

C. S. Hook (h.w.s.)
MAY 27 1910

STATE HOUSE BOSTON

L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held in the City of Raleigh, on Monday the eighteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Five, and in the Thirtieth Year of the Independence of the United States of America: It being the first Session of this General Assembly.

1805.

NATHANIEL ALEXANDER, ESQ. GOVERNOR.

CHAP. I.

An Act relative to the Court of Conference.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the name and style of the Court of Conference shall hereafter be that of the Supreme Court of North-Carolina, and that it shall be the duty of the Sheriff of the county of Wake, by himself or lawful deputy, constantly to attend the said Court. Name & style altered.

II. Be it further enacted, That the sittings of the said Court shall hereafter be on the tenth day of June and second day of December in each and every year, and shall continue to sit at each Term until all the business on the docket of said Court shall be determined or continued upon good cause shewn. Sheriff of Wake to attend the Court.

III. And be it further enacted, That the Public Treasurer is hereby authorized and empowered to take judgments in the said Supreme Court against any person or persons for and in behalf of the State, whenever he shall deem the same advisable, in the same manner he has heretofore done in the Superior Courts. Times of holding the Court.

IV. And be it further enacted, That whenever the said Supreme Court shall deem the intervention of a Jury necessary to try any facts, which may arise between the State and any person or persons against whom judgment may be moved for as aforesaid, then and in that case it shall be the duty of the Sheriff of Wake forthwith to summon a Jury for that purpose, which jurors shall be entitled to the same pay as jurors attending the county court of Wake, any law to the contrary notwithstanding. The Treasurer may take judgments in this Court.

Read three times, and ratified in General Assembly, }
the 21st day of December, 1805,

ALEXANDER MARTIN, S. S.
S. CABARRUS, Sp. H. C.

Copy, WILL. WHITE, Secretary.

CHAP. II.

An act to quiet the titles to certain lands therein described.

Whereas many of the citizens of this State on making entries of lands near the respective county lines where they reside, either for a want of a proper knowledge of the land laws of the State, or not knowing the county lines, have frequently made entries and extended their surveys on such entries into other counties than those where they were made, and obtained grants on the same: Preamble.

And whereas doubts have existed with respect to the validity of the titles to lands situated as aforesaid, so far as they extend in other counties than those where the entries were made. For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all grants issued on entries made for land situated as aforesaid, where the money has been paid into the Certain grants valid.

1805. Public Treasury, shall be good and valid against any entries which may be hereafter made or grants issued thereon, any law, usage or custom to the contrary.

CHAP. III.

An act relative to lands sold for taxes.

Lands sold
for taxes re-
deemable.

Land sold
for taxes not
to be surveyed
in less than
one year after.

Be 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 lands which may hereafter be sold by any Sheriff in this State, for the non-payment of taxes due thereon by virtue of law, the person or persons, their heirs, executors and administrators owning such land, shall be permitted to redeem such land or lands from the purchaser or purchasers at any time within twelve months after such sale is made, by paying or tendering in payment to such purchaser or purchasers, the full amount which he or they gave to such Sheriffs, and twenty-five per cent. on the purchase money, and all costs of sale accruing thereupon: *Provided always,* that no person bidding off any lands sold as aforesaid, shall proceed to survey the part so bought until one year after such sale: but if the same is not redeemed within the term aforesaid, then it shall be the duty of such person purchasing the same, to survey and perfect his title to such land so sold within the time, and in such manner as heretofore pointed out by law, any law, usage or custom to the contrary notwithstanding.

CHAP. IV.

An act to repeal an act entitled, "An act to repeal so much of the several laws now in force in this State, as grants power to the Trustees of the University of North-Carolina, to seize and possess for the use of the said University, any escheated or confiscated property."

Act repealed

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act entitled "An Act to repeal so much of the several laws now in force in this State as grants power to the Trustees of the University of North-Carolina to seize and possess for the use of the said University, any escheated and confiscated property," so far as relates to the escheated property, be and the same is hereby repealed and made void.

CHAP. V.

An act for incorporating and establishing a Bank by the name and title of the State Bank of North-Carolina.

The capital
and its divi-
sion.

Subscription
Books opened.

Commission-
ers.

BE 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, by the name and title of the State Bank of North-Carolina, be established, the capital stock whereof shall not exceed four hundred thousand dollars, which shall be divided into shares of fifty dollars each. And the subscriptions towards constituting the said stock shall, on the first day of April next, be opened at the court-house in each county in this State, for one hundred shares each, under the superintendence of the following persons, to wit: For the county of Ashe, John M'Millan, John Calloway and Ecd. Beard; Buncombe, David Vance, Andrew Erwin and Geo. Swaine; Burke, Colonel William Erwin, John H. Stevelie, Robert Logan James Murphey and Thomas Coleman; Lincoln, Peter Forney, Jacob Summey and Lawson Henderson; Rutherford, Richard Lewis, Joseph Hamilton and Thomas Rowland; Wilkes, John Brown, sen. James Patton, General James Wellborn and John Bryant; Cabarrus, Robert Washington Smith, John Phifer and John Simianer; Guilford, Joseph Davis, Esq. George Nicks and William Traff; Mecklenburg, David Cowan, William Davidson, James Farris; Montgomery, James T. Sanford, Robert Palmer, James Knowles and Henry Marshall; Iredell, William Young, James Irwin and John Nesbit, jun. Rockingham, Abraham Phillips, Robert Galloway, and John Lenox; Rowan, Richard Trotter, Edward Yarbrough, Peter Brown, Hugh Wilson and Jesse Hargrove; Stokes, Christian Lath, Thomas Armstrong and Jeremiah Gibson; Surry, Jesse Franklin, Nathan Chafin and Nicholas Horn; Caswell, Solomon Graves, James Rainey and Jethro Brown; Chatham, James Taylor, John Mebane and Murdoch M'Kinley; Granville, John Nuttall, Thomas Littlejohn and James W. Smith; Orange, Gen. Samuel

