, in the county of Cumberland, shall make, or cause to be made, at their respective mills, good and sufficient slips, which will permit the free and safe passage of all rafts which may be passing down the said river; and the said slips when erected or made, shall, by the owners of the several mills on said river, be at all times kept and upheld in good and sufficient repair for the purposes aforesaid.

Penalty in fail-
ing to make
and keep slips
in repair.

II. And be it further enacted, That if any person shall fail to make such slips herein directed, or when the same shall be made shall fail to keep and uphold the same in good and sufficient repair, for the free and safe passage of rafts as aforesaid, the person or persons so failing, shall be subject to the payment of all damages which shall be sustained by the owner of any raft which, for the want of such slip being kept in good repair as aforesaid, shall be obstructed or injured in its passage down the said river, to be recovered by an action on the case in any court of record having jurisdiction thereof, in the name, and to and for the use of the person who shall be injured as aforesaid.

CHAP. XXXVIII.

An Act to facilitate the Navigation of the Yadkin River.

WHEREAS the improvement of the navigation of the Yadkin River would tend much to the improvement of commerce and the encouragement of agriculture,

Commission-
ers appointed.

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 James Patton, James Gwinn, Chapman Gordon and John Briant be, and they are hereby appointed commissioners for the county of Wilkes; that Obadiah Martin, Joshua Freeman and Nathan Chaffin be, and they are hereby appointed commissioners for the county of Surry; and that Hardy Jones, Alexander Long and Richmond Pearson, be appointed commissioners for the county of Rowan, for the purpose of opening books to receive subscriptions from persons desirous to subscribe for the same, at such times and places as the said commissioners, or any of them, may think proper to appoint; and all monies so subscribed, shall be paid into the hands of the commissioners with whom the same is subscribed. And if any person or persons shall neglect

Books to be
opened.

Suits to be in-
stituted against
subscribers
failing to pay.

or refuse to pay the sum or sums by them subscribed, after request to do the same, made by the commissioners with whom the same is subscribed, such commissioners shall and may institute a suit or suits for the same, and in his own proper name, and apply the same as hereafter directed by this act.

Commission-
ers to enter
into bond.

II. Be it further enacted, That each commissioner, before he proceeds to the duties to him appointed by this act, shall enter into bond with security in the court of the county in which such commissioner resides, payable to the chairman of said court, with a condition that he will faithfully and truly apply the monies which he shall collect, and that he will faithfully and truly collect the same, and pay over to the person or persons who may be employed in opening the Yadkin river, and to make a free and easy passage for boats up and down the same.

To hire per-
sons to work
on the river.

III. Be it further enacted, That the said commissioners shall, and they are hereby empowered and directed, to hire persons from time to time to work on such parts of the Yadkin river, which they or either of them may deem necessary to facilitate the navigation thereof; and such person or persons so hired to pay for the same, and an account thereof render to the court of the county in which such commissioners may reside, at every court, for the inspection of all persons who may be concerned therein.

The commis-
sioners to di-
vide the super-
intendence of
the work.

IV. Be it further enacted, That the commissioners in each county appointed by this act, shall divide and collect to each one, such part or portion of the river in said county as may be agreed on between them residing in such county, which part or portion when so allotted, shall be exclusively under the superintendence and direction of the commissioner to whom the same is assigned. And such commissioner shall take such measures as he may think proper to effect the more easy passage for boats, and the same to alter whenever he thinks proper.

Read three times and ratified in General Assembly,
the 19th day of December, 1804.

Copy,
WILLIAM WHITE, Sec.

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

CHAP. XXXIX.

1804

An Act to authorise Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick B. Sawyer, to cut a Navigable Canal, and make a Road thereon, through the Great Dismal Swamp, from the Dismal Swamp Canal near the head of the woods in Camden county, to the White Oak Spring Marsh in Gates county, and to demand and receive toll thereon.

WHEREAS it is represented to this General Assembly, that a road and canal from the Dismal Swamp, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county, would be of great public improvement, as well as of general benefit to the county; and whereas Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick B. Sawyer, have proposed to carry the same into effect, and whereas it is consistent with the true policy and dignity of the State to support and encourage all works and undertakings which may be beneficial to the public, and not injurious to individuals, and to grant to the undertakers of all such works such compensation as may be deemed reasonable and just for their expences, labour and risk in the said undertaking, and to favour them as far as may comport with the public good:

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 Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick B. Sawyer, their heirs and assigns, are hereby authorised and empowered to cut a canal and make a road on the side thereof, from the Dismal Swamp Canal, near to the upper lock thereon, where a cross canal is already begun, thence due west along the said cross canal, and through the Dismal Swamp to Gates county line, thence a direct course to the high lands westward of the said marsh, such course as may strike the same so as to be the most beneficial to the public, and the least injurious to individuals.

II. And be it further enacted, That the said Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick B. Sawyer, their heirs and assigns, shall be incorporated into a company by the name and style of *The White Oak Spring Canal Company*, and may sue and be sued, implead and be impleaded, in the name and style of the *White Oak Spring Canal Company*, in any court within this State, and may make such rules and regulations for the government of the said business as they may think proper, not inconsistent with the constitution and laws of this State.

III. And be it further enacted, That in order to enable the said company, their heirs and assigns, to carry the said undertaking into effect, they are hereby authorised to purchase of the owners of the lands through which the said road and canal are to pass, a tract of land not exceeding thirty feet in breadth, from the said Dismal Swamp Canal to the high lands westward of the said White Oak Spring Marsh: and in case the owners of any of the said lands will not sell and convey the same for a reasonable compensation, or are under age, non compos, feme covert, or are out of the State, a jury of good and lawful men shall be summoned by the sheriff of the county, where any disagreement or disability may exist, to view the said lands or swamp and damages, and their valuation shall be the price which the said company shall pay for the same; and in case the proprietor or proprietors of any of the said lands, refuse to receive the compensation aforesaid, or are under any of the aforesaid disabilities, the same shall be paid into the clerk's office of the county where the land may lie, and by him shall be recorded, together with the location and bounds of the lands, and shall be deemed a conveyance for the term of ninety-nine years, as fully and amply as if made by the proprietor or proprietors to the said company, their heirs and assigns.

IV. And be it further enacted, That the said company are hereby authorised to purchase of the proprietors thereof, a tract of land not exceeding one acre, at the edge of the high land west of the said White Oak Spring Marsh, at the end of the said canal, for the purpose of procuring earth to cover the said causeway through the said swamp; and in case of disagreement, or any of the disabilities aforesaid, then such land shall be valued, condemned and paid for in manner aforesaid, and the said company, on payment of the valuation of the said land in manner aforesaid, shall be seized thereof in fee, as fully and amply as if conveyed by the proprietor.

V. And be it further enacted, That in case the said company shall not begin the said work within one year from the passing of this act; or if the said company shall not complete the navigation and road, in manner aforesaid, within ten years next after, then shall all the interest of said company in said canal and road cease and be forfeited, to all intents and purposes.

VI. And be it further enacted, That in order to prevent the evils which may otherwise arise to the work, as soon as the same may be begun, and any part of the said road or canal shall be completed, the said company shall be entitled to receive a reasonable compensation from all persons who may think proper to use the same, until the whole of the said canal and road shall be completed, in manner as directed by this act.

VII. And be it further enacted, That the said canal shall be cut at least ten feet wide and three feet deep, and the road shall be opened at least fifteen feet wide, and the causeway well wooded or puncheoned at least ten feet wide, with the necessary passing places; and as soon as the same may be completed and ready for the safe and convenient passage of boats, carriages and cattle, the said company, their heirs and assigns shall, for and in consideration of the labour and expence which may arise in consequence thereof, and in keeping the same in repair, the said canal, road, causeway and other works, with all their profits, shall be, and the same are hereby vested in the said *White Oak Spring Canal Company*, their heirs and assigns, for the term of ninety-nine years, as tenants in common, in proportion to their respective shares therein, and the same shall be deemed real estate, and be exempt from the payment of any tax, imposition or assessment whatever, for the term aforesaid. And it shall be lawful for the said company to set up gates on any part of the said canal and road, and at all times after the same shall be completed and ready for the safe and easy passage of boats, flats, rafts, horses, cattle and carriages, to demand and receive at the said gates, the following tolls or rates, that is to say, for every boat, flat or raft of timber going along the said canal, the sum of half a cent for every square foot on the gunwale of every boat or flat, or the surface of every raft of timber (but for the convenience of passengers, no boat, flat or raft of timber shall be admitted to pass the said canal, of more than four feet six inches in width on the gunwale or surface) for every man and horse going through the road and causeway twenty-five cents, for every head of horned cattle twelve and

1804 a half cents, for every head of sheep or hogs three cents, for each wheel of any carriage of pleasure twelve and a half cents, for every wheel of any other carriage six and a quarter cents, for every thousand pipe staves fifty cents, for every thousand hogshead staves and heading thirty-seven and a half cents, for every thousand long shingles twenty-five cents, for every barrel of tar, pitch or turpentine six and a quarter cents, for every barrel of pork or fish six and a quarter cents, and for all other articles and commodities in like proportion.

VIII. *And be it further enacted*, That in case of the refusal of any person or persons to pay the said tolls at the time of offering to pass the said gates to be erected as herein mentioned, and previous to passing the same, the collector or toll-keeper, or proprietors, may lawfully refuse passage to any person or persons so refusing payment; and if any person shall pass without paying the same, the collector, toll-keeper or proprietors, may recover the full amount of all such tolls, together with the lawful and usual costs, before any justice of the peace in the county where the offender may be taken.

IX. *And be it further enacted*, That in consideration of the tolls hereby granted, the said company, their heirs and assigns, shall, during the term aforesaid, after the said toll-gates may be set up, keep the said canal, road and gates in good and passable order for the passage of boats, flats and rafts, and for the passage of horses, cattle and carriages and passengers; and in case of neglect, any person or persons shall be entitled to recover any damages which they may sustain by the said road and canal being out of repair, before any jurisdiction having cognizance thereof.

X. *And be it further enacted*, That the said canal, road and causeways, and works to be erected thereon, when completed, shall forever after be deemed and taken as a public highway, on the payment of the tolls imposed by this act.

CHAP. XL.

An Act to open and make navigable Fishing Creek, from the mouth thereof to Wyatt's Bridge on said Creek.

WHEREAS it hath been made appear to this General Assembly, that the navigation of Fishing Creek would be of public utility, and that Henry Bradford, Daniel Barksdale, Thomas Wiggins, James Branch, John Branch, jun. Wilson W. Carter, Matthew C. Whitaker, Cary Whitaker, jun. James Benton, Jesse Simmons, James Hunter, Samuel Simmons, Timothy M. Nicholson, Samuel Crowell, Elias Fort, jun. James Fort, John Whitaker, James Wooten, Thomas Mason, Jesse Wiggins, Alexander Montgomery, have subscribed the sum of five thousand dollars, for the purpose of opening and making the said creek navigable from Sessum's bridge to Wyatt's bridge, on said creek:

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-named Henry Bradford, Daniel Barksdale, Thomas Wiggins, James Branch, John Branch, jun. Wilson W. Carter, Matthew C. Whitaker, Cary Whitaker, jun. James Benton, Jesse Simmons, James Hunter, Samuel Simmons, Timothy M. Nicholson, Samuel Crowell, Elias Fort, jun. James Fort, John Whitaker, James Wooten, Thomas Mason, Jesse Wiggins and Alexander Montgomery, and such others as they shall admit into their company, for the purpose of making Fishing Creek navigable, are hereby declared to be a body corporate by the name of *The Fishing Creek Navigation Company*, and by that name shall be capable to sue and be sued, plead and be impleaded, before any jurisdiction in this State having cognizance thereof; and they may elect and appoint all necessary officers, and from time to time make such rules, regulations and by-laws for the management and conducting of said navigation as they shall think proper: *Provided*, they shall not be repugnant to, or inconsistent with the laws and constitution of this State, or of the United States.

II. *And be it further enacted*, That for the expence and trouble the company may be at in clearing out and making navigable said creek, and doing various things which may be necessary for the navigation of said creek, the navigation thereof, locks, canals, roads, and every thing appertaining to the same, with all the profits arising from the same or any part thereof, shall be, and they are hereby vested in 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 taxes, imposition or assessments; and the toll that the said company may demand for every article carried down or up the whole distance of their navigation, and so in proportion for any part thereof, shall not exceed the following rates, viz. for every pipe of wine 75 cents, for every hogshead of tobacco 75 cents, for every hogshead of rum 75 cents, for every cask or barrel containing from 30 to 50 gallons 80 cents, for every cask or keg 6 cents and a quarter, for every bushel of corn, wheat or other grain of any kind 3 cents, for every bushel of salt 6 cents, for every barrel of pork or beef 25 cents, for every barrel of flour 15 cents, for every ton of hemp, flax, pot-ash, bar or manufactured castings, or pig iron, copper or lead, or for any ton weight of any other article whatever 150 cents, for every hundred bushels of lime or shells 150 cents, for every hundred pipe or hogshead staves 6 cents, for every thousand hoops 25 cents, for every hundred barrel staves or heading 5 cents, for every cubic foot of lumber of any kind 20 cents, for every gross hundred weight of all other commodities or packages, 8 cents. And the said company may receive toll on all goods and commodities which may be transported through said navigation or any part thereof, and they may demand the toll at such place or places as they shall think proper; and if any person refuse to pay the lawful toll, the collector may deny passage, and any person refusing to pay shall pass through the navigation, it shall be lawful for the collector to seize vessel, cargo, or any thing else wherever found, and sell the same, or so much thereof as may be necessary, giving twenty days notice, at public auction for ready money, to pay the toll, and the overplus, if any, shall be rendered to the owner, after paying the toll and expence for seizure and sale.

III. *And be it further enacted*, That the navigation and works of said company done in pursuance of this act, when completed, shall forever thereafter be considered as public highway, free for the transportation and passage of all goods, wares, commodities or produce whatever, paying toll as before directed.

IV. *And be it further enacted*, That it shall be lawful for any 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 books, and not otherwise, except by devise, which devise shall be exhibited to the company before the

devises shall be entitled to draw any part of the profits from said toll: *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 or benefit, or in the name of another, whereby the company may be made to answer any such trust; but every such person appearing as aforesaid to be a proprietor, shall, as to the rest of the company, be considered to every intent as a proprietor; but between any trustee and the person for whose benefit the trust was created, the common remedy may be pursued.

V. *And be it further enacted*, That if the said 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 said navigation shall be forfeited.

VI. *And be it further enacted*, That the said 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 costs of suit.

VII. *And be it further enacted*, That the General Assembly of North-Carolina shall not impose any restrictions, duty or impost, on commodities, manufactures, produce or merchandize, transported by said navigation.

VIII. *And be it further enacted*, That when the said company shall have completed the navigation of said creek, they shall render a summary statement of the money expended therefor to the Secretary of State, and it shall be his duty to file the same in his office; and it shall be lawful for the State, at any time after the company shall have been receiving the toll on the said navigation of the creek ninety-nine years, to take the same, with all the profits, premises and appurtenances thereunto belonging or in any wise appertaining, for the purpose of navigation only, on paying the company the monies expended thereon, ascertaining the same by the statement filed as aforesaid, with twenty-five per cent. advance on such, in lieu of all profits, issues and advantages that might thereafter accrue to the said company, were they allowed to remain as proprietors, and continue and retain the same.

IX. *And be it further enacted by the authority aforesaid*, that in case the said creek should not be kept open below Sessums's bridge to the mouth thereof for the passage of boats, that the company shall advertise the same at Sessums's bridge and three other of the most public places between said bridge and the mouth of said creek, informing said inhabitants that if they fail to open the said creek within thirty days thereafter, that the said company will proceed to do the same, and take toll from all those who shall thereafter pass; and if the said creek should not be sufficiently cleared within thirty days thereafter, then the said company may open the same, and have from all boats pay, agreeable to this law or such rules and regulations as may be established: *Provided*, that before payment shall be recovered from any person or persons navigating such part of said creek below Sessums's bridge, proof shall be made that the creek was not sufficiently clear for the passage of boats, and that the same had been advertised in a fair manner as above required, and that the said creek was not sufficiently cleared within thirty days after such notice.

CHAP. XLI.

An Act to establish an Academy in the lower end of Caswell County.

WHEREAS a number of the citizens of this and the adjacent counties, are desirous of establishing an academy for the promotion of learning in the lower end of the county aforesaid, and having liberally subscribed for the purpose of carrying the same into effect, and trustees being appointed, they therefore are desirous of receiving the sanction of the Legislature by an act to incorporate them: 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 John Ogilby, John M'Aden, Thomas J. Moore, Samuel Smith, James Rainey, Sweepson Sims and Herndon Haralson, Esquires, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "*The Trustees of the Hico Academy*," and by that name shall have perpetual succession; and that they the trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, rents, tenements and hereditaments of what kind or nature soever, in special trust and confidence, that the same or the profits thereof be applied to and for the use and purposes of establishing and endowing the said Academy, and all purchases by them made of real and personal estate in their names 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.

II. *And be it further enacted by the authority aforesaid*, That the said trustees and their successors, or a majority of them by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantor doth not forbid the same: And further, that the said trustees and their successors for ever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in all courts of record in this State.

III. *And be it further enacted by the authority aforesaid*, That the said trustees and their successors, or a majority of them, shall have, and are hereby declared to have full power to make and ordain such laws and regulations for their own governments and for the regulation and 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; and shall be able and capable to act and do all things whatever for the promotion of said seminary in as full and ample manner as any body politic or corporate can or may do by law.

IV. *And be it further enacted by the authority aforesaid*, that upon the death, resignation, inability, refusal to act, removal out of the district of any of the said trustees, or to increase their number, it shall and may be lawful for the remaining trustees, or a majority of them, to elect others in the room of such trustee dying, resigning, refusing to act, unable to attend, removed, or to increase the number as aforesaid;

and that the trustee or trustees so elected, shall have equal power, authority and capacity with the trustees hereby appointed.

V. *And be it further enacted*, That this act shall be in force from and after the day of its ratification.

CHAP. XLII.

An Act to establish an Academy in 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 Hector M'Neill, Neill Smith, Duncan Patterson, Archibald M'Bride, William Martin, Jacob Gastor, Alexander Graham, Rev. Malcolm M'Nair and Daniel Brown, 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 Solemn Grove Academy, near Mount Helicon*, 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 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 forever, any lands, rents, tenements 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 the 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.

CHAP. XLIII.