Benton, David Mebane, Jonathan Lindley, Catlett Campbell and Wm. Cain; Person, Wm. Cock, Herndon Haralson and Samuel Dickens; Randolph, Wm. Bell, Simon Gearie and Joshua Craven; Wake, John Haywood, John Craven, Wm. White, Henry Potter, Wm. Polk, Sherwood Haywood and Joseph Gales; Edgecomb, James W. Clark, Joseph Farmer and Benjamin Brickell; Franklin, Stephen Outerbridge, James Yarbrough and George Tunstall; Halifax, Edmund Jones, Lemuel Clifton, Edwin Turner, Eli B. Whitaker and James Smith, jun. Martin, James Carmer, Wm. Clark and Wm. M'Kinsey; Nash, George Boddie, Samuel Westray, Wm. Arrington; Northampton, Gen. Allen Jones, Lawrence Smith, Wm. Amis and John Lockhart; Warren, Peter R. Davis, M. D. Johnson, Richard Davison and Robert Parks; Bertie, Joseph H. Bryan, Wm. L. Gray and Wm. Burlingham; Camden, Isaac Lamb, John W. Homer and Enoch Sawyer; Chowan, John Skinner, John Little and Alexander Millen; Currituck, John Scurr, John Williams, J. T. and Samuel Eerebee; Gates, Humphrey Hudgens, Lawrence Baker and Joseph Riddick; Hertford, Joseph T. Dickson, Thomas Wynne, Lewis Walters and Thomas Brown; Pasquotank, John Shaw, William S. Hinton, and Francis Grist; Perquimons, Samuel Nixon, Wm. Jones and Wm. Blount; Tyrrel, John A. Patrick, Samuel Spruill and Chas. Spruill; Washington, John Armistead, Martin R. Byrd, and Jos. Phelps; Beaufort, J. G. Blount, Walter Handrahan and Wm. Rofs; Carteret, George Read, Mic. Pigot and Wm. Thomas; Craven, John S. Nelson, Benners Vail, Benjamin H. Martin, George Leach and William Bryan; Greene, Thomas Holliday, Benjamin Evans and Charles Carr; Hyde, Seth Hovey, Seldon Jasper and Joseph Masters; Johnston, Gen. Hardy Bryan, Reuben Sanders and Joseph Boon, sen. Jones, Richard West, Fred. Hargett and John Beeton; Lenoir, Simon Bruton, John Gatlin and John Washington; Pitt, Benjamin Atkinson, Oliver Smith and Francis Bond; Wayne, Probert Collier, James Saffer, Silas Hollaway and James Rhodes; Bladen, Gen. Thomas Brown, Jas. Bradley, Isaac Wright and Samuel Richardson; Brunswick, Benjamin Blaney, John Ellis, John Goss, jun. Samuel Hall and James Flowers; Duplin, John Wilkinson, Joseph Gillespie and Andrew M'Intyre; New-Hanover, Christopher Dudley, jun. Richard Nixon, John Hill, Thomas Hill and Richard Lloyd; Onslow, Gains Rowe, Nathaniel Loomis and William Fernd; Cumberland, Robert Cochran, John Dickson, Wm. Lord, John Hay and Duncan MacRae; Moore, Murdoch Bethune, Richardson Fagin, William Martin and John M'Iver; Richmond, John Clarke, Angus Gilchrist and Henry W. Harrington; Anson, Isaac Jackson, Robert Harris, Robert Coman and Wm. Johnston; Robeson, James M'Queene, Wm. Norment, Wm. Ashley and Randal Gurry; Sampson, James Blanks, Owen Holmes and James Marley. And a majority of the said commissioners, at the places above-mentioned respectively, shall be sufficient to perform the duties of their appointment. They shall keep the subscriptions open for the term of twenty days in their respective counties, during which time no subscriptions shall be received except from residents of such counties.

Time of keeping open subscriptions.

II. *And be it further enacted*, That the commissioners appointed for the counties of Ashe, Buncombe, Lincoln, Rutherford and Wilkes, within ten days after the time allowed for taking of subscriptions in said counties, shall transmit their subscription papers, and all monies they shall have received, to the commissioners appointed for the county of Burke. And the said Commissioners appointed for the counties of Cabarrus, Guilford, Mecklenburg, Montgomery, Iredell, Rockingham, Stokes and Surry, shall, in like manner and within the time aforesaid, transmit their subscription papers, and all monies they shall have received, to the Commissioners of the county of Rowan. And the Commissioners appointed for the counties of Caswell, Chatham, Granville, Person and Randolph, shall, in like manner and within the time aforesaid, transmit their subscription papers and all monies they shall have received, to the commissioners appointed for the county of Orange. And the Commissioners appointed for the counties of Edgecomb, Franklin, Martin, Nash, Northampton and Warren, shall, in like manner and within the time aforesaid, transmit their subscription papers and all monies they shall have received, to the Commissioners appointed for the county of Halifax. And the Commissioners appointed in the counties of Bertie, Camden, Currituck, Gates, Hertford, Pasquotank, Perquimons, Tyrrel and Washington, shall, in like manner and within

Directions for commissioners.

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the time aforesaid, transmit their subscription papers and all monies they shall have received, to the commissioners appointed for the county of Chowan. And the Commissioners appointed for the counties of Beaufort, Carteret, Greene, Hyde, Johnston, Jones, Lenoir, Pitt and Wayne, shall, in like manner, and within the time aforesaid, transmit their subscription papers and all monies they shall have received, to the commissioners appointed for the county of Craven. And the Commissioners appointed for the counties of Bladen, Brunswick, Duplin and Onslow, shall, in like manner and within the time aforesaid, transmit their subscription papers, and all monies they shall have received, to the Commissioners appointed for the county of New-Hanover. And the commissioners appointed for the counties of Anson, Moore, Richmond, Robeson and Sampson, shall, in like manner and within the time aforesaid, transmit their subscription papers and all monies they shall have received, to the Commissioners appointed for the county of Cumberland.

Subscriptions kept open in district counties 20 days longer.

III. *And be it further enacted*, That the commissioners appointed for the said counties of Burke, Rowan, Orange, Halifax, Chowan, Craven, New-Hanover and Cumberland, after the subscription papers and monies collected within the several counties in their district, shall be lodged in their hands by the County Commissioners, unless the whole number of shares allowed to be subscribed for shall then be filled up, shall continue the subscriptions open in their said counties for and during the term of twenty days thereafter, and no longer; and shall, immediately after the expiration of the time aforesaid, transmit all the subscription papers and monies by them received, to the Commissioners appointed for the county of Wake. And the said Commissioners, upon the receipt of such subscription papers and monies, shall lodge the same and every part thereof, with the Treasurer of the State for the time being, for his safe-keeping, until the subscribers shall have elected Directors of the Bank herein and hereby established, and immediately thereafter to be under and subject to such rules, regulations and restrictions, as the President and Directors, or a majority of them, may think proper to ordain, appoint and direct: *Provided nevertheless*, that nothing herein contained shall debar the Commissioners for the county of Wake from keeping the subscriptions open in their county for and during the term of three months from and after the first day of April next. *And provided also*, that if the sum of three hundred thousand dollars shall have been subscribed throughout the State within the term of three months after the first day of April next, then and in that case, the Commissioners appointed for the said county of Wake, shall not permit any person or persons, copartnership, body politic or corporate, during the residue of the said three months then to come, to subscribe for more than two shares each.

Subscription continue open three months in Wake county.

No person to be allowed to subscribe for more than 30 shares in one day.

In case of excess, the manner in which the shares are to be reduced.

IV. *And be it further enacted*, That it shall be lawful for any person, copartnership, body politic or corporate, in person or by attorney, residing and being in the several counties, during the first twenty days allotted for such county, or living in the district to which his county belongs, during the fifty days allotted to such district county; or living in the State, during the three months that the subscription shall remain open at Raleigh under the superintendence of the Commissioners appointed for the county of Wake, to subscribe for a share or any number of shares not exceeding thirty in any one day (except as hereinafter shall be directed respecting the State of North-Carolina.) But if the Commissioners at Raleigh shall, at the end of three months from the first day of April next, find that the amount of subscriptions throughout the State exceeds six thousand shares, or three hundred thousand dollars, being the sum allowed to be subscribed by the citizens, the excess thus created, shall be reduced to the number of shares authorized to be subscribed for, in manner following, that is to say, from the subscription highest in amount, the Commissioners at Raleigh shall subtract a share or shares, until the same shall be made equal to the subscription next highest in amount; and as often as the case shall require, they shall so proceed to subtract a share or shares from the subscription or subscriptions remaining from time to time the highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorized to be subscribed; and if by and after the operation of such subtraction, as often as the same shall be necessarily made and repeated, a greater number of shares may be allowed to one or more of the subscribers than to the rest; or if the number of shares shall be eventually greater than the

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number authorized, that at least one share cannot be allowed to each and every subscriber, then and in either of the before-mentioned cases, the Commissioners shall ascertain by lot in whom the greatest number of shares, or the right of subscribing for and retaining one share (as the case may be) shall be vested, and the person or persons in whose favour the lot may thereupon fall, shall be deemed, to all intents and purposes, the lawful subscriber or subscribers for such share or shares respectively. And the amount of the share or shares subscribed for (except in the case of the State) shall be paid by the several and respective subscribers in manner following, viz. ten dollars at the time of subscribing, ten dollars at the time the stockholders first meet to elect Directors, and ten dollars in every sixty days thereafter, until each share shall be completed; the first payment of which shall be made in gold or silver, the second in gold or silver, or the paper currency of this State, at the rate of ten shillings for a dollar, and the other payments in such monies as the Directors first chosen shall, by their resolution, direct. *Provided always*, that it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time above limited for the payment of the same; and each and every subscriber so paying in advance, shall have a discount of six per cent. per annum on such advance.