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

WHEREAS the inhabitants in the county of Greene have made liberal subscriptions towards the establishment of an Academy in said county, and the happiness and safety of a Republican Government, and the knowledge and morals of the people depend much thereon, 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 Hymrick Hooker, Thomas Holliday, Jacob Lassiter, Lawrence Carr, John Harper, Silas Lassiter, Samuel Hooker, Francis Kilpatrick, Roderic Powell, Isaac Ward and Hugh Harper, shall be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Greene Academy*, to be erected and established in the county of Greene, in an old field near Hooker's bridge, on Great Contentney, and by the name of the Trustees of the Greene Academy, shall have perpetual succession and a common seal; and the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, 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 and devise, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same, or the profits thereof, shall be applied for the use and purpose of establishing and endowing said academy.

II. *And be it further enacted*, That the said trustees, and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, to answer and be answered, in any court of record whatsoever; and further, the said trustees and their successors, or a majority of them, shall have power to make all such laws and regulations for the government of said academy, and the preservation of religion, order and good morals therein, as to them may appear necessary, and are hereby vested with all the powers and authorities which the trustees of any other seminary of learning in this State have or may possess or enjoy: *Provided*, the same are not contrary to the constitution or laws of this State.

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

CHAP. XLIV.

An Act for the better regulation of the town of Smithville, and to amend an act, entitled "An act to establish an Academy at Smithville, in the county of Brunswick."

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-clerk, or any three of the persons hereinafter named, shall, on or before the first day of January next, give notice in writing at the rendezvous, the school and market-house in the said town, that an election for five Commissioners to manage the concerns of the town, will be held at such place as John Brown, Benjamin Blaney, John L. Griffin, Robert Potter and Samuel Potter shall appoint, on the fifteenth day of said month; which commissioners shall continue in office until the second Monday of January, one thousand eight hundred and seven, and in future, all elections for a full board of commissioners of the said town, shall be held on the second Monday of January in each and every second year, the clerk of the town being hereby required to give fifteen days notice thereof at least, by advertisement posted up on three or more of the most public buildings of said town, under the penalty of twenty-five pounds, to be recovered before any justice of the peace in the said county, one half to the use of the town, and the other half to the use of the person suing for the same; and in case of neglect by the clerk,

the commissioners, or any one of them, may put up such advertisements, ten days previous to the said second Monday in January biennially; and the election for commissioners in the first instance shall be conducted by the town-clerk or his deputy, and any two lot-holders appointed by the five persons above named, or a majority of them, and forever thereafter by the town-clerk (or a deputy by him appointed in writing, for whose conduct he shall be answerable) and two inspectors appointed by the commissioners for the time being, each of whom shall take an oath to conduct the election fairly, and without fear of favour, partiality, prejudice or hatred to any one; and the said elections shall be opened at ten o'clock in the forenoon, and close at two o'clock in the afternoon of the same day, when the five persons having the highest number of votes, shall be proclaimed by the said town-clerk or deputy duly elected. And the said elections shall be conducted as those for Members of Assembly, except in such parts as are otherwise particularly directed herein; and the commissioners elected in pursuance of this act, shall take the following oath previous to acting as such, viz. 'I A. B. do swear that I will execute the office of a commissioner of the town of Smithville, faithfully, impartially and truly, without favour or prejudice, and that I will, to the utmost of my power, in all things as a commissioner, act for the good of said town and well governing thereof, to the best of my skill, ability and judgment: So help me God.' And till such qualification, the power of the former or preceding commissioners shall not cease; but in case of refusal to act, or any vacancy in the board of commissioners, an election shall be ordered on the principles before laid down for biennial elections; and when the board of commissioners is filled up, they are hereby authorised and empowered, if they deem it for the advantage of said town, to elect any person they think proper (having an equal qualification to be elected with what is herein required for either or any of the commissioners) to act as Intendant or Magistrate of Police of the said town, who shall, before entering on the duties of his office, take the following oath, viz. 'I A. B. do solemnly swear, that as Intendant, or Magistrate of Police of the town of Smithville, 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 said town, 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 ability, do equal and impartial justice to the public and individuals: So help me God.' And he and the commissioners thereof shall have, possess and enjoy, all the privileges, powers and authorities which have been, or shall hereafter be vested in or granted to magistrate of police or commissioners of any other town in this State.

II. *And be it further enacted*, That every person who has resided in said town generally, for at least three succeeding months of the twelve previous to any election, and entitled to vote for Members of the House of Commons, or owning a lot or part of a lot with a dwelling house thereon, six months previous to any election, and who has paid town tax for the same, shall be entitled to vote for commissioners; and the commissioners shall be elected from any of the inhabitants or dwelling-house holders thereof, with a lot or part of a lot thereunto appertaining: *Provided*, they have been such inhabitant of house and lot, or part of a lot-holder in fee simple or for life, twelve months previous to the day of election, and at least be three of them constant residents of said town.

III. *And be it further enacted*, That as soon as the commissioners shall deem that it can reasonably be done, without laying a heavy burthen on the owners of houses and lots in said town, they shall value on oath every house within the bounds of said town, and lay a tax not exceeding one quarter per cent. on such value, upon every owner or owners of such house or houses, which shall be collected for the purpose of purchasing one or more engine or engines, leather buckets, ladders and other convenient instruments for extinguishing fires; and until such articles can be provided in the said way, the owner or owners of every lot whereon is now built, or hereafter may be built, any habitable house, shall sooner, if ordered by the commissioners: but at all events, on or before the first day of October next, and within one month after any house hereafter to be built, shall be finished so as to be inhabited, have a good ladder of a proportionable length to the highest shingled roof on the lot, which shall be constantly kept in repair and leaning against said roof, that in case of fire relief may be immediately afforded, under the penalty of a sufficient sum for purchasing and fixing up such ladder, with all costs and charges, to be levied in like manner as other fines.

IV. *And be it further enacted*, That the commissioners of said town shall annually lay and levy a tax on every hundred pounds value of town property within the same, and a proportionable poll-tax on all persons who do not possess in said town the value of one hundred pounds taxable property; and all persons having resided six months within the limits of the town, and liable to pay public taxes, shall be considered as subject to town tax.

V. *And be it further enacted*, That the commissioners of said town shall order and direct, that every person and persons, possessors or owners of any lot or lots in said town, shall, on or before the first day of July next, clear all and every such lot and lots by them possessed or held, of all trees (except fruit trees and such as are planted or trimmed up and intended to be kept for shade or ornament) underwood, brush and high weeds, growing, standing or being on said lots, and see that the same be cleared from such weeds and brush on or before the first day of July in each and every year, and thereafter kept clear; and in case of neglect or refusal, the commissioners are hereby empowered to have the same done at the expense of the owners or possessors or said lots, for which their property shall be liable. And the commissioners of said town shall also, on or before the first day of July next, cause the streets thereof to be cleared of all trees, except those planted for shade, or that they deem proper to be left for that purpose, also all high weeds and all stumps and shrubs, the roots whereof shall be grubbed up for at least twenty feet wide, along and in the middle of Howe, Dry, Potts, Bay, Moore and Nash streets, and thereafter, as occasion may require, of the whole of all and every street in said town; and if instead of levying a tax for the purpose, they deem it most proper to be done by the inhabitants thereof who are liable to work on public roads, and agreeably to the powers vested in, and the practice of the commissioners of other towns in this State, the said inhabitants shall be exempted from working on any of the public roads, and they shall not be liable to work on said streets longer or oftener than persons are bound to work on the public roads, nor liable to heavier fines than such as are inflicted on those who fail to work upon said roads, when thereto legally required; and the rules for working on public roads shall be applied to the working on said streets,

1804 except such as are modified or altered by this act. And in case the commissioners prefer levying a tax for the purpose of clearing the streets, it shall be in the power of any person to discharge himself from the same by contributing his share in work, the proportion and well doing whereof shall be determined by the commissioners, or person or persons to whom they commit the management of the same. And all inhabitants of the town subject to work on the streets, who will furnish two able bodied hands, shall be excused from personal labour.

VI. *And be it further enacted*, That the supplemental lots adjoining said town, with the skirts in front thereof, and of the said town, with all the ground included in the plan thereof, except that occupied by the fortifications erecting, and which shall be erected, and the works and buildings thereunto appertaining, agreeably to an act passed the present session of Assembly, shall be considered as part of the town of Smithville, and the inhabitants dwelling thereon, and on every part thereof, or on the skirts round the town, which were leased by the commissioners for the benefit thereof, shall be liable to all the duties, and entitled to all the privileges, rights and exemptions of the citizens of said town; or any of them; and further, that the laying off and leasing the said supplemental lots, with their skirts and the skirt lots in and around the town, agreeably to the plan filed in the office of the Secretary of State, in the year of our Lord one thousand eight hundred, be and the same, with the said plan, are and is hereby fully and absolutely confirmed.

VII. *And be it further enacted*, That all fines and penalties to be inflicted by the commissioners of Smithville, shall be for the use of the said town, unless otherwise particularly directed, and shall be recovered by warrant under the hand and seal of the intendant or magistrate of police, for the time being, or any two of the commissioners in case of the absence of said magistrate, directed to the town-constable, and if none duly appointed and qualified, then to any other person, in the same manner as other warrants are or may be done, who are hereby bound to execute the same, and for their services to demand, take, and receive the same fees and charges allowed to constables for similar duties, saving to all persons the right of appeal from the judgment of the intendant or magistrate of police or commissioners, to the county court, as in case of judgment by justice of the peace. And whereas by removal out of the State of one, the death of others of the trustees of the Smithville Academy, smallness of their number, and their dispersed situation, it has been difficult to convene a majority of the present trustees to supply vacancies and transact business:

VIII. *Be it therefore enacted*, That John Lord, John Brown, Benjamin Blaney, John L. Griffin, Thomas Leonard, Maurice Moore, Samuel Hall, James Flowers and John Cause, jun. be, and they are hereby appointed trustees of the said academy, and invested with all the privileges and authorities of the trustees heretofore appointed.

IX. *And be it further enacted*, That till the said academy is built, and a school or schools established therein, the meetings of the trustees, except the annual meeting, may be called and held at any other convenient place instead of the town of Smithville, or be called in said town; in which latter case, the President, and those members who do attend of the trustees, shall be considered a sufficient number to transact business, or a majority of the members without the President; any law, usage or custom to the contrary notwithstanding.

X. *And be it further enacted by the authority aforesaid*, That all acts and clauses of acts coming within the meaning and purview of this act, and contrary thereto, is and are hereby repealed and made void.

CHAP. XLV.

An Act to incorporate the town of Hamilton.

WHEREAS considerable inconvenience has recently taken place in consequence of two towns having the same name in this State, as regards the post-office department, in letters being conveyed to one place when designed for the other, 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 the town in Martin county, known by the name of Milton, shall hereafter be called Hamilton; and that William Williams, James Wiggins, Jesse Jones, John Callaud and Andrew Joyner, be, and are hereby appointed commissioners for said town, and shall have full power and authority to act and do all things which may tend to the regulation and good government of said town, and shall keep the streets in good order and repair, and shall have power to appoint an overseer of the streets, who shall summon the inhabitants of said town to work on the streets three days previous to the time appointed for working, and in case of failure or refusal of any inhabitants so summoned to work on the streets, or to procure a sufficient substitute to perform such work, such inhabitant so failing, shall forfeit and pay half a dollar for each and every day's failure or refusal, to be recovered in a summary manner by complaint made by the overseer to any one of the commissioners, such fine to be paid into the hand of the treasurer of said board of commissioners, to be applied to the use of said town, in such manner as a majority of the board shall direct: *Provided always*, that no person within the limits of said town, shall be compelled to work more than two days in any one year, or be compelled to work on any road out of the limits of said town; any law, custom or usage to the contrary notwithstanding.

II. *Be it further enacted*, That the said board of commissioners shall meet on the third Monday of March annually, and after on their own adjournments as often as circumstances shall render it necessary; and at their first meeting shall elect a chairman, who shall preside and vote at their meetings; they shall elect a treasurer who shall give bond to the chairman and his successors in office, in the sum of one hundred dollars, for the faithful discharge of his duty; they shall also elect a clerk, who shall likewise be the register for said town; he shall keep all plats, plans, deeds, grants, records or other public papers relative to said town, and all proceedings heretofore had, and which may be had before the board. The said chairman, treasurer and clerk to be chosen out of the commissioners aforesaid; and in case of the death, neglect, removal or refusal to act, of any of the said commissioners, the clerk shall notify the proprietors of said town, by advertising at three of the most public places therein, at least ten days previous to their meeting, to assemble on a certain day appointed by a majority of the acting commissioners, or in cases of emergency by

the chairman, and elect another or others to fill the vacancies, and he or they so elected, shall have the same power and authority as those appointed by this act: *Provided always*, that no person shall be eligible to be elected a commissioner who is not a resident in said town and owner of one or more lots therein.

III. *And be it further enacted*, That the board of commissioners shall have full power and authority to compel the attendance of their members, to appoint a town-serjeant and all other town-officers they may think necessary, and to make such by-laws as a majority of them may deem expedient for the good government and well-being of said town, not incompatible with the laws of this State; to grant deeds for the lots to the proprietors in fee-simple; and to order in what manner the streets shall be cleared and repaired, together with all the public lands within the limits of said town; and if any commissioner shall, after notice or summons signed by the chairman and countersigned by the clerk, such notice or summons to contain the time and place of meeting, and shall be served at least two days previous to such meeting, if then failing to give his attendance, he shall forfeit and pay two dollars, unless prevented by sickness or such other cause as shall be satisfactory to the majority of said board. Such fines and forfeitures to be applied as heretofore directed.

IV. *And be it further enacted*, That the town-clerk shall register all deeds and grants issued from said board for lots in said town, or from one individual to another, in a book by him kept for that purpose, and receive the sum of forty cents for each, as a full compensation for his services; and such deeds or other papers so recorded, shall be as valid to all intents and purposes as if registered by the county register, as far as respects said town.

CHAP. XLVI.

An Act to establish Inspections of Produce in the town of Huntsville, in the county of Surry, 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, The county court of Surry may, whenever the same is necessary, appoint one or more persons well qualified to act as inspectors of tobacco, beef, pork and flour, and the person or persons so appointed as inspectors shall attend, when and as often as it is necessary, to the several duties of their appointment, and that the same by them be faithfully discharged in the town of Huntsville, in the county of Surry, where an inspection of tobacco, beef, pork and flour, is hereby established.

II. *Be it further enacted*, That the inspectors to be appointed by this act, shall have the same prices for inspection and cooping as are from time to time taken and received in the town of Fayetteville, and no more, likewise the same prices for storage.

III. *Be it further enacted*, That the court of the county of Surry shall, when and as often as they deem it necessary, appoint some one person, an inhabitant of the town of Huntsville, superintendent of the police thereof, and the same person to remove at their pleasure; which person so appointed as intendant of police, shall have, enjoy and possess all and singular the powers and authorities, privileges and pre-eminences, which are, or may hereafter be given by law, to any intendant of police in any town or city within this State; and that the said intendant may appoint any person to execute his commands and precepts as he may think proper; which person so appointed, shall be invested with the same powers, authorities and privileges which constables in this State have a right to enjoy, possess and exercise; any thing in any law to the contrary notwithstanding.

CHAP. XLVII.

An Act to empower Dolphin Davis, to receive storage of tobacco, inspected and deposited in such warehouse or houses as he shall build in lower Fayetteville.

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 Dolphin Davis, his heirs or assigns, for the term of fourteen years from the passing of this act, to receive such rents and profits for the storage and safe-keeping of such tobacco as may be therein deposited, as the proprietors of other warehouses in the said lower town are enabled to receive by law, subject to the same rules and regulations.

II. *And be it further enacted*, That the justices of the county court of Cumberland, at the first court after the establishment of said warehouse, shall appoint two inspectors thereof, who shall be subject to the same rules and regulations, and entitled to the same privileges and emoluments as other inspectors of tobacco under the laws of this State.

CHAP. XLVIII.

An Act to alter the mode and provide more effectually for the election of Commissioners of the town of Fayetteville.

WHEREAS the town of Fayetteville has been divided into seven wards, and some inconveniences have arisen from the manner in which commissioners are chosen for said wards:

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 sheriff of the county of Cumberland, or his deputy, on the day and at the place heretofore appointed by law for the election of magistrate of police, shall open a poll and conduct an election for seven commissioners of the town aforesaid, and each and every person entitled by law to vote for commissioners, shall be authorised to vote in one ticket for seven persons as commissioners of said town, one of whom shall reside in each of the seven wards; and when the election shall be finished, such returning officer shall examine and number the ballots, and the person in each ward having the greatest number of ballots, shall be declared duly elected as the commissioner for the ward in which he resides; and if two or more persons should have an equal number of votes, the magistrate of police for the preceding year shall give the casting vote, except the ward wherein he resides, and then and in such case, the officer conducting the election shall determine the person elected.

II. *And be it further enacted*, That the aforesaid sheriff, or his deputy, shall conduct the said election, in all other respects, in the same manner and under the same penalties, rules and regulations, as are prescribed by an act passed in 1794, entitled "An act for the better regulation of the town of Fayetteville."

III. *And be it further enacted*, That if it shall hereafter happen, by the neglect of the sheriff or other

cause, that the election of commissioners cannot be held on the day appointed by law, it shall be the duty of the magistrate of police, or any three of the commissioners of the preceding year, to notify the people of the town by advertisement of the failure of the election and the cause thereof, at the same time requiring them to attend at the court-house on a day therein to be appointed, for the purpose of giving their suffrages for seven suitable persons to act as commissioners, and one suitable person to act as magistrate of police, for the year in which the failure shall so have happened; which election shall be opened and held in the same manner, and the persons elected shall possess the same qualifications, powers and authorities, and be subject to the like restrictions and penalties, and perform the same duties, as if they had been elected on the day prescribed by law for that purpose.

IV. *And be it further enacted*, That if any of the commissioners of the town of Fayetteville should hereafter refuse to act, remove out of town, or die, before the next annual election, the remaining commissioners are hereby authorised and required to chuse others in the room and stead of those dying, removing or refusing to act, as aforesaid, which commissioners so chosen and qualifying according to law, shall have and possess the same powers as the commissioners had a right to exercise in whose room and stead they were appointed, and in all cases be subject to the like restrictions and penalties.

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. XLIX.

An Act to amend an act passed in the year one thousand seven hundred and ninety-eight, entitled "An act for the further regulation of the town of Newbern."

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 seventh section of the said act, which empowers the said commissioners of the town of Newbern to open a street from Pollock-street to Neuse road, and to sell certain part of Queen-street, be, and the same is hereby declared void.

CHAP. L.

An Act to provide for the better collection of the town taxes in the town of Wilmington.

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 who shall be elected on the next election which shall be made for a sheriff for the county of New-Hanover, and every sheriff of said county which shall thereafter be elected, shall, before entering upon the duties of his office, in addition to the bonds heretofore directed to be executed, execute with two good sufficient securities, a bond in the sum of six hundred pounds, payable to the commissioners of the town of Wilmington and their successors, conditioned for the faithful collection of and accounting for the town taxes of said town, which said bond the clerk of the county court of New-Hanover shall take and deliver over to the commissioners of said town, within ten days after the rising of any court at which any such bond shall have been given.

II. *And be it further enacted*, That the town-clerk of the said town of Wilmington, shall furnish to the sheriff of the said county, who shall be next elected; and also to every succeeding sheriff, a list of the taxes which shall be then due, which shall contain a list of the property for which said taxes are due, and the names of the persons by whom they are payable; agreeably to which list, the said sheriff of New-Hanover county, and every sheriff which shall be thereafter elected for said county, shall proceed to the collection of said taxes, and he is hereby authorised and empowered to collect and distrain for the same, and for all arrearages which by said list shall appear due, in the same manner, and under the same rules and regulations as the sheriffs of the several counties of this State are authorised and empowered and directed to collect and distrain for the public taxes; and the said sheriff or sheriffs shall account for and pay the same to the commissioners of said town or to the town-clerk or town-treasurer, as the said commissioners may direct, on or before the first Monday in September in each and every year, for which the said sheriffs shall be allowed on their settlement six per centum on the amount by them collected.

III. *And be it further enacted*, in case any sheriff of said county shall fail to account for and pay over to the commissioners of said town as aforesaid, at the time herein prescribed, the town taxes which shall be directed to be collected by the list furnished as aforesaid, judgment on motion shall be entered up at the next court which shall be held for the county of New-Hanover, against the said sheriff and his securities on the bond herein directed to be taken: *Provided nevertheless*, that the said sheriff and his securities shall have, at least, ten days notice of the motion intended to be made; and *provided also*, that in case the sheriff shall contest the amount stated to be due, the court in which judgment shall be prayed, shall direct a jury to be impanelled, which jury shall determine the sum due by said sheriff to the commissioners aforesaid, and their determination shall be final and conclusive.

And whereas the tax on goods, wares and merchandize imposed for the support of a night-watch in the town of Wilmington, is frequently evaded by persons vending goods out of vessels arriving therein,

IV. *Be it enacted*, That the sheriff of New-Hanover county shall collect, in the same manner as he is directed to collect the public tax from all persons who shall vend any article of goods, wares and merchandize, out of any vessel arriving in the port of Wilmington, the sum of fifty shillings, which he shall account for on oath, and pay the commissioners on the first Monday in January and July, in each and every year, for which he shall be allowed on the sum so collected and accounted for six per cent.

CHAP. LI.

An Act to authorize the commissioners of the town of Hillsborough to have inclosed the public spring and school house lots, and also the church-yard within said town, and to cause the said lots to be otherwise improved, in such manner and on such terms as the said commissioners may agree and direct.

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, or a majority of them, to contract with some person or persons to inclose and otherwise improve the aforesaid lots, in such manner and on such terms as the said commissioners, or a majority of them, may agree and direct: any law heretofore existing to the contrary notwithstanding.

CHAP. LII.

An Act to amend the several acts of Assembly now in force for establishing permanently the dividing-line between the counties of Montgomery and Moore.

WHEREAS the several laws heretofore passed relative to the establishment of a dividing-line between the counties of Montgomery and Moore, have failed to answer the purpose for which they were enacted, 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 James Chappel and David Cochran, of Montgomery county, Francis Bullock and Murdoch Martin of Moore county, and Benjamin H. Covington of Richmond county, be, and they are hereby appointed commissioners to ascertain and permanently establish the dividing-line between the counties of Montgomery and Moore; and when the said line shall be run, ascertained and concluded on, by the aforesaid commissioners, or a majority of them, it shall be held and deemed the permanent dividing-line between said counties; and the said commissioners shall be governed in ascertaining the said dividing-line, by the limits, stations and natural boundaries heretofore prescribed by law.

II. *And be it further enacted,* That Benjamin H. Covington, one of the commissioners appointed by this act, shall be, and is hereby appointed surveyor to run the aforesaid line, which shall be run in that manner which may be prescribed by a majority of the commissioners aforesaid, and they shall appoint a chopper to assist in the demarkation of the line aforesaid.

III. *And be it further enacted,* That Benjamin H. Covington shall receive for his services as commissioner and surveyor, the sum of three dollars for each and every day he is concerned in the business aforesaid, and the amount of two days wages for going to and returning from the same; and the other commissioners shall receive the sum of twenty shillings for each and every day they are concerned in ascertaining the said line, and the chopper the sum of ten shillings; which sums shall be allowed by the county courts of Montgomery and Moore, and paid by each county in equal proportion: And the commissioners and surveyor aforesaid shall make out two fair plats or representations of their proceedings, one of which shall be recorded in the county of Montgomery, and the other in the county of Moore; any law to the contrary notwithstanding.

CHAP. LIII.

An Act to alter the divisional-line between the counties of Mecklenburg and Cabarrus.

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 tract of land now owned and inhabited by Evan Shely Wiley, a small part of which lies within the county of Mecklenburg, shall be considered as lying exclusively in the county of Cabarrus.

CHAP. LIV.

An Act establishing a boundary-line between the counties of Pasquotank and Perquimons, and also between Camden county and Gates county.

WHEREAS there is a great dismal swamp lying between the counties of Pasquotank and Perquimons, and also between Camden and Gates, through which dismal swamp no dividing-line has ever yet been made between said counties, and the laws prescribing the bounds of said counties being unascertained: 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 courts of the counties of Pasquotank, Perquimons, Camden and Gates, shall each appoint one or more commissioners, to act with one or more surveyors, as the said courts may direct; and it shall be the duty of the commissioners and surveyor or surveyors, as the case may be, to run and mark a line between the aforesaid counties, as follows, viz. beginning near the fork of Little River, and running northwardly to the south-west corner of a ridge, known by the Middle Ridge, then along the west side of the said ridge, crossing Colonel John Hamilton's turnpike road, to the north-west corner thereof, thence a northwardly course to a ridge in the desert known by Colonel Jesse Eason's Ridge, then a north course to the line that divides this State from the State of Virginia.

II. *And be it enacted by the authority aforesaid,* That the line when made as aforesaid, shall be the line dividing said counties of Pasquotank and Perquimons, and also the counties of Camden and Gates; any law to the contrary notwithstanding.

III. *And be it enacted,* That when the aforesaid-line is completed, that it shall be the duty of the commissioners and surveyor or surveyors, to make out a just and accurate certificate, certifying the courses and distances of the lines by them made, so far as respects the county to which they belong, which certificate shall be recorded in each county that it may concern, and shall forever thereafter be considered the bounds of said county.

IV. *And be it enacted,* That each of the commissioners and surveyors shall be allowed the sum of twenty shillings for each and every day that he or they shall necessarily be employed in the duties of their appointment, to be paid by their respective counties.

V. *And be it enacted,* That the aforesaid line when run, shall not affect the title of any land that may have been entered or surveyed in one county, and it shall be found to be in the adjacent county.

CHAP. LV.

An Act to revise and amend an Act, entitled "An act for running and ascertaining the boundary-line between the counties of Sampson and Johnston," passed in the year 1803.

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, Thomas Strickland, Josiah Blackman, of Sampson county, William Bryan, Isaac Williams and Henry Stephens, of Johnston county, are hereby appointed commissioners, with full power and authority to meet, run, ascertain and mark the said line by the first day of November next; and in case of non-attendance of all of the said commissioners at the time by them agreed

1804 on, a majority from each county being present, shall be deemed sufficient to proceed to run, ascertain and mark the said line, and that they shall receive for their services each the sum of twenty shillings per day, to be paid by the county to which they respectively belong: And the said line when run, marked and ascertained, shall be entered on the records of each county, for which purpose it is considered, and it is hereby declared to be the duty of the commissioners present and employed in running and marking said line, to make out two copies of the same, by them signed and returned to the clerk of the court of their respective counties, thenceforth shall be considered, and is hereby declared the boundary and dividing-line between said counties.

CHAP. LVI.

An Act to annex part of the county of Craven to that of Lenoir, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the county of Craven, lying in the fork of Neuse river and Great Contentney creek, shall be, and the same is hereby added to the county of Lenoir, and shall become a part of said county of Lenoir, to all intents and purposes whatsoever: *Provided,* that nothing herein contained shall prevent the sheriff of Craven county from collecting the arrearages of taxes which were due before the passing of this act, in the same manner, and under the same rules, regulations and restrictions, as if this act had never been passed; any thing to the contrary notwithstanding.

II. And be it enacted by the authority aforesaid, That in future, the county of Lenoir shall send four jurors to the superior court of the district of Newbern, and the county of Craven shall send only nine to the superior court aforesaid; any law, custom or usage to the contrary notwithstanding.

CHAP. LVII.

An Act to provide for the repairing, or rebuilding if necessary, the district goal of Fayetteville.

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 Anderson be appointed a commissioner for the county of Cumberland, Thomas Barnes for the county of Robeson, Thomas Tyson for the county of Moore, James Pickett for the county of Richmond, Isaac Jackson for the county of Anson, and Josiah Blackman for the county of Sampson, and that it shall be the duty of the said commissioners to meet at Fayetteville on the fifth day of April next, to examine the jail of the said district, and if the said jail will admit of repairing, to contract with some fit and proper person for the completing and finishing the same, agreeable to law.

II. And be it further enacted, That the said commissioners shall report to the respective courts of their said counties, the sum for which the said work is undertaken to be performed.

III. And be it further enacted, That the courts of the said counties respectively, on receiving the said report, shall proceed to lay a tax within their respective counties as follows, to-wit: County of Cumberland, on each poll not exceeding one shilling, and so in proportion on town-lots with their improvements, and also on each and every three hundred acres of land: And all other counties composing said district, a tax not exceeding sixpence on each poll, and sixpence on each hundred pounds value of town lots with improvements thereon, and sixpence on each three hundred acres of land, which said tax shall be proportioned by the said commissioners, or a majority of them, when convened at Fayetteville as aforesaid.

IV. And be it further enacted, That the sheriffs of the said counties respectively shall collect and account for the said tax, under the same rules, restrictions and regulations as other public taxes, and shall pay the same into the hands of the treasurer that shall hereafter be appointed.

V. And be it further enacted, That the said commissioners, or a majority of them, shall appoint a treasurer, who shall enter into bond with good and sufficient security for the faithful discharge of the duties of his office, and the payment of all sums as shall by virtue thereof come to his hands, to the person or persons so contracting with the said commissioners.

VI. And be it further enacted, That the said treasurer shall have for all his services, five per cent. commission for all sums so by him paid; and that the said commissioners shall be allowed twenty shillings for each day they shall necessarily attend, and twenty shillings for each thirty miles travelling to and from, and all ferriages to be paid by the treasurer.

VII. And be it further enacted, That it shall be the duty of the said commissioners to attend agreeable to their contract with the undertaker aforesaid, and receive the said jail when finished agreeable to said contract.

VIII. And be it further enacted, That should a majority of the aforesaid commissioners be of opinion that the rebuilding said jail be necessary, that they shall make a report of the same to the next General Assembly.

IX. And be it further enacted by the authority aforesaid, That the commissioners when assembled under this act, shall and may take under their consideration the jail of Cumberland county, and if they shall deem it expedient, make addition to, repair, or otherwise act with respect to the same as they may think proper or necessary; and the said county jail shall in future be and remain as a part of the jail for the district, and applied to their use accordingly, as if the same had been built by the district.

CHAP. LVIII.

An Act respecting a Gaol for the district of Wilmington, and the Court-house thereof.

WHEREAS it is represented to this General Assembly, that the gaol of Wilmington district is built on a plan so defective as to render it doubtful whether the same can be repaired, strengthened and enlarged, sufficiently to answer the requisite 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 Thomas Brown, Benjamin Smith, Joshua G. Wright, Charles Hooks, John Fulwood, Thomas Leonard and James Foy be, and they are hereby appointed commissioners to examine the said gaol, and determine on the expediency of repairing the whole, or building a new gaol; and in case they determine on the latter, they are authorised to sell the present gaol with the lot whereon it stands, and to make titles for the same, and purchase a cheaper lot in a more airy situation, and to contract with

a person or persons for supplying materials and building a gaol, of such dimensions and in such manner as they think proper, and clearing and inclosing the lot; and when the expences thereof are ascertained, they shall certify to the courts of the respective counties composing the district of Wilmington, the neat amount necessary to be raised by each of them, the said commissioners taking for a guide the returns heretofore made to the Comptroller's office, and apportioning to the county of New-Hanover, at the rate of one shilling and four pence per poll and every hundred pounds value of town property, and one-third thereof to each hundred acres of land; sixpence per poll, and sixpence on every hundred pounds value of town property, and one-third thereof on each hundred acres of land, to be raised on the other counties. And the justices of said counties respectively, are required to order at their several courts which shall happen after or upon receipt of such certificate, the levying, collecting and paying, without delay, the amount of the monies collected to the commissioners; which duties the sheriffs of the said counties shall respectively perform, under the same rules as for the collection of public taxes, and under the same penalties and mode of recovery in case of failure.

II. *And be it further enacted*, That the commissioners, in determining the sums to be raised on the different counties, shall take into view and give credit to New-Hanover county for the proceeds of the sale of the lot and gaol now belonging to the district, in proportion to what that county paid for the same.

III. *And be it further enacted*, That whenever the treasurer of public buildings in the county of New-Hanover, shall make a report to the court of pleas and quarter sessions therein, stating that the court-house of the district of Wilmington is in want of repair, either in plastering, white-washing, painting or glazing, it shall be the duty of the said county court which shall then be sitting, to lay a county tax for the purpose of defraying the expence of the above repairs, not exceeding four-pence on the hundred acres of land, one shilling on the poll, and one shilling on the hundred pounds value of town property, which tax shall be levied, collected and accounted for in the same manner, and under the same rules, regulations and penalties as other county taxes are levied, collected and accounted for, and for the purpose of finishing the said district court-house.

IV. *And be it further enacted*, That the commissioners appointed for building said court-house, the survivors or survivor shall proceed to collect from all sheriffs who have collected monies on that account, and their securities, and from all the counties which have failed to pay up their respective quotas, so that all the counties be put on the same footing, agreeably to the acts of Assembly passed for that purpose; and that the said commissioners, together with the commissioner appointed to settle with the commissioners appointed to superintend the building the said court-house, the survivors or survivor shall pay the same over to the commissioners of the town of Wilmington, who are hereby required to apply the same towards finishing the said court-house, and insuring and securing it against fire; and in case it should prove insufficient, and it shall be deemed advisable to slate or tile the roof of said court-house, the said commissioners of the town of Wilmington shall be, and are hereby empowered and directed to levy and cause to be collected by the sheriff of New-Hanover county, a tax on the owners of town property in said town not exceeding two shillings on the hundred pounds value of such property, and two shillings on each and every poll in said town, to be collected and accounted for, under the rules and regulations prescribed for the collection of other town taxes, and the sum so collected shall be applied by said commissioners for the purpose aforesaid.

V. *And be it further enacted*, That the commissioners herein appointed shall meet at Wilmington on Friday the first day of February next; and in case of non-attendance, death or refusal to act, a majority of the commissioners may fill up such vacancy. And the said board of commissioners shall have all the powers, privileges and authorities invested in, and enjoyed by any other commissioners heretofore appointed for building any gaol in this State, and that the majority shall, in every instance, be sufficient to transact business and bind the board.

CHAP. LIX.

An Act for laying a tax in the several counties within the district of Salisbury, for the purpose of building a Gaol for said district and the county of Rowan.

WHEREAS the public gaol in the town of Salisbury has been consumed by fire, and the State of North-Carolina has been at great expence in furnishing guards for the safe-keeping of prisoners in the temporary gaol erected for the use of the county of Rowan:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a tax of four-pence on every hundred acres of land, a tax of one shilling on every poll, and two shillings on every hundred pounds value of town property, be levied and collected in the county of Rowan, for the year one thousand eight hundred and five, by the sheriff or collector of the public tax for said county.

II. *And be it further enacted*, That a tax of two-pence on every hundred acres of land, a tax of sixpence on every poll, and a tax of sixpence on every hundred pounds value of town property, be levied and collected in the counties of Mecklenburg, Guilford, Surry, Stokes, Iredell, Rockingham, Cabarrus and Montgomery, for the year one thousand eight hundred and five, by the sheriffs or collectors of the public taxes of said counties.

III. *And be it further enacted*, That the said taxes when collected, shall be paid into the hands of the treasurer of public buildings for the county of Rowan, to be applied to the building a public gaol for the district of Salisbury and county of Rowan, under the regulations and restrictions heretofore required by law.

IV. *And be it further enacted*, That the said tax herein laid shall be collected in the year one thousand eight hundred and five, and paid to the treasurer on or before the first day of January, one thousand eight hundred and six, by the several sheriffs who collect the same; and in case they fail to pay the same, the said trustees of public buildings shall, by motion made in the county court of Rowan, take judgment against such sheriff so failing to pay for the whole or any part of such tax that shall be then unpaid, and applied to the payment of the expence of erecting the said gaol for the district of Salisbury. And whereas it is represented that the county of Rowan has collected money for the building of the said gaol of the district of Salisbury and county of Rowan,

1804. V. *Be it enacted by the authority aforesaid*, That the county of Rowan shall apply the sum of nine hundred pounds towards the building of the said gaol; and in case the same shall not be completed, may apply the money collected by virtue of this act for the purpose of completing the same.

VI. *Be it enacted*, That in case it should not require the whole amount of the money collected by this act for the building of the said gaol, it shall be the duty of the said treasurer to repay to the trustees of the several counties within the said district, their equal proportion of the money not appropriated to the said building; and on refusal, the said trustees of the several counties are hereby authorised to sue for and recover the same with cost. And in case the tax laid in this act shall not be sufficient to complete the said gaol,

VII. *Be it enacted by the authority aforesaid*, That the county of Rowan shall pay all further sums to complete the same.

VIII. *And be it further enacted*, That this act shall be in force and take effect from and after the ratification thereof.

CHAP. LX.

An Act to provide for the repairing, or rebuilding if necessary, the district gaol of Edenton.

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 Stephen Cabarrus be appointed commissioner for the county of Chowan, William Cherry for Bertie county, James Jones for Hertford county, Joseph Riddick for Gates county, Timothy Cotter for Pasquotank county, Joseph Morgan for Camden county, Samuel Ferebee for Currituck county, James Hokin for Tyrrel county, John Armistead for Washington county, and John Wood for Perquimons county; and it shall be the duty of the commissioners aforesaid to meet at Edenton on the eleventh day of April next, to examine the gaol, and if the said gaol will admit of repairing, to contract with some fit and proper person for the completing and finishing the same.