Manner of
paying for the
shares.

V. *Be it enacted*, That all the subscriptions, and the shares obtained in consequence thereof, shall be deemed and held to be for the sole and exclusive use and benefit of the person or persons, copartnership or bodies politic and corporate, respectively subscribing, or in whose behalf the subscriptions respectively shall be declared to be made at the time of making the same. And all bargains, contracts, promises and engagements, in any wise contravening this proviso, shall be null and void. And the persons, copartnerships, or bodies politic and corporate, respectively so subscribing, or for whose use the subscriptions shall be declared to be made as aforesaid, shall have, enjoy and receive the share or shares respectively obtained in consequence thereof, and all the interest and emoluments thence arising; as freely, fully and absolutely, as if they had respectively paid the consideration therefor, any such bargains, contracts, promises or engagements to the contrary notwithstanding.

Shares to be
deemed the
property of the
subscriber.

VI. *And be it further enacted*, That the Subscribers to the said Bank, their successors and assigns, shall be, and they are hereby created and made, a corporation and body politic, in law and fact, by the name and title of "*The President Directors and Company of the State Bank of North-Carolina*," and shall so continue until the first day of January, 1825, and no longer. And by the name and title aforesaid, they shall be, and they are hereby made able and capable in law to have, purchase, receive, possess and enjoy to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to any amount not exceeding in the whole One Million Two 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 jurisdiction 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 bye-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, the same 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 other matters and things which a corporation or body politic, in law or equity, may or can lawfully do and execute, subject to the rules, regulations, restrictions, limitations and provisions, hereinafter described and declared.

Subscribers
incorporated.

VII. *And be it further enacted*, That within the term of one month after information is given by the Commissioners of the city of Raleigh, that a sufficient number of shares have been subscribed to commence the operation of the said Bank, the Governor, on behalf and for the use of the State, shall make, or cause to be made a subscription to the capital stock of two thousand shares; for which purpose, the Stock which this State now holds in the Funds of the United States, shall then be entirely appropriated; and after the Directors are chosen, as herein after directed, if three fourths of the said Directors and the Treasurer of the State for the time being, shall think it advisable that our said Stock in the funds of the United States, should be sold, the said Treasurer shall sell the same, and have the

The manner
in which the
said subscrip-
tion shall be
made.

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proceeds in cash brought and delivered into the vaults of the Bank: And if the proceeds of such sale shall not amount in value to two thousand shares, the Treasurer is hereby authorized and required to make up the deficiency with any gold or silver coin he may then have in the Treasury, and of such Bank Notes as he may have, and of which the Directors shall approve: And if there should still remain a deficit of shares, the balance remaining unsubscribed for, shall be loaned by the Bank to the State, at a rate of interest not exceeding four per cent per annum.

Money loaned
to the State,
how repaid.

VIII. *And be it further enacted*, That the sum of money so loaned to the State by the Bank, shall be payable in six equal annual instalments, the first payment whereof shall be on the first day of June in the year 1807, or in any greater sum or sums of money, or shorter period or periods of time, at the option of the Treasurer or resolve of the General Assembly; and interest shall cease to be demandable or chargeable, on the amount of each and every payment from the time of making the same respectively.

Manner of
electing Direc-
tors.

IX. *Be it further enacted*, That for the well ordering of the affairs of said corporation, it shall be managed by twelve Directors and a President, who shall be citizens of the State, and holding Stock in the Bank hereby to be established, which Directors shall be elected yearly by the Stockholders at a general meeting to be held at Raleigh the last Monday of November for that purpose; and the Governor of the State for the time being, shall be a Director by virtue of his office, and shall have the number of votes to which the State shall be entitled by virtue of the shares which she may hold at the period of any such election, agreeably to the rules hereafter prescribed. And the Directors, at their first meeting after their election, shall choose one of their number as a President. *Provided*, That the first election of Directors shall not be included in the before mentioned general regulations, but shall be held at the times, and in the manner hereinafter directed, which said Directors so first elected, shall hold their office until the last Monday of November, 1807, or so long thereafter, until other Directors are elected: and in case it should at any time happen that an election of Directors should not be made upon 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 on any other day within thirty days thereafter, to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. And 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 the Directors, at the place where such vacancy shall happen. *Provided*, That every person voting for Directors at any election, shall, previous to the giving of his vote, solemnly swear or affirm, that the share or shares, in right whereof he offers to vote, is or are really and bona fide his own property, and that he does not hold them in trust, or for the use, benefit and emolument of any other person or persons, nor in pursuance of any contrivance or design to obtain for himself, or any other person or persons, a greater number of votes than he or they is or are fairly and justly entitled to, according to his or their true interest in the said Bank, in conformity to the rules prescribed for voting on shares, as established by this act; and when any person shall offer to vote as proxy for another, it shall not be lawful for him to give such vote, unless he shall produce from his constituent, some letter, note, or memorandum in writing, authorizing and requiring him so to do, which letter, note, or memorandum, shall be accompanied with an affidavit or affirmation made and taken before some competent authority, that the said constituent is, in truth and fact, the lawful and absolute proprietor of the whole number of shares for which such proxy shall claim to vote; which letter, note or memorandum, and affidavit or affirmation, shall be preserved and filed among the papers of the said Bank. *Provided nevertheless*, That the Governor for the time being, in case of disability to attend, may vote by proxy without such affidavit or affidavits or affirmation.