II. *And be it further enacted*, That the said commissioners shall report to the respective courts of their counties, the sum for which such reparation is undertaken to be completed and finished.

III. *And be it further enacted*, That the courts of the respective counties composing the district of Edenton, on receiving the report of the commissioners of the amount of expence for repairing said gaol, to proceed to lay a tax in their respective counties, as follows, viz. Chowan county, a tax on each poll not exceeding one shilling, and so in proportion on town lots with their improvements, and also on each and every three hundred acres of land; and all other counties composing said district, a tax not exceeding four-pence on each poll, and four-pence on each hundred pounds value of town lots with their improvements, and four-pence on each and every three hundred acres of land in the respective counties, which said tax shall be proportioned by the commissioners, or a majority of them, when convened at Edenton as aforesaid, which apportionment shall be made agreeably to the list of taxable property of the preceding year, on polls, town property and land.

IV. *And be it further enacted*, That the sheriffs of the respective counties shall collect and account for the aforesaid tax, under the same rules, regulations and restrictions as other public taxes, and pay the same into the hands of the treasurer hereafter to be appointed.

V. *And be it further enacted*, That the said commissioners, or a majority of them, shall appoint a treasurer, who shall enter into bond with sufficient security for the faithful discharge of his duty, in accounting for and paying all such monies as may come to his hands, to the person or persons who may undertake to repair said gaol.

VI. *And be it further enacted*, That the treasurer for his services shall be allowed five per cent. commission for all monies by him paid out, and the aforesaid commissioners shall be allowed twenty shillings for each day they shall necessarily attend, and twenty shillings for every thirty miles travelling to and from, and all ferriages to be paid by the treasurer, for which he shall be allowed in his settlement with said commissioners.

VII. *And be it further enacted*, That it shall be the duty of said commissioners to attend, agreeably to their contract, with the undertakers of said gaol, and receive the same when finished agreeably to such contract.

VIII. *And be it further enacted*, That should a majority of the commissioners by this act appointed, be of opinion that the rebuilding said gaol is necessary for the safe confinement of prisoners, then they shall make up such report and present it to the next General Assembly.

CHAP. LXI.

An Act to repeal an act passed in the year one thousand eight hundred and two, entitled "An act to compel the Clerk of Surry County Court to keep his office at or within two miles of the court-house."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, an act of the General Assembly passed in the year one thousand eight hundred and two, entitled "An act to compel the clerk of Surry county court to keep his office at or within two miles of the court-house," be, and the same is hereby repealed and made void, to all intents and purposes whatsoever, as though the same had never been passed.

II. *And be it further enacted*, That the clerk's office of the county aforesaid, shall be kept at or within four miles of the court-house in said county; any thing to the contrary notwithstanding.

CHAP. LXII.

An Act to alter the time of holding the County Court of Wake.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that the county court of Wake shall be holden on the fourth Mondays in June and December, and the third Mondays in February and August, in each and every year. At which times respectively the court of the county aforesaid, together with all process, pleadings and proceedings, of what kind or nature soever, shall stand adjourned in said county; any thing to the contrary notwithstanding.

CHAP. LXIII.

1804

An Act to alter and amend an act, entitled "An Act to alter the time of electing the Members of General Assembly," passed at Fayetteville, one thousand seven hundred and eighty nine, so far as respects the county of Gates.

WHEREAS by the before-recited act, the annual election for the purpose of electing members of the General Assembly, shall be held in each and every county on the second Thursday and Friday in August, and it being found by experience that the elections for the county of Gates, can be conducted and completed in one day: 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 annual election for members of the General Assembly and representatives to Congress of the United States, shall be held for the county of Gates, on the first Friday after the second Thursday in August in each and every year, which election shall be opened by eleven o'clock and held open until sun-set, unless by consent of all the candidates that the poll shall be closed sooner; any law to the contrary notwithstanding.

CHAP. LXIV.

An Act to authorise the Companies of Cavalry in Buncombe county to hold their musters and be reviewed at Asheville, in said county.

WHEREAS it is extremely inconvenient and troublesome for the companies of cavalry in the county of Buncombe to attend general musters and reviews at Morganton, by reason of the great distance, and the many mountains and water courses they have to cross:

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, it shall be lawful for the companies of cavalry in Buncombe county, to hold their musters for the purpose of being reviewed at Asheville, in the said county, at such times as may be directed by the commanding officer of the regiment of cavalry of the ninth brigade; and the commanding officer aforesaid shall, by himself or one of the field officers of his regiment by his appointment, attend the said musters and reviews for the purpose of reviewing and mustering the said companies agreeably to law. And the officers of the same are hereby authorised to hold courts martial for the purpose of enforcing the payment of fines, and for the regulation of other duties relative to the said companies; but the officers of said companies shall be required to attend all general or regimental courts martial of the said regiment, as heretofore required by law.

II. *And be it further enacted,* That from and after the passing of this act, it shall not be lawful for the commanding officer of the regiment of cavalry of the ninth brigade, to call the companies of cavalry of the county of Buncombe to general musters and reviews at Morganton; nor shall any thing in this act be construed to prevent the said companies of cavalry in Buncombe county from holding their company musters as heretofore; any law, usage or custom to the contrary notwithstanding.

CHAP. LXV.

An Act to empower the several Captains in the different districts or companies in the county of Richmond, Robeson and Montgomery, to appoint Patroles.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the captains in each district or company in the aforesaid counties shall, if they deem it necessary, at the next muster after the first day of January in each year, appoint three persons to act as patroles for the space of one year, and as a compensation for the services required of them as such, be exempt from serving on the jury, working on the roads and attending military duties.

II. *And be it further enacted,* That the patroles appointed in pursuance of this act, shall be invested with the same powers and authorities, and be subject to the same duties, under the same rules, regulations and restrictions as heretofore prescribed by law.

III. *And be it further enacted,* That all acts or parts of acts that come within the meaning and purview of this act, shall be, and are hereby repealed and made void, so far as respects the counties aforesaid.

CHAP. LXVII.

An Act to amend an Act, entitled "An act to authorise Thomas Barnes, of Robeson county, to convey certain town lots in the town of Lumberton."

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 Alfred Rowland, the present sheriff of Robeson county, be, and he is hereby empowered and directed, before the first day of May next, to execute deeds of conveyance to Noah Pitman and John Dow, for certain lots which they have purchased in the town of Lumberton: *Provided,* that the said John Dow and Noah Pitman, or some person for them, do make oath before some justice of the peace, or produce some satisfactory evidence that they have actually paid the purchase-money for such 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 conveyance had been made by the Sheriff who sold the same.

CHAP. LXVIII.

An Act to prevent the felling of timber in Uhara and Deep Rivers, within the county of Randolph.

WHEREAS it is represented to this General Assembly, that considerable damage is frequently sustained by owners of mills on the waters of the Uhara and Deep Rivers, in said county of Randolph, by reason of immense quantities of timber being frequently felled in said rivers: 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 not be lawful for any person or persons within the said county of Randolph, to cut down or fell timber into either of the aforesaid water courses, unless they remove such parts thereof, within forty-eight hours after the same has been felled, as might injure any mill-dams on said waters.

1804 II. *And be it further enacted*, That any person or persons who shall or may fell timbers in either of the said water courses, contrary to the true intent and meaning of this act, shall, on conviction thereof, forfeit and pay the sum of forty shillings, to be recovered before any justice of the peace for said county, one half to the use of the informer, and the other half to the use of said county, and be further liable for such damages as any owner or owners of mills on said water courses may sustain by such timbers; any law to the contrary notwithstanding.

CHAP. LXVI.

An Act to revive and continue in force an act passed in the year one thousand eight hundred and three, entitled "An act giving longer time to the inhabitants of Richmond county to register certain claims 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 said act shall be, and the same is hereby revived and declared to continue in force for twelve months from the passing of this act, and no longer; any law to the contrary notwithstanding.

CHAP. LXIX.

An Act to amend an act, entitled "An act to appoint and empower commissioners to contract with Philip Hoodenpyle and Job Bernard, for certain improvements on the Warm Spring Road," passed in the year 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 the commissioners appointed in virtue of the above-recited act, or a majority of them, shall have full power and authority to give to the said Philip Hoodenpyle and Job Bernard a further time, not exceeding eighteen months, for the purpose of completing the contract by them entered into with the commissioners in the above recited act. And whereas the said Philip Hoodenpyle and Job Bernard have sustained considerable injury by high waters in the rivers Big Ivy and French Broad, in the destruction of their wharves and bridges; and whereas it is but just and reasonable that the proprietors of the said road and works should be completely compensated for the trouble and expence they necessarily must sustain in repairing the damages aforesaid; and in consideration of the said Philip Hoodenpyle and Job Bernard, their heirs and assigns, perfecting their works within the period herein before mentioned, and keeping and upholding the same in good and sufficient repair and order for the safe passage of carriages, travellers and stock, as contemplated in the said recited act, they the said Philip Hoodenpyle and Job Bernard, their heirs or assigns, shall be authorised for and during the term of eight years, in addition to the term fixed by the said act, to demand and receive, and they are hereby authorised and empowered to demand and receive from all persons, carriages and stock, passing through and over their works aforesaid, the same tolls as fixed by the act aforesaid; any law to the contrary notwithstanding.

CHAP. LXX.

An Act for the relief of Mourning Sikes, of Nash 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 Mourning Sikes, of Nash county, shall hold, possess and enjoy, all the property, either real or personal, which John Sikes died possessed of, free and clear from any claim on the part of his State, arising from the operation of the escheat laws; any law to the contrary notwithstanding.

CHAP. LXXI.

An Act to authorise William Taylor, of Mecklenburg county, in the State of Virginia, to bring into this State any number of Negroes not exceeding ten.

WHEREAS it has been represented to this General Assembly that William Taylor, of Mecklenburg county, in the State of Virginia, is possessed of valuable lands in the county of Granville, in this State, and sundry negro slaves in the county of Mecklenburg, which lands and slaves were willed to him by his father, and that he can derive but little advantage from the said lands unless he is permitted by law to settle thereon the aforesaid slaves: For the relief of the said William Taylor,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the said William Taylor to bring from the State of Virginia into this State, any number of negroes not exceeding ten: *Provided*, that the said William Taylor shall previous thereto make oath before some justice of the peace for the county in which he intends to bring the said negroes, that they are intended for his own use, and not for the purpose of speculation; any law to the contrary notwithstanding.

CHAP. LXXII.

An Act to amend an act passed in the year one thousand seven hundred and ninety-three, entitled "An act to amend an act passed at Newbern, in the year one thousand seven hundred and seventy-seven, entitled An act to encourage the building of public mills and directing the duty of millers."

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 millers in the district of Edenton shall not receive more toll for grinding than one-eighth of Indian corn and one-eighth of wheat; any law to the contrary notwithstanding: *Provided nevertheless*, that this act shall only continue in force until the end of the next General Assembly.

CHAP. LXIII.

An Act to incorporate the Royal Arch Chapter of Concord, of Wilmington, North-Carolina.

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 officers and members who at present are, or in future may be of the Royal Arch Chapter of Concord, of Wilmington, North-Carolina, are hereby constituted and declared to be, a body corporate, under the name and title of *The Royal Arch Chapter of Concord, of Wilmington, North-Carolina*, 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, rules and regulations, as shall not be inconsistent with the constitution of this State, or of the United States.

CHAP. LXXIV.

An Act to amend an act passed at Raleigh, in the year one thousand eight hundred and two, granting further compensation to witnesses and jurors to the district courts of this State, so far as it respects the district of Newbern.

WHEREAS by the before recited act, ten shillings per day only is allowed to each juror compelled to attend the district courts of this State—a sum far inadequate to their necessary expence, particularly in the district of Newbern: 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 May next, the jurors compelled to attend Newbern's superior court by legal authority, shall receive each twelve shillings and sixpence per day for every day they necessarily attend as aforesaid, and twelve shillings and sixpence for every thirty miles they may necessarily travel in going to, and returning from said court, with their ferriages, which shall be taxed, collected and paid for as heretofore; any law to the contrary notwithstanding.

CHAP. LXXV.

An Act making further compensation to the jurors who may attend the county court of Halifax.
BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the jurors who may attend the county court of Halifax, shall receive for their services the sum of eight shillings for every day they may attend, and the same sum for every thirty miles travelling to and from said court; any law to the contrary notwithstanding.

CHAP. LXXVI.

An Act to amend an act, entitled "An act making further compensation to the jurors of Halifax and Edenton districts."

WHEREAS by the present existing laws, the jurors of the superior courts of Halifax and Edenton districts are not entitled to an adequate compensation for their services: For remedy whereof,

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

CHAP. LXXVII.

An Act to apportion the number of jurors to be sent to the superior court from the different counties in Fayetteville district

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the several counties within the district of Fayetteville, shall send from each to the superior court of said district, the following number of jurors, and no more, viz. the county of Cumberland thirteen, Richmond six, Anson six, Sampson six, Robeson six, and Moore six; and that so much of the former acts of the General Assembly of this State as appoint the number of jurors to be sent from any county to the superior court of said district, be, and the same are hereby repealed and made void.

CHAP. LXXVIII.

An Act making further compensation to the jurors attending the county court of 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 passing of this act, the jurors who may attend the county court of Cumberland, shall receive for their services the sum of eight shillings per day, and eight shillings for every thirty miles travelling to and from the said court; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXIX.

An Act to repeal an act passed at Raleigh, in the year of our Lord one thousand eight hundred, entitled "An act making compensation to the county court jurors in the counties of Rowan and Caswell," so far as respects the county of Rowan.

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, so much of the before recited act as relates to the county of Rowan, shall be, and is hereby repealed and made void; any law or custom to the contrary notwithstanding.

LXXX.

An Act making compensation to the county court jurors of Richmond, 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 in future each and every juror who shall be appointed and summoned, and shall regularly attend the county court of Richmond, shall be allowed the sum of six shillings for each and every day's attendance, and the like sum for every thirty miles travelling to and from said court.

II. *And be it further enacted,* That each and every juror shall obtain from the clerk of said court a certificate, in the same manner, and under the same rules as certificates are obtained from the clerks of the superior courts for like services.

III. *And be it further enacted,* That any person or persons who shall, within the limits of said county, catch or shoot a bear or wolf, so as to kill the same, shall, upon producing the scalp or scalps, and swearing to the same in open court, receive for the scalp of a grown bear or wolf the sum of forty shillings, and for the scalp of every young bear or wolf, not a year old, the sum of ten shillings, and receive from the clerk a certificate for the same.

IV. *And be it further enacted,* That the county court of Richmond is hereby empowered and required to lay a tax on each and every white and black poll, not exceeding two shillings, and upon every hundred

1804 acres of land not exceeding eight-pence, and upon every hundred pounds value of town property not exceeding two shillings, and upon every chair or sulky of two wheels the sum of five shillings, and upon every four wheel carriage of pleasure the sum of ten shillings, for the liquidation or payment of said certificates or claims.

V. *And be it further enacted*, That the owner or possessor of every chair, sulky, or four wheel carriage of pleasure, shall render an account of the same in his list of taxable property yearly, under the penalty of twenty shillings, to be recovered before any justice of the peace, one-half to the informer, and the other half to be applied in discharging the claims aforesaid.

VI. *And be it further enacted*, That this act shall not be in force, or have its full effect, till fifteen months after the ratification hereof, except so much of the same as empowers the county court to lay a tax for the purposes aforesaid.

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

CHAP. LXXXI.

An Act to amend an act for making compensation to the jurors of Brunswick county.

WHEREAS the said act has been found oppressive in the present indebted situation of the country,

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 instead of the tax of eight shillings for each and every day's attendance of a juror, and the same sum for every thirty miles travelling to and from court, being absolutely laid, the laying of tax for compensation of jurors to the county court, shall depend on the discretion of the court, who shall have power, and they are hereby invested with authority to lay the tax for paying said jurors at such rate as they may deem adequate to their services and the ability of the county, not exceeding the above-mentioned sum of eight shillings for each and every day's attendance, and a similar sum for every thirty miles travelling to and from said court, for which each juror shall obtain a certificate from the clerk of the 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: *Provided nevertheless*, that two-thirds of the acting justices of said county concur in laying the tax, which shall be collected and accounted for in the same manner as the county tax: *And provided also*, that the claims for services heretofore performed, shall be paid agreeably to said act, making compensation to the jurors of Brunswick county; but all future services shall only be allowed for by the county court, and compensated in manner above mentioned.

CHAP. LXXXII.

An Act to repeal a part of an act, entitled "An act allowing compensation to the superior and county court jurors," so far as relates to the county of Burke.

WHEREAS it has become oppressive to the citizens of the county of Burke to allow compensation to the jurors of the superior and county courts: 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, that a part of a certain act, entitled "An act to allow compensation to the superior court jurors," passed in the year one thousand seven hundred and eighty-three, and amended in the year one thousand eight hundred and two, that so much of said acts as far as relates to the compensation of jurors of the county of Burke, shall be, and are hereby repealed and made void.

VII. *And be it further enacted by the authority aforesaid*, That a certain act, entitled "An act to allow compensation to the county court jurors of the county of Burke," passed in the year one thousand seven hundred and ninety seven, and all other acts and parts of acts that come within the purview and meaning of this act, as far as it relates to the compensation to the county court jurors of Burke, shall be, and are hereby repealed and made void.

CHAP. LXXXIII.

An Act to authorise the county court of Chatham to lay a tax to defray the expences of building a Court-house.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Chatham is hereby authorised, whenever they may deem it necessary, to levy a tax, not exceeding two shillings on the poll, eight-pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, in any one year, for the purpose of raising money to defray the expences of building a new court-house in said county; and if the tax of two shillings on the poll, eight-pence for every hundred acres of land, and two shillings for every hundred pounds value of town property, so levied for one year, should be insufficient to answer the purposes above mentioned, it shall and may be lawful for the county court aforesaid to continue the same from year to year until a sufficient sum shall be raised, so that the object of this act may be carried into effect.

II. *And be it further enacted*, That the county court of Chatham, on proceeding to the business aforesaid, shall appoint three commissioners, whose duty it shall be to let out the building of the court-house aforesaid to the lowest bidder, and to dispose of the old court-house and all public buildings attached thereto, and the money arising from such sale, when made, shall be appropriated to the use of the county.

CHAP. LXXXIV.

An Act to empower the county court of Martin to lay a tax on the inhabitants of said county, for the purpose of building a house for the reception and employment of the poor thereof, 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 the court of said county is hereby authorised to lay a tax, at any time previous to the sitting of the next General Assembly, for the year one thousand eight hundred and five and the year one thousand eight hundred and six, not exceeding two shillings on each poll, eight-pence on every hundred acres of land, and two shillings on every hundred pounds value of town property within the said county, to be levied, collected and accounted for as the law in such cases directs.

II. *And be it further enacted*, That the said county court shall have full power to appoint such commissioners, or as many of them, as they may think proper, for carrying said building into effect, and to finish

the same; and the said commissioners shall be entitled to such reasonable allowance for their services as the said court shall think proper to make.

III. *And be it further enacted*, That the commissioners that shall be appointed by this act, are empowered to fix on a proper place in the county aforesaid, for the erection of such building, and either to buy, or receive by way of donation, such lands as may be convenient for the same, and to take a deed thereof from the former proprietor or owner to the wardens of the poor of said county, to and for the use of the poor thereof: Which deed shall be recorded in the proper office, and lodged with the clerk of the court of said county. And the said commissioners are hereby further authorised to use their own discretion with respect to the size and dimensions of said house, and manner of erecting the same.

IV. *Be it further enacted*, That when the said house may be completed, it shall be under the care and management of the wardens of the poor of said county to admit therein such persons as they may think proper, objects of public charity, to provide suitable provisions and apparel for them, and to make such arrangements for their useful, convenient employment, as to them may appear most advantageous for the support of said poor-house, and the wardens shall make due return of the earnings of said poor, at least once a year, to the court of said county.

V. *Be it further enacted*, That if any of the commissioners herein to be named shall die, remove, be unable, or refuse to act, then, in that case, it shall be lawful for the court of said county to appoint any other person or persons in lieu of such commissioner or commissioners who shall die, remove, or be unable or refuse to act.

VI. *And be it further enacted*, That the wardens of the poor of the county of Martin shall have full power and authority to lay a tax annually not exceeding four shillings on each poll, and four shillings on every hundred pounds value of town property, and one shilling and four-pence on every hundred acres of land in said county, to be collected and accounted for as other public monies are; and all acts and clauses of acts heretofore made, coming within the purview and meaning of this act, are hereby repealed and made void; any law to the contrary notwithstanding.

CHAP. LXXXV.

An Act to continue in force an act passed at Raleigh, in the year one thousand eight hundred and two, entitled "An act authorising the county courts therein mentioned to lay a tax for defraying the expences incurred in suppressing the late insurrection of the Negroes in said counties," so far as respects the county of Pasquotank, and for other purposes therein mentioned.

WHEREAS the tax contemplated in the above recited act has been found insufficient to meet the object thereof, and whereas doubts have arisen with the county court of Pasquotank, whether they were authorised to lay the tax for more than one year,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Pasquotank is hereby authorised and empowered to continue the said tax for the years one thousand eight hundred and four and one thousand eight hundred and five, under the same rules and regulations as are prescribed in the above recited act; any thing to the contrary notwithstanding. And whereas the granting a separate general muster in the county of Pasquotank, has been found to be inconvenient and troublesome, and the commissioned officers of said county having expressed a wish that the separate battalions should be united,

II. *Be it enacted by the authority aforesaid*, That from and after the passing of this act, all general musters in the county of Pasquotank, shall be held at Elizabeth City, and that all acts or parts of acts granting separate general musters in said county, are hereby repealed and made void. And whereas the poor-house in the county aforesaid has become but of little use, in consequence of the court being removed from Nixonton to Elizabeth City,

III. *Be it enacted by the authority aforesaid*, That the sheriff of the county of Pasquotank is hereby authorised and directed to sell the poor-house, and lot and furniture thereof, on a credit of six months, and the money arising from the sales of the same, he is hereby directed to pay over to the wardens of the poor of the county of Pasquotank, towards the building of a poor-house in Elizabeth City; and the sheriff of the county aforesaid is hereby authorised and empowered to give a good and sufficient conveyance for the said poor-house, lot and furniture, to the purchaser or purchasers thereof; any thing to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid*, That the wardens of the poor for the county of Pasquotank, are hereby authorised and empowered to lay an additional poor tax of nine-pence on every poll, and three-pence on every hundred acres of land, and nine-pence on every hundred pounds value of town property, in the county aforesaid, to be levied and collected as other taxes, and to be applied towards the building of a poor-house in Elizabeth City.

CHAP. LXXXVI.

An Act to alter the time for appointing sheriffs and laying the county tax for the county of Richmond.

WHEREAS the time for electing sheriffs and laying the county taxes in the county of Richmond has been found inconvenient to the sheriffs of 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 ratification of this act, the county court of Richmond shall annually appoint a sheriff for said county, at the first court which shall be held after the first day of January in each and every year, under such rules, regulations and restrictions in other respects as heretofore prescribed by law. And whereas the present sheriff for said county is bound for the taxes for the year one thousand eight hundred and four, the settlement of which will take place in October, one thousand eight hundred and five,

II. *Be it enacted*, That the sheriff elected at the first court happening after the first day of January, one thousand eight hundred and six, shall be bound to collect and account for the taxes laid as aforesaid for the year one thousand eight hundred and five, under the same rules and regulations as heretofore prescribed by law.

III. *And be it further enacted*, That the county court of Richmond shall annually after the first day of January in each and every year, proceed to levy and assess the county taxes for each year: *Provided*, that seven or

1804 more justices shall be present at the time of such assessment, any thing to the contrary notwithstanding: *And provided also*, that nothing herein contained shall be so construed as to prevent the said county court of Richmond to levy and assess the county taxes for the year one thousand eight hundred and four, and make the necessary provisions for the collection thereof.

CHAP. LXXXVII.

An Act to authorise the wardens of the poor for the county of Perquimons to lay a tax higher than heretofore, and to regulate their proceedings in certain cases.

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 wardens of the poor for the county of Perquimons, or a majority of them, to lay a tax not exceeding four shillings on each and every poll, and four shillings on every hundred pounds value of town property, and one shilling and four-pence on every hundred acres of land, within the said county, for the year one thousand eight hundred and four, and for any year hereafter when they shall deem it necessary, to be collected and accounted for as directed by the law in such cases made and provided.

II. *And be it further enacted*, That when any person shall apply to the said wardens for assistance for him or herself, having property, he or she shall assign over and yield up into the hands of the wardens, the said property, or as much thereof as the said wardens, or a majority of them shall think just and reasonable, before he or she so applying shall be entitled to receive assistance at the expence of the county; which property is to be applied at the discretion of the wardens towards the assistance of the poor under their care: *Provided always*, that such assignment of property shall not be made to the prejudice of just creditors.

And in case the said wardens should have under their care any objects of charity, being lame or afflicted with any malady, it shall be the duty of the wardens, or a majority of them, at their discretion, to employ some person or persons of skill and abilities to take such under their care, and by applying medicine or otherwise, to endeavour that they may be recovered.

CHAP. LXXXVIII.

An Act to alter the time for appointing sheriffs, and laying the county taxes for the county of Buncombe. *WHEREAS* the time of electing sheriffs and laying the county taxes in the county of Buncombe has been found inconvenient to the sheriffs of such 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 ratification of this act, the county court of Buncombe shall annually appoint a sheriff for said county, at the first court which shall be held after the first day of January in each and every year, under such rules, regulations and restrictions in other respects as heretofore prescribed by law. And whereas the present sheriff of said county is bound for the taxes for the year one thousand eight hundred and four, the settlement of which will take place in October, one thousand eight hundred and five,

II. *Be it therefore enacted*, That the sheriff elected at the first court happening after the first day of January, one thousand eight hundred and six, shall be bound to collect and account for the taxes laid on aforesaid, for the year one thousand eight hundred and five, under the same rules and regulations as heretofore prescribed by law.

III. *And be it further enacted*, That the county court of Buncombe shall annually, at the first court which shall be held after the first day of January in each and every year, proceed to levy and assess the county taxes for such year: *Provided*, that seven or more justices shall be present at the time of such assessment; any thing in any law to the contrary notwithstanding. *And provided also*, that nothing herein contained, shall be so construed as to prevent the said county court of Buncombe to levy and assess the county taxes of the said county for the year one thousand eight hundred and four, and make the necessary provisions for the collection thereof.

CHAP. LXXXIX.

An Act to repeal part of an act passed in the year one thousand seven hundred and ninety-four, entitled "An act to empower the county court of New-Hanover, to lay a tax for the purpose of destroying the vermin herein mentioned, and for altering one of the places for holding the annual elections in the county of New-Hanover, and to amend an act to encourage the destroying of wolves, wild cats, panthers and bears, in the county of Carteret," passed in one thousand seven hundred and ninety-two, so far as the said act relates to 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 so much of the first, second, third and fourth sections of the above-recited act as relates to the county of New-Hanover, be, and the same is hereby repealed.

CHAP. XC.

An Act to amend an act, entitled "An act to authorise and empower the county court of Northampton to appoint some proper person to transcribe the register's books of said county," passed the last session of the General 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 the court of the county aforesaid, shall have power to appoint two discreet and proper persons as commissioners to examine the transcript directed to be made in virtue of the said act; and if the same are truly and accurately transcribed, they shall make a report thereof to the court of the said county; which report, if approved by a majority of the justices of the said county, and certified as such under their hands, the said transcript shall be as valid, to all intents and purposes, as the original, and transcripts and copies therefrom shall be received in evidence, in as full and ample manner as copies and transcripts from the said originals.

II. *And be it further enacted*, That the commissioners appointed in pursuance of this act, shall, at the time of making their report, also report what sum, in their opinion, would be adequate compensation for the services of the persons appointed to transcribe the said register books.

III. *And be it further enacted*, That a majority of the justices of said county shall have power and authority to allow to the person appointed to transcribe the said register's books, and also to the commissioners appointed in virtue of this act, such compensation as they may deem adequate to their services; and

the said justices shall further have power and authority to lay a tax not exceeding eight-pence on each and every hundred acres of land within the county aforesaid, for the purpose of defraying said expence, which tax shall be levied, collected and accounted for, in the same manner as other county taxes.

CHAP. XCI.

An Act to authorise the county court of Onslow to appoint a proper person to transcribe such of the records in the register's office as said court shall deem necessary.

INASMUCH as it is represented to this General Assembly, that a considerable part of the books in the register's office of Onslow county, as 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 Onslow, 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 therefrom, shall be received in evidence in as full and ample a manner as copies and transcripts from the said originals.

CHAP. XCII.

An Act authorising the county court of Anson to appoint a proper person to transcribe such of the records in the register's office, as they may deem necessary.

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

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 Anson, 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; which appointment shall be made by a majority of the acting justices.

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 originals, and transcripts and copies therefrom shall be received in evidence, in as full and ample manner, as copies and transcripts from said originals.

CHAP. XCIII.

An Act granting two separate elections to the inhabitants of Wake 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 Joseph Lane, Andrew Peddy, Pleasant Woodward, William Olive and William Wirt, 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 of the western part of Wake county, and more especially those living on Buckhorn and White Oak creeks.

II. *And be it further enacted by the authority aforesaid,* That John Grant Rencher, Allen Mobley, John H. Shaw, Dempsey Blake and Hezekiah Bledsoe, be, and they are hereby appointed commissioners to fix on such place as to them shall appear most convenient for the reception of votes of the inhabitants in the north part of Wake county, on the south side of Neuse river. And the places so fixed on by them, or a majority of them, shall be the places of elections to receive votes 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. And the said elections, and all other elections not held at the court-house of said county, shall be held annually at the places so fixed on by the commissioners, on the Wednesday preceding the second Thursday in August, to be opened at twelve o'clock of the said day and continue open until sun-set, for the reception of the 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 places, shall, at least twenty days before the time of the elections to be first held at the different places after the passing of this act, give notice to the sheriff, who shall, at least ten days before the election, advertise the same at three public places in the parts of the county where the elections are to be held.

III. *And be it further enacted,* That the votes taken in any election not held at the court-house of said county, shall, at the closing of the poll, be sealed up by the inspectors, and transmitted to the sheriff, or his lawful deputy, at the court-house in Raleigh, by twelve o'clock of the next day, when they shall be counted out in the presence of the sheriff, or his lawful deputy, and the inspectors of the election to be held at Raleigh, and shall be, and they are hereby declared to be a part of the suffrages of Wake county.

IV. *And be it further enacted,* That the county court of Wake that shall be held after the first day of January annually, shall appoint one justice of the peace and two freeholders in said county, to be inspectors of the different separate elections.

V. *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 the peace, one half to the use of the informer, and the other half to the use of the county.

CHAP. XCIV.

An Act to establish a separate election in the county of Chatham.

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 Chatham shall, by himself or lawful deputy, open and hold an election at the house of William Avent, in the lower end of said county, on the Tuesday preceding the second Thursday in August in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of

1804 the United States; and the votes so taken shall be sealed up in the presence of the inspectors, and transmitted and added to those taken on the days of the annual election; which shall be conducted under the same rules and regulations as the elections heretofore established in said county.

CHAP. XCV.

An Act to amend an act passed in the year one thousand eight hundred and two, entitled "An act granting two separate elections to the inhabitants of Johnston county," and to establish two other 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, it shall be the duty of the sheriff of Johnston county, either by himself or his lawful deputy, to open and hold four separate elections in said county, at the times and places as are hereinafter prescribed, to-wit: At the house of Edwin Smith, on the first Thursday in August; at the house of Jonathan Walton, on Friday next preceding the second Thursday in August; at the house of Everett Pearce, esquire, on Saturday, the day next thereafter; and at the house of Isaac Williams, esquire, on Monday next thereafter, annually, for members of the General Assembly of this State: That said elections shall be opened on the days and at the places aforesaid, between the hours of eleven and twelve o'clock of the forenoon, and continue open until sun-set (unless otherwise agreed on by the candidates then present) under the same rules and regulations that annual elections are at present held at the different places established by law for the same.

II. *And be it further enacted,* That it shall and may be lawful for as many of the inhabitants of said county as may find it most convenient to attend either of the aforesaid elections, and there give their suffrage for the purpose aforesaid, and that the votes so taken shall be, by the sheriff or his lawful deputy, counted out at the close of said elections, in presence of the inspectors, and transmitted by the sheriff or his deputy, to the court-house of said county, on Friday next after the second Thursday in August annually, which votes shall be, and they are hereby declared to be part of the suffrages of Johnston county.

III. *And be it further enacted,* That it shall be the duty of the sheriff of said county to advertise said elections at one or more public places in each and every of the captain's districts in said county, at least ten days before the same commence.

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

V. *And be it further enacted,* That elections for representatives to Congress of the United States, and for electors to vote for President and Vice-President of the same, shall be held at the aforesaid places, in the same manner, and under the same rules, regulations and restrictions, as in other cases of elections within this State.

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

VII. *And be it further enacted by the authority aforesaid,* That so much of the above recited act for granting two separate elections to the inhabitants of Johnston county, as comes within the purview and meaning of this act, be, and the same is hereby repealed and made void.

CHAP. XCVI.

An Act to establish a separate election at the house of Joseph Kimball, in the county of Warren.

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 Warren county, or his lawful deputy, shall open and hold an election at the house of Joseph Kimball, in said county, on Wednesday immediately preceding the second Thursday and Friday in August in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States, which election shall be opened at twelve o'clock, and continue open until sun-set, unless sooner agreed on by the candidates present; and to be conducted under the same rules and regulations as all other elections in this State. And votes taken at the place and on the day aforesaid, shall be sealed up and transmitted by the sheriff to the court-house, and counted out and added to those taken at the days of the annual election; any law to the contrary notwithstanding.

CHAP. XCVII.

An Act to establish the mode of elections in future in the county of Sampson.

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, all elections for members of the General Assembly of this State, shall be held in the county of Sampson, in every year, on the first Friday after the second Thursday in August, in every captain's district, at the places fixed on by them for holding their petit musters.

II. *And be it further enacted,* That it shall hereafter be the duty of the court of said county, at the court next preceding the day of any election, to appoint one justice of the peace and two freeholders to act as inspectors of the polls, whose duty it shall be to attend at the places for which they are appointed on the day mentioned in this act for holding said elections, which elections shall be held in the same manner, and under the same rules, regulations and restrictions as are observed in other cases of elections within this State.

III. *And be it further enacted,* That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them returned on or before two o'clock the next day, to the sheriff of said county or his lawful deputy at the court-house; and it is hereby declared to be the duty of said sheriff or deputy to attend at the court-house the day succeeding the day of election, to receive the returns so made by the inspectors. On the returns being made to the sheriff, he shall, in presence of the inspectors, proceed to add the number of votes, thus to him returned, together, and the persons having the greatest number shall be deemed duly elected, and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

IV. *And be it further enacted*, That if it should so happen that the court of said county should neglect to appoint the inspectors as aforesaid, or any of them should die or refuse to act, then and in that case, it shall and may be lawful for any one justice of the peace and two freeholders to appoint them, and when so appointed, they shall have the same powers, and be subject to the same restrictions as if they had been appointed by the court.

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointments of said inspectors to the sheriff, whose duty it shall be to notice them as soon as may be of their appointments; and the sheriff is hereby required to advertise said election in every captain's district, and at the court-house door, at least twenty days previous thereto.

VI. *And be it further enacted*, That if any person shall vote at more than one election on the same day, he shall, on conviction before any justice of the peace for said county, forfeit and pay the sum of five pounds, one half to the person suing for the same, and the other half to be applied for the use of the poor of said county.

VII. *And be it further enacted* That the election for members of Congress, and for electors to vote for a President and Vice-President of the United States, shall be held in said county at the aforementioned places, and in the same manner, subject to the same rules, regulations and restrictions as other elections within this State.

VIII. *And be it further enacted*, That all acts that come within the meaning and purview of this act, and contrary thereto, are hereby declared to be repealed.

CHAP. XCVIII.

An Act to alter the place of holding the separate elections on the south side of Neuse river, in the county of Wayne.

WHEREAS it has been found extremely inconvenient to the good people of Wayne county, residents on the south side of Neuse river, to attend the separate elections of said county at Robert Fortner's, the place fixed by law for that purpose; and Mr. Fortner himself having petitioned the representatives from said county for a removal,

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, it shall be lawful for all future elections authorised at said Fortner's, to be held at the house of Alee Bass, on the same days, and under the same rules, regulations and restrictions as have been heretofore observed at the elections at said Fortner's.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the sheriff, by himself or lawful deputy, to open the poll on the days and hours pointed out by law for that purpose, at the said Fortner's, in future at Alee Bass's, where the election shall be conducted by him as heretofore at said Fortner's, under the penalty of one hundred pounds; any law to the contrary notwithstanding.