Persons vo-
ting to be qua-
lified.

Directors to be
chosen, when
\$50,000 \$ are
received.

X. *And be it further enacted*, That as soon as the sum of sixty thousand dollars shall be actually received on account of the subscription to the capital stock of the said Bank, notice thereof shall be given by the Commissioners appointed in and for the county of Wake, or a majority of them, in all the newspapers printed in the State; and such commissioners shall at the same time notify a time and place, within the city of Raleigh, at the distance of thirty 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 twelve persons who shall be then and there chosen, together with the Governor for the time being, shall be

the first Directors, and shall be capable of serving until the third Monday of November, 1807, and from thence until their successors shall be duly and lawfully elected.

XI. *And be it further enacted*, That the said Directors shall forthwith thereafter commence the operations of the said Bank wheresoever they shall judge most beneficial to the corporation; and as soon thereafter as the said Directors think it advisable, they shall establish Branch Banks for Discount and Deposit only in different parts of the State: *Provided*, That for each Bank of Discount and Deposit, the said Directors shall have previously received from the Stockholders, fifty thousand dollars over and above the sixty thousand dollars first received, and the one hundred thousand dollars funded by the State: *And provided also*, That one Bank of Discount and Deposit shall be established in Salisbury, if Salisbury and Morgan districts, shall have subscribed and paid into the funds of the Bank fifty thousand dollars.

Bank may
commence its
operations.

XII. *And be it further enacted*, That as soon as the Directors shall have determined to establish a Bank or Banks of Discount and Deposit, they shall give notice thereof in all the papers printed in this State; and at the succeeding annual election of Directors thereafter, five other Directors shall be elected for each Branch Bank, under the same rules, regulations and restrictions as are prescribed in this act for the election of the first twelve Directors.

How Banks
of Discount &
Deposit shall
be established.

XIII. *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 and carrying into effect the business of the 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 said corporation, as shall be prescribed by the laws, ordinances and regulations of the same.

XIV. *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: 1. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportion following, that is to say: for one share and not more than two shares, one vote; for every two shares, above two and not exceeding ten, one vote; for every four shares, above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares, above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership or body politic and corporate (except the State, which shall have as many votes as any two thousand shares held by individuals in the corporation) shall be entitled in his or their own right, or as proxy, to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election. All stockholders may vote in elections or on any question touching the Bank, by proxy, provided the proxy be derived directly from stockholders, and voted on by a citizen of this State. 2. Not more than five of the Directors of the principal Bank, nor more than three of any of the Branches which by this act shall be established, elected by the stockholders and actually in office, exclusive of the President, shall be eligible for the next succeeding year; but a Director who shall be President at the time of an election, may always be re-elected. 3. None but a stockholder being a citizen of the State of North Carolina, except the Treasurer, shall be eligible as a Director; nor shall a Director of any other Bank be a Director of this Bank. 4. No Director shall be entitled to any emolument, unless the same shall be allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President for his extraordinary services, as shall appear to them reasonable. 5. Not less than nine Directors shall constitute a board for the transaction of business, unless for the ordinary purpose of discount and loans, for which five Directors shall be sufficient, of whom the President shall always be one, except in cases of sickness or necessary absence; in which case his place may be supplied by any other Director whom he by writing shall nominate for that purpose. 6. A number of Stockholders not less than forty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for the purposes relative to the institution, giving at least six weeks notice in two public newspapers of the State (one of which shall be the State Gazette) and specifying in such notice the object.

Rules, &c.
of the Bank.

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Rules, &c. of
the Bank.