CHAP. XCIX.

An Act to amend an act passed at Raleigh, in the year one thousand eight hundred and two, and an act passed in one thousand eight hundred and three, granting separate elections in Duplin county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the sheriff of Duplin county, by himself or deputy, to open the annual election in said county for members of the General Assembly of this State, at the following places on the following days, to-wit: At the house of Moses Stany, on the North-east; at the house of Austin Bryan, near Muddy Creek; and at such place on the waters of Rockfish, as David Carlton, William Stokes, Gibson Sloan, Abraham Newton and David Williams, esquire, or a majority of them shall appoint; and at the house of Benjamin Hodges, on Bear Swamp, on the second Thursday in August in each and every year.

II. *And be it further enacted*, That the sheriff or his deputy shall count out the ballots taken at said elections, in the presence of the voters, on the evening of the said second Thursday, and shall transmit them to the sheriff at the court-house, on the second Friday in said month, when they shall be added to the votes taken at the court-house; and the person having the greatest number of votes shall be duly elected; but if any two persons have an equal number of votes, the sheriff shall give the casting vote.

III. *And be it further enacted*, That the said separate election shall be held open for the reception of votes from twelve to four o'clock.

IV. *And be it further enacted*, That the election for representatives in the Congress of the United States, shall be held on the above-recited days, and at the same places as described in this act, when they are by law to be held.

V. *And be it further enacted*, That the election for electors to vote for a President and Vice-President of the United States, shall commence at the before recited places on Thursday before the second Friday in November, and be closed on the evening of the day following at the court-house, under the same rules, regulations and restrictions as are heretofore prescribed by law.

VI. *And be it further enacted*, That so much of the above-recited acts as come within the meaning and purview of this act, are hereby repealed and made void; any law to the contrary notwithstanding.

CHAP. C.

An Act altering the time and mode of holding the separate elections in the county of Cumberland, 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 in future, the separate elections held in Cumberland county for members of the General Assembly, for representatives to Congress, and for electors to vote for a President and Vice-President of the United States, shall be held at the several places appointed by law, on the day preceding the day or days appointed by law for holding said elections in the town of Fayetteville.

II. *And be it further enacted*, That the county court of Cumberland shall, at the court preceding such election, appoint inspectors and clerks to superintend said elections; and the sheriff shall, by himself or his lawful deputies, hold the said elections in the same manner as heretofore prescribed by law, except as hereinafter excepted.

1804. III. *And be it further enacted by the authority aforesaid,* That at the close of the polls, the scroll shall not be counted out, but shall be sealed up in the presence of the inspectors, and shall be conveyed by the sheriff or his deputy to the court house, and there kept and counted out at the same time with the votes which shall or may be taken at the court-house on the day of the annual election.

IV. *And be it further enacted,* That all acts or clauses of acts coming within the meaning or purview of this act, be, and the same are hereby repealed.

Be it further 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 may be lawful for Effy M'Lean, widow of John M'Lean, of Cumberland county, deceased, to erect and keep up a gate or turnpike on the road near her bridge on upper Little River, for the purpose of enabling her, her heirs or assigns, to collect and receive the tolls for the passage over said bridge, at the rates that now are, or may hereafter be established by law, she the said Effy, or her assigns, always keeping the said bridge in good and sufficient repair.

CHAP. CI.

An Act to establish a separate election in the county of Moore.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Ray, jun. John M'Neill and William Patterson be, and they are hereby appointed commissioners to fix on a proper place on the south side of Little River, in said county, for the purpose of holding an election for the convenience of the inhabitants thereof; and when a place shall be so fixed on as aforesaid, the sheriff of said county, or lawful deputy, shall open and hold at that place an election on Wednesday preceding the days of annual election, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States. And the votes taken at said election shall be counted out at sun-set, or sooner if the candidates present shall agree; and the number in favour of each candidate shall be transmitted and added to the number of votes taken at the court-house on Friday, the day of annual election; and the election established by this act, shall be conducted under the same rules and regulations as other elections in this State.

II. *And be it further enacted,* That no election shall be held at the court-house on Thursday as usual, and the votes taken at the separate elections, and those taken at the court-house on Friday, shall include the number of votes taken for the purpose aforesaid; any law to the contrary notwithstanding.

CHAP. CII.

An Act granting a separate election to the inhabitants of the county of Randolph, and altering the time of holding the several 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, there shall be an election opened and held at Jacob Hoover's mill, on the waters of Uharee, where any of the inhabitants of the said county may give their votes for members of the General Assembly, electors and representatives to the Congress of the United States, under the same rules, regulations and restrictions as separate elections have heretofore been held in the county of Randolph.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the separate election that was heretofore held at the house of James Tarpley, on the west side of Uharee, shall be opened and held at the house of Frederick Farmer, under the same rules, regulations and restrictions as other separate elections are held in said county.

III. *And be it further enacted,* That in future, the elections at Mecon's and Hoover's mill shall be opened and held by the sheriff or his deputy, on the Tuesday immediately preceding the second Thursday in August in each and every year; and the elections at White's and Farmer's, on the Wednesday immediately preceding the second Thursday in each and every year; and the elections at the town of Johnstonville, on the second Thursday in each and every year, subject to the same rules, regulations and restrictions that separate elections have heretofore been in said county; any law to the contrary notwithstanding.

CHAP. CIII.

An Act to alter the time of holding the annual election of the county of Hertford, and to establish two separate election in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the annual election in said county shall be held on the Friday after the second Thursday in August in each and every year, at the court-house in Winton; at the house of Edward Kilbie in Murfreesborough, and at Pichlanding, commonly called Vanpelt's landing.

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 nine and ten of the clock in the morning, open and hold an election at the several places provided by this act, to receive the votes of those entitled to suffrages in said county, and shall keep the same open until the hour of five 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 all the votes taken, together with a list of the names of all the electors at the election, which list 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 Winton on the next day, and shall on that day be publicly compared and the votes 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 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 if any person shall vote at more than one

place of election in said county on the same day, he shall forfeit and pay the sum of ten pounds, to be recovered before any justice of the peace, one half to the person who shall sue for the same, and the other half to the use of the county.

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

CHAP. CIV.

An act to amend an act, entitled "An act establishing a separate election at Hogstown, in the county of Martin," and to repeal part of two laws passed in the years one thousand seven hundred and ninety-five and one thousand seven hundred and ninety-seven, granting separate elections at Hogstown and James-Town, in said 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 the separate elections directed to be held for the upper end of Martin at Hogstown, be hereafter held at some convenient place in the town of Hamilton, on the Wednesday preceding the time of holding elections for the purpose of electing representatives to Congress, and likewise for members of the General Assembly; which elections shall be conducted in every other respect, as is or may be established by law.

II. *And be it further enacted*, That instead of sealing up the boxes and carrying them to Williamston before the votes are counted, as heretofore, the sheriff shall on each day at the close of the poll of both the separate elections at James-Town and Hamilton, count the votes in the presence of the inspectors; which votes shall be considered as a part of the election of the said county, and shall be added to the votes taken at the general election held at the court-house in Williamston.

III. *And be it further enacted*, That a poll shall be opened and held at the court-house of said county, on the Friday succeeding the second Thursday in August, and the ballots taken at the other two places, together with those at the court-house, shall be added together in the presence of the inspectors, and the persons having the greatest number of votes shall be declared duly elected.

IV. *And be it further enacted*, That all acts, and clauses of acts, coming within the intent and meaning of this act, are hereby repealed and void.

CHAP. CV.

An Act granting separate elections in Brunswick county, and for altering the time of holding 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 in future the elections for members to represent the county of Brunswick in the General Assembly of this State, shall be held on the following days of each and every year, viz. At the place already appointed by law on the west side of Waccamaw, on the second Monday in October in each & every year; for the North West district on the Wednesday following; on Town-Creek at such place as the following persons shall appoint, to wit: Charles Gause, Edward Sullivan, William Wingate, Thomas Russ and Richard Parrish; on the Thursday following at Smithville; on the following Friday at such place as John Brown, John L. Griffin, Benjamin Blaney, Charles Betts and Wilson Davis shall appoint; and at the court-house of the county on the Saturday next ensuing. And the persons herein authorized to appoint the places of holding the elections on Town-Creek and Smithville, shall make return to the county court previous to the first day of April next; and in case either of the persons authorized as aforesaid shall die, refuse or neglect to make such return, the said court are hereby authorized and required, at the term ensuing the said first day of April, to appoint other persons in the room of those who shall so die, refuse or neglect to act. And the returns of such persons, with the returns of the commissioners heretofore appointed by law, when made, are required to be entered of record by the clerk of the county, and shall be considered as establishing the respective places of election in the same.

II. *And be it further enacted*, That elections for representatives to Congress, and electors of President and Vice-President, shall be held at the respective places above mentioned; and all separate elections here appointed shall be conducted under the same rules, regulations and restrictions, as separate elections have heretofore been held in the said county of Brunswick, except that all the elections therein shall close at five o'clock in the afternoon of each day, unless the candidates present agree to an earlier time.

CHAP. CVI.

An Act granting to the inhabitants of the counties of Edgecomb and Franklin the privilege of 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 the sheriff of the county of Edgecomb, by himself or his lawful deputy, shall open and hold an election at the house of Willis M'Dade, on the head of Colra Swamp, on the Wednesday preceding the second Thursday and Friday in August in each and every year; when and where the inhabitants residing in the upper end of the county of Edgecomb shall have the privilege of voting for members of the General Assembly, members of the Congress of the United States, and an elector to vote for a President and Vice-President of the United States, in the same manner, and under the rules, regulations and restrictions as heretofore prescribed by law.

II. *Be it further enacted*, That the votes taken at the house of Willis M'Dade, by virtue of this act, shall, by the sheriff or his lawful deputy taking the same, be conveyed to the court-house in the county of Edgecomb, and there counted out, and added to the other votes taken in the said county, and the candidate or candidates having the largest number of votes shall be declared duly elected.

III. *Be it further enacted*, That the election heretofore established by law at the house of Jane Phillips, in said county, shall hereafter be holden on the Tuesday preceding the second Thursday and Friday in August in each and every year, under the same rules, regulations and restrictions as heretofore prescribed by law, any thing to the contrary notwithstanding.

IV. *And be it further enacted*, That the sheriff of the county of Franklin, shall, by himself or lawful deputy, open and hold an election at the house of William Dunn, in said county, on the Wednesday immediately preceding the day of the annual election in each and every year, for the purposes aforesaid; and the votes taken at said election shall be sealed up in the presence of the inspectors, (at sun-set, or sooner if the candidates present shall agree) and be transmitted by the sheriff aforesaid, and added to the number of votes taken on the days of the annual election, any law to the contrary notwithstanding.

CHAP. CVII.

An Act to establish a second separate election in the county of Pitt, at the house of Jesse Scofield, on the south side of Swift's Creek Swamp.

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, or his lawful deputy, of Pitt county, shall open and hold an election at the house of Jesse Scofield, in said county, on the south side of Swift's Creek Swamp, on Wednesday before the annual election in each and every year, for the purpose of receiving of votes for members to the General Assembly of this State, and representatives to the Congress of the United States, the polls of which election shall be opened at twelve o'clock, and continue open until five o'clock in the afternoon, unless sooner agreed on by the candidates present; and the votes so taken shall be counted out in presence of the inspectors, and transmitted to the court-house, and added to those taken at the other separate elections, and those taken at the court-house on Friday following. Which election shall be conducted under the same rules, regulations and restrictions as all other elections in this State, any law to the contrary.

CHAP. CVIII.

An Act to amend an act passed in the year one thousand eight hundred and three, entitled "An act granting three separate elections to the inhabitants of Robeson 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 Robeson county, by himself & deputies, shall, on the second Thursday of August in each and every year, open and hold elections at the following places, to vote for members of the General Assembly, representatives to 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, at the house of Major Sion Alford, at the house of Captain Jesse Lee, and at the house now occupied by Charles Council; which several elections shall be opened on the day aforesaid, at twelve o'clock, and continue open until four o'clock in the afternoon, and shall be subject to the same rules and regulations as other elections in this State.

II. *And be it further enacted,* That no election shall be held on Thursday at Lumberton, as usual; neither shall the votes taken at the separate elections be counted out on that day, but shall be sealed up in the presence of the inspectors, and transmitted to the court-house on Friday the day following, and added to the votes taken there on that day.

III. *And be it further enacted,* That all acts and clauses of acts heretofore passed relative to this subject, so far as respects Robeson county, be and the same are hereby repealed and made void.

CHAP. CIX.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of Richmond county, by himself or his legal deputy, shall open and hold an election for members of the General Assembly of this State annually, for representatives to the Congress of the United States, and for electors to vote for a President and Vice-President of the United States, on the second Thursday in August; as often as required by law at the house of Duncan M'Farland, to continue from twelve o'clock till four o'clock in the afternoon, for receiving the votes of the inhabitants residing in the companies of Captains William Wright, M'Farland and M'Kay.

II. *And be it further enacted by the authority aforesaid,* That the said sheriff, by himself or his legal deputy, shall, on the day aforesaid, in the same manner open and hold an election for the purpose aforesaid, at the house of Arthur Robinson, for receiving the votes of the inhabitants residing in the companies of Captains James Sanford and Robinson.

III. *And be it further enacted,* That the votes taken at the separate elections hereby established, shall be counted out at the close of the polls in the presence of the inspectors, and their amount added to the votes taken at Rockingham on Friday following, and are hereby declared to constitute a part of the suffrages of Richmond county.

IV. *And be it further enacted,* That the sheriff shall depute 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 or ability, so help me God."

V. *And be it further enacted,* That 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 have given his vote at any of the separate elections in Richmond county, shall vote at the court-house thereof, or at any other election than that where he gave in his vote first, shall pay twenty pounds for the use of the public buildings of the county, to be recovered by an action of debt before any justice of the peace; 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 in future there shall be but one day allowed by law for elections to be held at the court-house of Richmond, which shall be on Friday as usual, any law, custom or usage to the contrary notwithstanding.

CHAP. CX.

An Act for establishing two places for holding general musters in Brunswick county.

WHEREAS it is very inconvenient and expensive for the inhabitants of Brunswick county to attend general musters at the court-house of 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 first day of January, one thousand eight hundred and five, when a general muster of the militia of Brunswick county shall be ordered, it shall be in the

following manner, to wit: The inhabitants of those districts which are commanded by Captains Moore, Parrish and Blaney, shall form the first battalion; and those of the districts commanded by Captains Russ, Lay and Frink, shall form the second battalion; and that the captains and subalterns of each battalion, or a majority of them, shall have power, and they are hereby required, on or before the said first day of January, to fix on the places of their respective parades; in doing which the field-officers may co-operate, and their votes shall be equally regarded with those of the other officers; all vacancies in said companies being previously filled up.

CHAP. CXI.

An Act to amend an act, entitled 'An act grant to the inhabitants of Montgomery county the privilege of 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 it shall be the duty of the sheriff of Montgomery county, or his deputy, as soon as the polls are closed at the two separate elections established in said county, to count out the votes received at each place in the presence of the inspectors, and the number of votes in favour of each candidate shall be transmitted to the court-house, and added to the votes taken on the days of the annual election; any law to the contrary notwithstanding.

CHAP. CXII.

An Act granting to the inhabitants of the county of Surry the privilege of a separate election in the town of Huntsville, and at one other place 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 sheriff of the county of Surry shall, by himself or lawful deputy, open and hold an election in the town of Huntsville, for the benefit of the inhabitants in the south-east part of the county of Surry, to give them suffrages for members of the General Assembly of this State, for a representative in the Congress of the United States, and for an elector to vote for a President and Vice-President of the United States, as often, and when by law the said elections are necessary and required to be held.

II. *Be it further enacted,* That the sheriff, by himself or lawful deputy, shall likewise open and hold an election at the house of Darby Ryan, in the county aforesaid.

III. *Be it further enacted,* That the elections in the town of Huntsville and at the house of Darby Ryan, by this act established, shall be held on the same day in which other elections in said county of Surry are by law established, and required to be held, and under the same penalties, rules, regulations and restrictions, as heretofore prescribed by law in similar cases; and the votes taken in the town of Huntsville and at the house of Darby Ryan, shall be counted out on the same day in which they are taken, and an account thereof taken to the court-house, and added to the votes taken at the other separate elections within said county, as by law established heretofore.

IV. *And be it further enacted,* That in case the sheriff, by himself or deputy, shall fail, neglect or refuse to carry the amount of the votes to the court-house, and add to those taken at the other separate elections within said county, in any election hereafter to be held for members of the General Assembly, a representative to the Congress of the United States, and an elector to vote for a President and Vice-President of the United States, on or before six of the clock in the afternoon of the day after such elections are held, such sheriff so failing, neglecting or refusing, shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt in any court of record, in the name and to the sole use of the person or persons suing for the same, any law, usage or custom to the contrary notwithstanding.

CHAP. CXIII.

An act to establish a separate election at the house of Charles M'Lin, deceased, on the east side of Adams's Creek, in the county of Craven.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be a separate election opened and held by the sheriff or his lawful deputy, on the day preceding that on which the separate election is held at Smith's creek in each and every year; and the said separate election by this act established, shall be held at the house of Charles M'Lin, deceased, on the east side of Adams's creek, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States: which election shall be conducted under the same rules, regulations and restrictions as other elections in this State; and the votes taken at that place shall be counted out as usual in said county.

II. *And be it further enacted,* That the election heretofore held at Daniel West's, near Cox's ferry, shall in future be held at that place, on Wednesday preceding the annual election, any law to the contrary notwithstanding.

CHAP. CXIV.

An Act to alter the place for holding a separate election in Bladen county.

WHEREAS it appears to this General Assembly, that by an act passed in the year one thousand eight hundred and one, giving a separate election to the inhabitants of Turnbull, in Bladen county, that the place pointed out by the commissioners authorised by the before recited act, is found to be very inconvenient: 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, that the election heretofore held near Turnbull, at the place appointed by the said commissioners, shall be removed to the house of Daniel Melvin, and there to be held in each and every year hereafter, under the same rules and regulations as is heretofore appointed by law; any law to the contrary notwithstanding.

CHAP. CXV.

An Act to repeal an act passed at Raleigh in the year one thousand eight hundred and one, granting separate elections in Onslow 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 so much of the above recited act as grants separate elections in the county of Onslow, is hereby repealed and made void, any law to the contrary notwithstanding.

CHAP. CXVI.

An Act to establish a separate election in the county of Anson, at the house of Jonathan Taylor.

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 Anson county shall, by himself or lawful deputy, open and hold an election at the house of Jonathan Taylor, in said county, on Tuesday before the annual election in each and every year, for the purpose of receiving votes for members to the General Assembly of this State, representatives to the Congress of the United States, and for electors to vote for a President and Vice-President; and the polls of which election shall be opened at twelve o'clock, and continue open until sun-set, unless sooner agreed on by the candidates present; and the votes so taken shall be counted out in the presence of the inspectors, and transmitted and added to those taken at the court-house on Friday following; which election shall be conducted under the same rules, regulations and restrictions as all other elections in this State; any law to the contrary notwithstanding.

CHAP. CXVII.

An Act to repeal an act passed at Raleigh in the year one thousand eight hundred and two, entitled 'An act to establish a separate election at the house of William Judkins, in Iredell 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 before recited act shall be and the same is hereby repealed and made void.

CHAP. CXVIII.

An Act to establish a separate election in the county of Washington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of Washington county shall, by himself or lawful deputy, open and hold an election at the house of Asa Hardison, in the town of Plymouth, on the day preceding the days of annual election in each and every year; which election shall be opened at ten o'clock, and closed at sun-set, unless sooner concluded on by the candidates present, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice President of the United States; and the votes so taken shall be counted out in the presence of the inspectors, and conveyed by the sheriff and added to those taken on the days of the annual election: which election hereby established, shall be conducted under the same rules and regulations as other elections in said county; any law to the contrary notwithstanding.

CHAP. CXIX.

An Act to establish a separate election at the house of William McSwine, on First Broad River, in the county of Rutherford.

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 Rutherford county shall, by himself or deputy, open and hold an election at the house of William McSwine's, on First Broad-River, on the second Thursday in August in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States; and the polls of which election shall be opened at ten o'clock, and closed at four o'clock; and when the polls shall be counted out, they shall be transmitted and added to those taken at the court-house: which election shall be conducted under the same rules, regulations and restrictions, as all other elections in this State; any law to the contrary notwithstanding.

CHAP. CXX.

An Act directing where the upper separate election in the county of Ashe shall be holden in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the sheriff of Ashe county, by himself or deputy, shall open and hold an election on the second Thursday in August in each and every year hereafter, in the following manner, that is to say, on the second Thursday in August, one thousand eight hundred and five, at the dwelling house of William Whittington, senior, on the Brushy Fork of Cove Creek; and in the year one thousand eight hundred and six, at the dwelling house of Jordan Council, in the Three Forks Settlement: and so on alternately at the said places, where all persons in said county entitled to vote for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States, may attend and give their suffrages.

II. And be it further enacted, That the said election shall be conducted under the same rules, regulations and restrictions, as separate elections have heretofore been holden in the county aforesaid; any law to the contrary notwithstanding.

CHAP. CXXI.

An Act directing the duty of the Sheriff of Tyrrell county in holding the separate elections in that 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 Tyrrell county, or his deputy, shall open the polls at the separate elections of said county, between the hours of nine and ten in the forenoon, and close the same at four o'clock in the afternoon; and immediately after closing the same, shall count the tickets and make a fair statement thereof, which shall be subscribed by him and the inspectors, and conveyed to the court-house of said county by said sheriff, on the day of the annual election, and there to be added to the votes taken at said court-house, any law to the contrary notwithstanding.

CHAP. CXXII.

An Act to divorce Samuel Easton, (mariner) of the county of Carteret, from his wife Zilphia.

WHEREAS Samuel Easton has presented to this General Assembly a petition, praying to be divorced from his wife Zilphia, and hath shewn such proofs and reasons for the same, as reconcile the measure with justice and policy.

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 Samuel Easton and Zilphia shall be fully and absolutely divorced from the bonds of matrimony, in the same manner to all intents and purposes as if the said Samuel and Zilphia had never married, and they are hereby divorced accordingly.

CHAP. CXXIII.

An Act to divorce Benjamin Singletary, of the county of Bladen, from his wife Sarah.

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 Benjamin Singletary, of the county of Bladen, be and he is hereby fully and absolutely divorced and freed from the bonds of matrimony from his wife Sarah, in as full and ample a manner to all intents and purposes as if he the said Benjamin Singletary had never been married to the said Sarah, and they are hereby divorced accordingly.

CHAP. CXXIV.

An Act to secure to the persons therein named such property as they may hereafter 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 Leah McDermid, of Hertford county, wife of James McDermid; Jane Hogan, of Burke county, wife of James Hogan; Temperance Badger, of Wake county, wife of Nathaniel Badger; Anne Raphael, of Duplin county, wife of Southy Raphael; Elizabeth Flemming, of Caswell county, wife of Pleasant Flemming; Nancy Timmons, wife of John Timmons; Ruth Brady, of Montgomery county, wife of James Brady, and Delilah Long, wife of James Long; Betsey Sally Dillingham, of Lincoln county, wife of Rachel Dillingham; Elizabeth Lee, of Sampson county, wife of Jesse Lee; Lenny Barker, of Rockingham county, wife of John Barker; Mourning Ball, of Edgecomb county, wife of Spencer Ball; Elizabeth Brenson, of Brunswick county, wife of John Brenson; Anne Carrock, of Rutherford county, wife of John Carrock; Elizabeth Beeson, of Randolph county, wife of Azael Beeson, and Dorcas Wingate, of Bladen county, wife of Archus Wingate, shall be entitled to and possess in their sole right, all such estate, either real or personal, as they hereafter may acquire by purchase, devise, industry, or otherwise, in as full and ample a manner as if they had never been married to their husbands therein named: and shall have full power to sue for and recover, in any court of record having cognizance thereof, from their said husbands, or any other person whatever, any property they may be entitled to in as full and ample a manner as if they had never been married, any law to the contrary notwithstanding. And whereas Daniel Vervell, and Mary Vervell, of Rowan county, have separated by mutual consent, and have divided their property in an amicable and equitable manner, as appears by their petition exhibited to this General Assembly: by which it further appears that they are desirous that neither of them be bound for the debts or contracts of each other.

Be it therefore enacted, That from and after the passing of this act, Daniel Vervell and Mary Vervell, of Rowan county, shall be and they are hereby secured in the property they now have, or which they may hereafter acquire, so far as respects the demand of either of them on the other, and that neither of them shall from henceforth be answerable for the debts, dues or demands of the other, but in this respect they are and shall be declared able and capable to possess and enjoy any estate real or personal, in their own names and to their own uses respectively: any law, usage or custom to the contrary notwithstanding.

CHAP. CXXV.

An Act to legitimate Sally Hopkins Tison, natural daughter of Thomas Tison, of Pitt county.

WHEREAS Thomas Tison, of Pitt county, hath petitioned this General Assembly to have his natural daughter, Sally Hopkins Tison, legitimated.

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 Sally Hopkins Tison, natural daughter of Thomas Tison, of Pitt county, be and she is hereby legitimated, and made as capable of inheriting from the said Thomas in as full and ample manner, to all intents and purposes, as if the said Sally Hopkins Tison had been born in lawful wedlock: any law to the contrary notwithstanding.

CHAP. CXXVI.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the names of William Joyner, Martha Joyner, Elizabeth Joyner, Sally Joyner, Joseph Joyner, Mary Joyner and Geraldus Joyner, illegitimate children of Joseph Batts and Elizabeth Joyner, of Edgecomb county, be altered and changed to those of William Batts, Martha Batts, Elizabeth Batts, Sally Batts, Joseph Batts, Mary Batts and Geraldus Batts; the name of Henry Massingale and William Maason, of Northampton county, be altered to that of Henry Deberry and William Maason Mitchell; the names of Hannah Ellis, Sophia Ellis, Athaliah Ellis, Wiley Ellis, Matthew Ellis, Susannah Ellis, Anna Ellis and Reeves Ellis, of Robeson county, be altered to those of Hannah Jones, Sophia Jones, Athaliah Jones, Wiley Jones, Matthew Jones, Susannah Jones, Anne Jones and Reeves Jones; the names of William Zimmerman, Daniel Zimmerman and David Zimmerman, of Stokes county, be altered to those of William Welsh, Daniel Welsh and David Welsh; the name of Jasper Taylor of Currituck county, be altered to that of Jasper Pickett; the names of Serrod Farmer, Myrick Ferril and Elmina Ferril, of Franklin county, be altered to that of Serrod Horton, Myrick Horton and Elmina Horton; the name of Isaac Berryman of Moore county, be altered to that of Isaac Matthews; the name of Polly May of Anson county, be altered to that of Polly Chiles; the name of Polly Ellis, Charles Cape, Polly Cape and John Cape, of Wake county, be altered to those of Polly Hutchins, Charles Ray, Polly Ray and John Ray; the name of Lucy Flinn of Bladen county, be altered to that of Lucy Stephens; the name of Sophia Chesnut, Susanna Chesnut and Alfred Chesnut, be altered to those of Sophia Duncan, Susanna Duncan and Alfred Duncan; and the names of Wright Frazer to that of Wright Fraison, and that of Drusilla Dorman to that of Drusilla Stricklin; the name of Elizabeth Bains and Mary Bains, of the county of Chowan, be altered to those of Elizabeth Gregory and Mary Gregory; the name of Samuel Henderson, of Carteret county, shall be altered to that of Samuel Easton; the name of Vasil Herbert of the county of Carteret, shall be altered to that of Vasil Roberts, and the name of Penelope Cox of Lenoir county, be altered to that of Penelope Jackson; the name of Willis Hanes of Hyde county, shall be altered to that of Willis Neal; the name of Joel Hurton, illegitimate son of John Atkinson, be altered to that of Joel Atkinson; Furnifold Holland, Lewis Holland and Anne Holland, illegitimate children of Robert Tolar, be altered to the names of Furnival Tolar, Lewis Tolar and Anne Tolar; and the name of Ross Bridgers, illegitimate son of William Worley, be altered to the name of Ross Worley, all of whom are residents of Johnston county; the names of John Copper Boyd, George Copper Boyd and Thomas Copper Boyd, of Pasquotank county, be altered to those of John Boyd, George Washington Boyd and Thomas Boyd; and the names of James Youngblood, Betsey Youngblood, Elisha Youngblood, Karonhapuck Youngblood, of Wake county, to those of James Harrison, Betsey Harrison, Elisha Harrison and Karonhapuck Harrison; and the names of John Kindrick, Polly Kindrick, Betsey Kindrick and Sally Kindrick, natural born children of Stephen Jackson, of Anson county, be altered to the names of John Jackson, Polly Jackson, Betsey Jackson and Sally Jackson; that Samuel Lamb, natural born son of Samuel Elliot, be altered to the name of Samuel Elliot, and the names of Alfred Burnett and Charlotte Burnett, of Richmond county, natural born children of Darby Swinney, be altered to the names of Alfred Swinney and Charlotte Swinney.

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

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

CHAP. CXXVII.

An Act to restore to credit Josiah Badget of Johnston 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 Josiah Badget of Johnston county, be, 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 crimes of any nature whatsoever, and that he shall be a competent witness to depose and testify in all cases where the same may be necessary.

CHAP. CXXVIII.

An Act to restore to credit Laban Macey of Guilford county, and Arthur 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, Laban Macey of the county of Guilford, and Arthur Davis of the county of Moore, shall be pardoned and restored to credit, in as full and ample a manner as if they had never been convicted of any crime of what kind or nature soever, and shall be as competent witnesses to depose and testify, in all cases and in every court of record where the same may be necessary, in as full and ample a manner as though they had never sustained any injury from a conviction of crimes, any law to the contrary notwithstanding.

CHAP. CXXIX.

An Act to pardon and restore to credit Daniel Black of Guilford 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, Daniel Black of Guilford county, 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 any kind or nature whatsoever, and that he shall be a competent witness to depose and testify, in all cases and in every court of record where the same may be necessary, in as full and ample a manner as though he had never sustained any loss of credit by the conviction of crimes, any law to the contrary notwithstanding.

CHAP. CXXX.

An Act to restore to credit James Permenter of Anson county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Permenter of Anson county, be, 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 any offence whatever, and that due faith and credit shall be paid and given to his oath in all cases necessary to be taken, any law to the contrary notwithstanding.

CHAP. CXXXI.

An Act to emancipate a woman of colour named America, and her daughter Jemima, of the county of Guilford, and to confirm the emancipation of a woman of colour named Dinah, and three of her children, late the property of Richard Seyers, of Rowan 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 said woman America, and her daughter Jemima, shall be and they are hereby emancipated and declared free, and shall henceforth be called and known by the name of America Ashe and Jemima Ashe, and are hereby declared able and capable in law to possess and enjoy every right, privilege and immunity, in as full and ample a manner as they could or might have done, provided the said America and Jemima had been born free; any law to the contrary notwithstanding. And whereas the late Richard Seyers, of Rowan county, died possessed of a large real and personal estate, which he bequeathed to his friends; and among other things desired that a certain negro woman named Dinah might be free, and left a valuable tract of land for her support,

II. *Be it therefore enacted,* That the emancipation of the said negro woman Dinah, as expressed in the last will and testament of the late Richard Seyers, is hereby confirmed, and she is declared free, and entitled to all the rights and privileges of a free person of colour; and shall be able and capable in law to possess real and personal estate, in the same manner as if she had been born free.

III. *And be it further enacted,* That the emancipation of the three youngest children of the said Dinah, born since the death of the said Richard Seyers, be confirmed to them; and that the said Dinah shall be called and known by the name of Dinah Seyers, and her said three children shall be called and known by the name of Samuel Seyers, David Seyers, and Henry Seyers; provided that the emancipation of the said Dinah Seyers and her three children aforesaid, shall not affect the title of any other person, except those claiming under said Richard Seyers, deceased.

Read three times and ratified in General Assembly, 3
the 12th day of December, 1834.

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

An Act limiting the time of holding Elections at the court-house 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.
Read three times and ratified in General Assembly,
the seventh day of December, A. D. 1803.

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

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COMPTROLLER'S STATEMENTS.

(A)

A STATEMENT

Of the net amount of that branch of the Revenue of the State of North-Carolina, which is receivable by the Sheriffs, for the year 1803.

COUNTIES.	Amount of Land Tax.	Amount of Poll Tax.	Amount of Stead Horse Tax.	Amount of Town Property Tax.	Amount of Tavern Licence Tax.	Amount of Cartage Machine Tax.	Amount Due.	Amount Paid.
Anson,	103 2 3	140 12 10	10 2 2	9 6 4	9 0 6	32 1 7	340 5 8	510 5 8
Ashe,	50 19	41 3 6	4 10 3		4 10 3		101 3	101 3
Beaufort,	85 2 6	123 19 9	2 6 5	34 5 4	28 3	14 2	273 2 2	273 2 2
Bladen,	158 19 1	182 9 1	11 10 4	5 4 2	10 3 1	6 18 8	375 0 3	200 7 6
Bertie,	97 18 9	326 1 9	25 4 4	5 4 2	24 16 4	12 2 1	491 7 5	491 7 5
Brunswick,	97 13 6	106 15 9	2 7	7 11 1			214 9 4	189 3
Burke,	229 11 7	157 9	9 12 9	9 9 6	9 0 6	6 2 3	421 5 7	421 5 7
Buncombe,	239 7 10	103 17 5	16 4 4	3 19 1	20 6 1		383 14 9	383 14 9
Craven,	155 9 11	282 15 1	8 4 6	111 13 11	50 15 2		608 18 8	608 18 8
Carteret,	46 3 1	83 15 1	18 10	5 8	15 8 4		151 13 4	151 13 4
Chatham,	138 7 1	259 18 3	35 4 7	7 1 11	34 2 11	40 13 2	535 7 11	535 7 11
Caswell,	76 3 5	225 4 6	10 12 6		34 11 11	25 2 11	371 15 3	371 15 3
Chowan,	30 1 6	160 1 8	6 6 11	18 12 9	39 9 8	4 14 5	259 6 6	259 6 6
Cambden,	33 14 2	105 13 2	10 16 3		26 6 5		176 10	176 10 0
Currituck,	42 6 9	138 11 2	4 4 8		37 12		222 10 7	222 14 7
Cumberland,	200 7 7	228 2 10	15 5 6	100 15 2	56 0 7	51 16 3	654 9	654 9
Cabarrus,	47 17 11	90 3	10 9 8	3 1 10	15 0 10	64 5 6	230 18 3	230 18 3
Duplin,	123 18	161 2 4	14 16 2		13 10 9	12 8 9	325 14	325 14
Edgecomb,	121 4 5	301 11 1	35 0 4	17 6 3	41 7 5	19 3 1	535 6 5	535 6 5
Franklin,	82 0 8	239 6 6	35 19 2	3 19 7	26 14	33 7 5	431 7 4	431 7 4
Granville,	135 14 10	391 17 9	44 4 5	2 14 7	39 9 8	15 19 8	630 0 11	630 0 11
Gates,	49 12 7	167 14	6 11 8		17 13 6		241 11 9	241 11 9
Greene,	45 3 11	108 13 4	11 0 11		4 10 3	1 12 11	171 1 4	171 1 4
Guilford,	112 2 7	190 16 5	28 15 4	1 5 1	18 1	14 2	365 2 5	365 2 5
Halifax,	120 4	429 17 3	49 4 10	8 14 6	34 4 4	45 0 1	687 5	687 5
Hertford,	51 6	173 3	11 4 1	8 12 1	20 6 1	4 14	269 6 3	269 6 3
Hyde,	117 14 7	97 15 3			18 1		238 10 10	233 10 10
Iredell,	113 9 3	170 14 1	22 3 9	4 2 8	42 17 4	68 0 6	421 7 7	421 7 7
Johnston,	140 7 8	167 6 5	28 4		29 6 7	27 19 4	398 4	398 4
Jones,	64 7 9	129 18 2	11 19 9	2 0 1	23 6 3	4 14	236 6	236 6
Lincoln,	147 17 5	173 16 2	25 18 3	5 18 6	23 11 3	44 8 4	430 9 11	430 9 11
Lenoir,	54 1	115 4 11	6 6 11	3 10 6	15 15 11	11 17 5	206 16 8	206 16 8
Martin,	58 14 4	152 13 2	10 6 10	3 10 6	18 1	7 19 10	251 5 8	251 5 8
Mecklenburg,	105 7 5	222 4 4	24 8 10	3 8 6	7 13	182 16 8	546 3 9	546 3 9
Montgomery,	103 8 1	143 1 5	6 6 11	2 10 11	33 16 10	21 0 6	316 4 10	245 10 10
Moore,	96 8 5	97 17 1	6 2 3		22 11 5	27 12 3	250 11 3	250 11 3
Nash,	96 13 2	185 7 5	22 6 6		17 13 6	3 5 10	325 6 5	325 6 5
New-Hanover,	88 0 11	226 14 7	5 12 10	123 13 1	45 2 5	7 10 5	496 14 3	484 6
Northampton,	91 1 4	347 8 6	18 11 4	2 4 5	16 18 5	23 7 8	499 8 8	499 8 8
Orange,	192 9 6	345 1 6	51 9 4	17 2 6	22 18 9	53 14 6	662 16 1	662 16 1
Onslow,	61 8 5	130 3 10	3 15 3	2 4 8	17 6	7 15 2	222 13 4	222 13 4
Pasquotank,	36 4 7	128 2 6	8 10 5	8 9 9	22 11 3		203 18 6	203 18 6
Perquimons,	36 6 8	134 16	11 10 4	3 9 8	22 3 9		208 6 5	208 6 5
Pitt,	160 3 8	212 18 3	20 13 8	5 9 8	13 10 9	4 16 5	357 12 5	357 12 5
Person,	66 0 4	167 14	14 2		21 16 2	19 5 5	288 17 11	288 17 11
Rutherford,	195 8 2	136 9 10	26 1 9	3 0 4	24 8 10	41 9 7	426 18 6	426 18 6
Rowan,	217 2 9	362 15	57 11 6	18 4 7	26 6 5	41 4 11	723 5 2	723 5 2
Randolph,	123 8 9	148 4 10	21 14 9	1 7 9	18 1	21 17 2	334 14 3	334 14 3
Rockingham,	79 1 4	153 18 10	11 10 4	1 19 5	14 5 10	16 13 9	274 9 6	374 9 6
Richmond,	86 2 2	108 19	2 16 5	2 3	13 10 9	47 16 6	261 7 10	261 7 10
Robeson,	181 13 5	133 5 11	10 6 10	5 7 5	18 1	21 14 9	370 9 4	370 9 4
Stokes,	127 10	170 4 9	24 1 4	4 3 6	13 10 9	14 11 5	354 1 9	354 1 9
Surry,	127 15 9	155 0 2	16 4 4		18 1	9 3 4	326 4 7	326 4 7
Sampson,	126 1 6	160 13	9 8	1 11	17 6	16 11 5	330 1 10	330 1 10
Tyrrell,	90 5 10	62 14	6 6 11		16 8 5		176 5 2	176 5 2
Wayne,	92 6 9	160 13	18 11 4		9 0 6	24 13 6	305 5 1	605 5 1
Wake,	170 11 4	314 19 8	27 19 4	23 14 7	24 16 4	11 12 8	603 13 11	603 13 11
Warren,	90 12 2	330 19 6	38 10 10	11 18 2	42 17 4	25 0 7	539 18 7	539 18 7
Wilkes,	68 4 11	119 2	3 6 5	4 9 11	11 5 8	8 18 8	220 7 7	220 7 7
Washington,	53 4	74 10 11	9 8		19 18 7	1 3 6	158 5	158 5
	6282 8 3	10897 3 6	1008 14 8	630 0 2	1374 0 3	1187 12 16	21,379 19 8	21,096 18 4