or objects of such meeting. 7. Every Cashier or Treasurer, before he enters on the duties of his office, shall be required to give bond with two or more securities to the satisfaction of the Directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour, and such other condition as the Directors shall think proper. 8. 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 upon judgments which shall have been obtained for such debt. 9. 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 eight hundred thousand dollars, except two-thirds of the Directors shall think it advisable for the interest of the State and security of the corporation, when they may emit more, so as not to exceed four hundred thousand dollars over and above the first mentioned amount, and 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 individual private capacities, and an action at law 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 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, hereditaments, goods or chattels of the same, from being also liable for and chargeable with the said excess: *Provided always*, that such of the Directors who may have been absent when the said excess was created or contracted, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the Governor of the State and to the Stockholders at a general meeting, which they shall have power to call for this purpose. 10. The said corporation shall not be at liberty to purchase any public stock whatsoever, except their own Bank Stock, unless it be found necessary to do so for the purpose of securing the repayment of any money which may be advanced by any Bank in taking up and paying the notes issued by this Bank, in consequence of any agreement which may be entered into by the Directors of this Institution with the Directors of any other Bank, for the purpose of facilitating the circulation of its notes. *Provided*, that the number of shares of this Bank which the Directors may purchase in again, shall be sold out at par, or above it, as the market-price may be, whenever opportunity offers to do so with convenience: *And provided* the number of shares so purchased in, shall not exceed at any one time, two thousand shares: Nor shall the said 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 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. 11. No loan shall be made by the said corporation to any Government or State to any amount whatever, unless previously authorized thereto by a law of this State. 12. The stock of the said corporation shall be assignable and transferable, according to such rules and regulations as shall be prescribed by the laws and ordinances of the same. 13. The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his or their assignee or assignees, so as absolutely to transfer and invest the property in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the President, and countersigned by the Cashier or Treasurer, thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like force and effect, as upon any private person or persons, as if issued by him or

them in his, her or their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in the like manner and with the like effect as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only: And all notes or bills at any time discounted by the said corporation, shall be, and they are hereby placed on the same footing as foreign bills of exchange, so that the like means may be had for the recovery thereof against the drawer or drawers, endorser or endorsers, and with the like effect (except so far as relates to damages and interest) any law, usage or custom to the contrary notwithstanding. 14. Half yearly dividends shall be made of so much of the profits of the Bank as shall appear to the Directors advisable; and once in every year, at a meeting to be held for the choice of Directors, those of the preceding year shall lay before the stockholders for their information, an exact and particular statement of the general amounts and state of the corporation, of the debts which shall have remained unpaid after the expiration of the term of credit for a period of treble the term of that credit, and the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed by any person, copartnership or body politic or corporate, the party failing shall forfeit the first payment made to the Bank, with any dividend which may have accrued prior to the time of making the second, third, fourth or fifth payment (as the case may be) during the delay of such payment. 15. The Directors aforesaid shall commit the management of the Branch Banks by this act authorized, to the Directors at the places at which they are established, under such agreements, and subject to such regulations as shall be deemed proper, not being contrary to law or to the constitution of the Bank, and to allow to the officers thereof such compensation as they may think fit. 16. The Legislature shall be furnished annually with statements of the amount of the capital stock of said corporation and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the Bank as shall relate to the said statement: *Provided*, that this act shall not be construed to imply a right of inspecting the account of any individual or individuals, or any body politic or corporate, with the Bank. 17. The Directors shall keep fair and regular entries of their proceedings, in a book or books to be provided for that purpose; and on any question where two Directors shall require it, the yeas and nays of the Directors voting shall be duly inserted on their minutes, and those minutes be at all times, on demand, produced to the stockholders when at a general meeting, or to the Legislature, who shall be authorized hereby to require the same. 18. No President or Cashier of the Bank shall be directly or indirectly concerned in the purchase or sale of any of the public stock or funds, under the penalty of ten thousand dollars, to be forfeited one half thereof to the use of the State, and the other half to the use of the informer; nor shall the Cashier be allowed to carry on any mercantile business than that of the Bank, under the penalty of five thousand dollars, to be recovered by any person suing for the same. 19. A fair and correct list of the stockholders shall be kept in a book to be procured for that purpose, and the Directors shall hang up in the Common Hall of said Bank, all the names of such stockholders one month before any election of Directors shall take place, to the end that public information may be given to the parties of their co-proprietors and stockholders.

Notes, &c.
of the Bank.

XV. *Be it enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, contrary to the provisions of this act, all and every person or persons who shall have given any order or direction for so dealing and trading; and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandize and commodities in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the State, to be recovered with costs of suit. And if any director, officer or other person, of any of the Banks hereby established, and holding any share or capital of the said Bank Stock, who shall commit any fraud or embezzlement touching the money or property of the Bank, shall be liable to be prosecuted in the name of the State, by indictment, in any court of law in this State; and upon

Penalty on
trading con-
trary to the
provisions of
this act.

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conviction thereof, shall, besides the remedy that may be had by action, in the name of the President and Directors of the State Bank of North Carolina, for the fraud aforesaid, forfeit all his share or shares, or stock in the said Bank, to the President, Directors and Company thereof, and be forever thereafter rendered incapable of holding any office of trust or profit under this State.

And whereas it would greatly tend to promote the Agricultural and Manufacturing Interests of the State, if this Bank should be authorized to make loans on more extended principles than have heretofore been adopted by similar institutions in this State,

Cash accounts
may be opened.

XVI. *Be it enacted*, That the Directors of the Bank hereby established may, and they are hereby authorized and empowered, on the application of any farmer, mechanic or manufacturer, or other person, of this State, to open a cash account with such applicant, for any sum not less than one hundred dollars, and not exceeding one thousand dollars; whereon the party obtaining such cash account may draw or pay in any sum not less than fifty dollars at any one time, and whereon a settlement shall take place semi-annually, the party drawing the cash paying an interest for what he may so draw, at the rate of six per cent. to be deducted on opening the account, and to be allowed interest on all sums returned, from the time of payment: *Provided however*, that no person shall obtain the benefit of any such cash account, until he shall give such reasonable or landed security, as the Directors of the principal Bank, or the Branch Bank, wherever the application shall be made respectively, may require: *Provided*, that there shall not at any time be more than one-fifth of the stock of the principal and Branch Banks lent out by the Directors of the said Banks respectively, on such cash accounts, allowing fifty thousand dollars to be the stock of the Branch Banks.

The Bills or
Notes of the
Bank to be re-
ceivable in all
payments to
the State.

XVII. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments due to the State of North Carolina. And the public monies of the State may be deposited in the Bank thereof, whenever lying inactive. And the Directors are hereby authorized to issue their notes for all the paper money so deposited, and by whomsoever deposited, that is to say, for every ten shillings thereof one dollar, and no more, over and above the restriction by this act provided; and pass the same in exchange for their notes, in such proportion as the Directors may think for the benefit and security of the corporation.

Mode of sink-
ing the paper
currency.

XVIII. *And be it further enacted*, That the dividends becoming due and payable to the State semi-annually, shall be paid to the Treasurer of this State, who, on receiving the same, shall take the half of such dividend and call upon the Bank for said amount in the paper money of this State, and in the presence of the President shall deface the same, and also as many notes as the said Bank shall have issued for such amount, and report the same to the next General Assembly; the other half of such dividend paid to the Treasurer as aforesaid, he shall deposit in the said Bank, until he shall be by law authorized otherwise to employ or dispose of the same.

Provisions
for the pay-
ment of sub-
scription moneys
after the
first.

XIX. *And be it further enacted*, That every subscriber to the shares of the Bank hereby established, on producing the receipt for the money they have paid, of the commissioners hereby appointed, or any two of them, shall entitle him or her to vote for Directors, agreeably to the regulations herein prescribed, so far as relates to the first payment; the second, and all other payments, till each share shall be paid for as this act directs, shall and may be made either to the commissioners appointed for the county of Wake, or to those appointed for the counties of Burke, Rowan, Orange, Halifax, Chowan, Craven, New-Hanover or Cumberland. And if any of the commissioners by this act appointed, shall die, refuse to act, or be absent from the State, the Members of this General Assembly from the counties wherein such commissioners now reside, shall appoint some other discreet and proper person to fill such vacancy, who shall have the same power and authorities as the commissioners appointed by this act, and their receipts shall be

Expence of
transmitting
moneys how to
be defrayed.

as binding, and of the same force and efficacy as those of such other commissioners; any thing herein contained to the contrary notwithstanding. The expence of transmitting the monies and subscription from the counties respectively, to the commissioners of the counties wherein their superior courts are held, as before enacted, shall be defrayed and paid by the subscribers in each county. And for the trouble and expence of remitting the subscription papers and monies from the counties of Burke, Rowan, Orange, Halifax, Chowan, Craven, New-Hanover and Cumberland, to the commissioners by this act appointed for the county of Wake, the

commissioners for said last mentioned county shall pay to the commissioners from said district counties, such compensation as shall be reasonable.

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XX. *And be it further enacted*, That when any person, copartnership or body politic, shall be indebted to the said corporation, on any single or penal bill, bond or note, duly executed or endorsed, or by reason of the acceptance of any bill or order, or by any other ways or means whatsoever, and shall fail to make payment, the President, Directors or Cashier of the said Bank, or any of its branches, shall cause a demand of payment to be made in writing, and served on the party, or left at his or their place of abode; and if the money so due shall not be paid within ten days thereafter, the said President, Directors and Cashier, or any of them, may, on motion, in any of the courts of this State, enter or cause to be entered up judgment against such delinquent debtor and his or their securities, in the same manner, and under the same rules, regulations and restrictions as the Treasurer is now authorized to enter up judgments in behalf of the State; which judgment shall be final and conclusive, and from which there shall be no appeal; any law, usage or custom to the contrary notwithstanding.

Manner of re-
covering debts

XXI. *And be it further enacted*, That if any person shall, by printing, writing, or engraving, or by any other ways or means whatsoever, counterfeit, or attempt to counterfeit, any of the bills, notes or checks, emitted by the President and Directors of the said Bank, or any part, word, letter, name, emblem or device of such bills, notes or checks; or shall make or construct, or cause to be made or constructed, or have in his or their possession, any die, type or plate, or other instrument, for imitating or counterfeiting of such bills, notes or checks, or any part, word, letter, emblem or device thereof, except by authority of law, or in case where such may be seized in order to bring suspected persons to justice; or shall alter or deface any of the said bills, notes or checks, in order to change the value thereof; such person or persons so offending, being thereof lawfully convicted, by confession or verdict, or by standing mute on arraignment or trial, shall, for the first offence, stand in the pillory two hours, and have his or their right ear nailed to the pillory and cut off, and receive on his or their bare back, thirty-nine lashes well laid on, and be branded with a hot iron on the right cheek with the letter C, and on the left cheek with the letters L N (which letters shall be at least one inch in length and three quarters of an inch in breadth) and be imprisoned at the discretion of the court before whom such offender or offenders shall be tried, not exceeding two years.