See Return of Pedlar's Licences among the Tax Fees.
The Sheriffs of Brunswick and New-Hanover have not lodged proper Affidavits.
The Land Tax in Hyde is stated at £31 6 8 more than it really ought to be.

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

J. CRAVEN, COMPTROLLER.

November 29, 1804.

(B)

A STATEMENT

Of the nett 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 1803.

COUNTIES.	Amount of Tax Fees on Suits.	Amount of Fines.	Am't. of Ped- lar's licences	Amount due from Clerks.	Amount paid	
Anson,	28 4			28 4		
Ashe,	2 11 9		9 8 0	11 19 9	11 19 9	No return.
Beaufort,						
Bladen,	8 4 6			8 4 6	8 4 6	
Bertie,	71 19 2			71 19 2	71 19 2	
Brunswick,	4 14			4 14	4 14	
Burke,	12 18 6			12 18 6	12 18 6	
Buncombe,	19 14 10			19 14 10	19 14 10	
Craven,	33 11 2		9 8 0	42 19 2	42 19 2	
Carteret,	10 2 2			10 2 2	10 2 2	
Chatham,	12 18 6			12 18 6	12 18 6	
Caswell,	23 19 5			23 19 5	23 19 5	
Chowan,	27 0 6		18 16 0	45 16 6	45 16 6	
Camden,	19 7 4		28 4 0	47 11 4	47 11 4	
Currituck,	19 0 0		18 16 0	37 16 9	37 16 9	
Cumberland,	12 9 2			12 9 2	12 9 2	
Cabarrus,	7 1		9 8 0	16 9	16 9	
Duplin,	10 11 6			10 11 6	10 11 6	
Edgecomb,	35 9 9			35 9 9	35 9 9	
Franklin,	6 6 11			6 6 11	6 6 11	A full return is not sent forward.
Granville,	36 8 6			36 8 6	36 8 6	
Gates,	19 0 9		9 8 0	28 8 9	28 8 9	
Greene,	10 11 6			10 11 6	10 11 6	
Guilford,	16 13 9			16 13 9	16 13 9	
Halifax,	45 7 2		9 8 0	54 15 2		
Hertford,	40 17 10		18 16 0	59 13 10	59 13 10	
Hyde,	4 18 9			4 18 9	4 18 9	
Iredell,	13 7 11			13 7 11	13 7 11	
Johnston,	25 2 11			25 2 11	25 2 11	
Jones,	10 2 2			10 2 2	10 2 2	
Lincoln,	20 8 11			20 8 11		
Lenoir,	11 5 8			11 5 8	11 5 8	
Martin,	28 4			28 4		
Mecklenburg,	15 10 3		9 8 0	24 18 3	24 18 3	No return.
Montgomery,						
Moore,	8 13 11			8 13 11	8 13 11	
Nash,	17 3 2		9 8 0	26 11 2		
New-Hanover,	28 18 2			28 18 2	28 18 2	
Northampton,	29 2 10		9 8 0	38 10 10		
Orange,	55 13 11			55 13 11	55 13 11	
Onslow,	11 0 11			11 0 11	11 0 11	
Pasquotank,	21 7 9			21 7 9	21 7 9	
Perquimons,	21 12 5		9 8 0	31 0 5	9 8	The Pedlars licence was accounted for by the Sheriff of Perquimons
Pitt,	25 2 11		9 8 0	34 10 11	34 10 11	
Person,	9 12 9			9 12 9	9 12 9	
Rutherford,	28 1 9		9 8 0	37 9 9	37 9 9	
Rowan,	47 0 0			47 0 0	43 5	
Randolph,	7 10 5			7 10 5	7 10 5	
Rockingham,	31 14 6			31 14 6	31 14 6	
Richmond,	11 5 8			11 5 8	11 5 8	
Robeson,	10 16 3			10 16 3	10 16 3	
Stokes,	24 8 10			24 8 10	24 8 10	
Surry,	14 16 2			14 16 2	14 16 2	
Sampson,	6 6 11			6 6 11	6 6 11	
Tyrrell,	5 17 6			5 17 6	5 17 6	
Wayne,	15 19 8			15 19 8	15 19 8	
Wake,	28 4		9 8 0	37 12	37 12	
Warren,	29 16 11		47 0 0	76 16 11	76 16 11	
Wilkes,	16 6 8			16 6 8	16 6 8	
Washington,	9 8	3 5 10		12 13 10	12 13 10	
	1180 7 0	3 5 10	244 8	1428 0 10	1234 3 4	

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

November 29, 1804.

J. CRAVEN, COMPTROLLER.

(C)

A STATEMENT of the nett amount of that branch of the Revenue of the State of North-Carolina receivable by the Clerks of the Superior Courts and Clerks in Chancery for the year 1803.

Districts.	Amount of Tax Fees on Suits.	Amount of Fines.	Amount due for Tax Fees and Fines.	Amount paid on account of tax Fees and Fines.	Tax fees, due from the Clerks, &c. in Chancery.	Amount paid by clerks and masters in chancery.	
Morgan,	27 14 8	9 8	37 2 8	37 2 8			No return
Salisbury,	34 15 8	16 18 5	51 14 1		10 6 10	10 6 10	
Hillsborough,	75 13 5		75 13 5		25 7 8		
Hal-fax,	59 13 10	19 14 10	79 8 8	79 8 8	16 18 5	16 18 5	
Edenton,	73 15 10	7 10 5	81 6 3	46 12	14 2	14 2	
Newbern,	116 1 10	59 13 10	175 15 8	175 15 8	15 19 8	15 19 8	
Wilmington,	43 4 10	14 2	57 6 10	10	2 16 5		
Fayetteville,	32 18	98 14	131 12	131 12	7 10 5	7 10 5	
	463 18 1	226 1 6	689 19 7	479 11 0	93 1 5	64 17 4	

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

Nov. 29, 1804.

J. CRAVEN, Comptroller.

**LIST OF DELINQUENTS
TO THE TREASURY OF THE STATE OF NORTH-CAROLINA.**

FAYETTEVILLE DISTRICT.

Counties.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Anson,	Thomas Wade,	Sheriff,	1785	438 14 8	300 17 10	Judgment.
	Jesse Gilbert,	Do.	1787	619 3 1	144 6 10	Do.
	David Jameson,	Do.	1788	478 11 8	534 11 9	Do.
	Step. Miller,	Do.		2 14 9		
	Michael Auld,	Clerk,		1 13		
	William Johnson,	Do.		10 7 6		Judgment.
	Samuel Spencer,	Judge,		16 7 9		Suit.
	Wills and Aikin,	Confiscated property,			75 0 0	Do.
	Wm. Wood & S. Lanier,	Do.			52 0 0	Do.
	Wm. Morris & W. Wood,	Do.			90 0 0	Do.
Cumberland,	James Emmert,	Sheriff,	1785	618 3	699 3 6	Judgment.
	John Campbell,	Do.	1787	1222 13 3	1023 0 0	Do.
	John Sisley,	For a negro,		13 18 5		Do.
Richmond,	John Cole,	Sheriff,	1796	70 10 11		Suit.
Moore,	Owes nothing.					
Sampson,	Owes nothing.					
Robeson,	Owes nothing.					

WILMINGTON DISTRICT.

Counties.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
New-Hanover,	James Moran,	Entry-Taker,	1793 and 1794	587 16 4	950 5 2	Judgment.
	Kingsborough and Jones	Confiscated Property			1604 0 0	Suit.
	James Chairs and others	Do.			3875 0 0	Do.
	Griffith J. M'Ree,	Do.			608 11 10	
	Peter Muller,	Commissary,		884 0 10		Suit.
	James W. Walker,	Clerk of Su. Court	1803	47 6 10		
	Roger Moore,	Sheriff,	1803	Paid in part	four hundred and eighty-four pounds 6s.	
Brunswick,	Frederick Ward,	Clerk,		33 0 7	22 0 5	Judgment.
	Beter Bacot,	Do.		8 19 9		Do.
	William Dry,	Entry-Taker,		200 0 0	7371 15 1	Judgment.
	William J. Griasset,	Sheriff,	1803	Paid in part	one hundred and eighty nine pounds 3s.	
Duplin,	Michael J. Kennan,	Entry-Taker,		140 12	3269 8 11	Judgment.
Bladen,	William M'Ree,	Sheriff,	1788	706 8 2	163 1 6	Judgment.
	Josiah Lewis,	Do.	1803	174 12 9		
Onslow,	Thomas Johnson,	Sheriff,	1794	233 2 5		Judgment.

NEWBERN DISTRICT.

Counties.	Persons Names.	Officer.	Year.	Money.	Certificates.	Remarks.
Craven,	Samuel Dairon,	Clerk,	1799	49 10		
	Wm. Cox,	For confisca. property		11		
	Rowland Williams,	Do.		21 13 4		
	Lott Hilbert,	Do.		135		
	Alexander Sanders,	Do.		345 14 6		
	Edward Tinker,	Do.		300		
	Abner Nash,	Delegate,		140		Judgment.
	James Taylor,	Agent,		768		Suit. [Has rendered ser-
	John L. Taylor,	Judge,	1803	No return of	Atto's lic. or	payment. (vices for part.)
Beaufort,	Henry Ellison,	Clerk,		46 8 2		Judgment.
	Do. Do.	Do.	1802	No return on	payment.	
	Alderson Ellison,	Do.	1803	No return on	payment.	
	James Bonner,	Sheriff,	1800	71 12 3		
	Reading Blount,	Entry-taker,	1794	1238 17 11		Judgment.
	Richard Respas,	Sheriff,		6 1 9	15 6 1	
	Joseph Kidd,	Vendue Master,		24 8 4		
Hyde,	Jesse Latham,	Entry-taker,		1566 18 9		Judgment.
Jones,	James Harrison,	Do.		208 0 0	3435 0 10	Do.
Dobbs,	Winston Caswell,	Do.			36 14 9	Do.
	Benjamin Caswell,	Sheriff,		1439 14	543 15 2	Do.
Lenoir,	Winston Caswell,	Clerk,		14 5 1		Do.
	William Croom,	Tower Hill Lands,		84 18		
	Samuel Speight,	Sheriff,		100		Judgment.
Carteret,	Owes nothing.					
Johnston,	Owes nothing.					
Pitt,	Owes nothing.					
Wayne,	Owes nothing.					

EDENTON DISTRICT.

Counties.	Person's Name.	Officer.	Year.	Money.	Certificates.	Remarks.
Chowan,	Owes nothing.					
Bertie,	Owes nothing.					
Camden,	Owes nothing.					
Gates,	Owes nothing.					
Tyrrell,	Owes nothing.					
Washington,	Owes nothing.					
Hertford,	Owes nothing.					
Currituck,	Thomas Young husband,	Entry-Taker,			101 3	Judgment.
Perquimans,	John Harvey,	Clerk,	1801 and 180	53 16 5		
	Do. Do.	Do.	1803	No return or	payment.	
Pasquotank,	Jonathan Price,	Money loaned,		400		Suit.
	Price and Strother,	Do.		100		Do.
	Price and Christmas,	Do.		92		Do.
	Robert M'Morine,	For emancip. negroes		No return, paid in par		331 2s.

HALIFAX DISTRICT.

Counties.	Person's Name.	Officer.	Year.	Money.	Certificates.	Remarks.
Halifax,	Abasha Thomas,	Agent,		579 3 6		Mr. Thomas has rendered
	Lunsford Long,	Clerk,	1803	54 15 2		[services for part.
Edgecomb,	Owes nothing.					
Franklin,	Peter Goodwin,	Entry-taker,		14 1		Judgment.
	Thomas Brickell,	Do.		25 7 1		Do.
	Do. Do.	Clerk,		80 5 9		
	Do. Do.	Do.	1803	No return or	payment.	
	Anthony Walke,	Raleigh Lots,		159 19		Judgment.
	John Haywood,	Judge,		No return or	payment.	
Northampton,	Eaton Haynes,	Clerk,	1803	38 10 10		
Nash,	William Hall,	Do.		20 13 2		
Martin,	John B. Hunter,	Do.		95 14		
Warren,	Benjamin Moss,	Sheriff,		23 11 6		Judgment.
	John Macon,	Raleigh Lots,		43 15	with interest	Do.
	Ingram, Poole & Macon,	Do. Do.		129 13 4	Do. do.	

HILLSBOROUGH DISTRICT.

Counties.	Person's Name.	Officer.	Year.	Money.	Certificates.	Remarks.
Orange,	Leonard Henderson, late	Clerk Sup. Court.	1800	156 13 1		Judgment.
	Jamuel Benton,	Do. Do.		144 15 4		
	Robert Bell,	Clerk & chancery		101 10 7		
	James Williams,	Confiscated Land.		219 14 6		Suit.
	James Williams,	Do. Lots		71 17 7		Do.
	Andrew Gibson,	Do. Lands		325		
	Colly Jackson owes the interest on the judgment had against him, from July, 1798, on				331 1 3	
	Thomas H. Perkins,	Do.			from July, 1798, on	23 0 6
	Andrew Gibson,	Do.			from July, 1798, on	60 4 2
Randolph,	Robert M'Lain,	Sheriff,		663 16 1	1529 1 8	Judgment.
	John Arnold,	Entry-Taker,		794 13 4		Do.
Wake,	Martin Cole,	Confiscated property,			473 2 1	Do.
	William Lane,	Raleigh Lots,		17		Do.
	Ephraim Person,	Do.		42 5		Do.
	Lawrence Smith,	Do.		Owes the interest from		March, 1798, on 131.
Chatham,	Owes nothing.					
Caswell,	Owes nothing.					
Granville,	Owes nothing.					
Person,	Owes nothing.					

SALISBURY DISTRICT.

Counties.	Person's Name.	Officer.	Year.	Money.	Certificates.	Remarks.
Rowan,	Robert Martin,	Clerk Sup. Court,		89 13 6		
	Adlai Osborn,	Clerk,	1803	3 15 6		
	James Brandon,	Entry-Taker,		129 17	2863 12	Judgment.
	Benjamin Rouseville,	Confiscated Lands		166 0 7		Stayed by Assembly.
	Joseph Cunningham,	Do.		157 10		Judgment.
	Spruce Mucay,	Judge,		Paid in part one hundred pounds.		No return for seven
Iredell,	Thomas Morris,	Sheriff,	1797	152 7 1		Judgment. [ral years.
Mecklenburg,	Samuel Martin,	Former Clerk,		326 19 1		Judgment.
Montgomery,	Thomas C. Williams,	Sheriff,	1803	70 14		
	John Davidson,	Clerk,	1803	No return or	payment.	
Guilford,	John H. Spruce,	Sheriff,		53 0 4		Judgment.
Cabarrus,	Owes nothing.					
Rockingham,	Owes nothing.					
Stokes,	Owes nothing.					
Surry,	Owes nothing.					

MORGAN DISTRICT.

Counties.	Person's Name.	Officer.	Year.	Money.	Certificates.	Remarks.
Ashe,	Owes nothing.					
Buncombe,	Owes nothing.					
Burke,	Owes nothing.					
Lincoln,	John Dickson,	Clerk,	1803	20 8 1		
Nutherford,	William Neville,	Sheriff,	1787	54 10 1		Judgment.
Wilkes,	William Nall,	Sheriff,	1787	518 15 6	465 19 6	Suit or judgment.

BALANCES

Due from Individuals, on the Books of the late Comptroller.

Benjamin Hawkins,	Delegates	£1280
William Cunningham,	in	736
James White,	Congress.	1664
Paul Machen,	Invalid	6
James Ames,	Pensioners	34
Elisha Hunt,		34

NORTH-CAROLINA.

Comptroller's Office, Dec. 31, 1804.

I certify that the foregoing sheets contain the Balances due from individuals to the State of North-Carolina, as appears by the books of this office.

J. CRAVEN,

Comptroller.