Penalty for
counterfeiting

XXII. *And be it further enacted*, That if any person or persons shall pass, or attempt to pass any counterfeit likeness of the said bills, notes or checks, knowing the same to be counterfeit, and being thereof lawfully convicted, he or they so offending shall, for the first offence, stand in the pillory one hour, have one ear cut off, and receive thirty nine lashes on his or their bare back well laid on, and be imprisoned at the discretion of the court before whom such offender shall be tried, not exceeding twelve months.

Penalty on
passing coun-
terfeit Notes.

XXIII. *And be it further enacted*, That if any person or persons shall be lawfully convicted a second time of any of the offences herein before specified and set forth, he or they so convicted, shall suffer death without benefit of clergy.

Penalty for
a second of-
fence.

XXIV. *And be it further enacted*, That in case the subscription hereby opened for the different counties and citizens of the State, shall not be filled during the time hereby prescribed, so that the Bank cannot begin its operation, the subscription shall be kept open at Raleigh until it is filled, or until the next General Assembly.

If subscrip-
tion not filled
in the limited
time to be still
kept open.

XXV. *And be it further enacted*, That the Directors of such Bank shall send to one confidential person in each county, of their own choosing, a sample of every kind of notes by them issued: Each of such sample so sent, shall have a stamp on the face thereof as a proof of its being a specimen, and to prevent their being passed as money; and the persons in whose hands such samples shall be lodged, may, by the same, examine every note presented for inspection.

A Judge of
Notes to be
appointed in
every county.

CHAP. VI.

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 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 for the year one thousand eight hundred and six, 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 have heretofore been levied, collected and accounted for.

Tax on lands,
town lots &
polls.

1803.

On stud horses
and jack-asses

II. *And be it further enacted*, That a tax on all stud horses and jack-asses within the 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.

Who shall be
subject to the
poll-tax.

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.

Tax on ped-
dlars.

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 authorise said pedlar to peddle and hawk goods in any and every county in this State for the term of one year: And if any person shall peddle or hawk goods in any county of this State without licence, he shall forfeit and pay the sum of thirty 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 the said sheriff or other person, and the other half to the use of the State.

Tax on stores.

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 to the amount of two hundred dollars in any one year: 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 are given in; which said tax shall be levied, collected and accounted for, in the same manner as other taxes.

Tax on vessels
breaking bulk.

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 said goods or merchandize, shall pay ten pounds, 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.

Sheriffs to col-
lect said 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 six.

Valuation of
town lots to
be made an-
nually.

IX. *And be it further enacted*, That a valuation of town lots shall be made once in each and every year, by commissioners to be appointed by the Court of the county wherein such town or towns are situated; and in the appointment of the commissioners aforesaid, the Court may, if they deem it advisable, appoint three discreet persons, being freeholders within their respective counties, although such persons may not be an inhabitant of such town, any law to the contrary notwithstanding.

CHAP. VII.

An act appointing the Governor for the time being President of the Board of Trustees of the University of North-Carolina.

The Governor
to be Presi-
dent of the
Board of Trus-
tees of the Uni-
versity.

Be 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 Governor of the State for the time being, shall be and he is hereby declared to be President of the Board of Trustees of the University of North-Carolina, and as such shall preside at all meetings of said Board: *Provided always*, that if by reason of indisposition or other good cause, the Governor shall be unable to attend any of the meetings of of the said Board, he may, by some instrument of writing signed with his proper hand, appoint some other person, being a Trustee, to act as President for the time being, who shall accordingly preside as such in the absence of the Governor.

How a Trus-
tee's seat may
be vacated.

II. *And be it further enacted*, That in case any Member of the Board of Trustees of the said University shall fail to give his personal attendance at any of the meetings of said Board for the term of two years, the said Board of Trustees shall

be, and are hereby declared to be vested with power and authority, if they deem the same expedient, to consider the seat of such member as vacated, and cause the same to be reported to the General Assembly; whereupon the vacancy or vacancies so occasioned, shall be filled up by joint ballot of both houses.

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CHAP. VIII.

An Act to amend an Act, entitled 'An Act to prevent actions from abating in certain cases.'

WHEREAS doubts are entertained whether, by the above recited act, actions which are, or shall be instituted for the recovery of injury done to real or personal property, can be revived in the name of, or against the representatives of any deceased plaintiff or defendant, where the property itself shall not be in dispute: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no action of trespass *vi et armis*, or trespass on the case, instituted, or which shall hereafter be instituted in any of the courts of this State, to recover damages done to property, either real or personal, shall abate by the death of either plaintiff or defendant; but the same may be revived in behalf of, or against the representatives of any deceased plaintiff or defendant, under the rules and regulations prescribed for the revival and continuance of other actions; any law, usage or custom to the contrary notwithstanding.

In what cases actions shall not abate.

CHAP. IX.

An Act to alter and amend a part of the fifth section of an Act, entitled "An Act directing in what manner any person who heretofore has, or who hereafter may enter lands in any county in this State, shall be entitled to have his or her certificates returned."

WHEREAS, agreeable to the before recited act, it frequently becomes very difficult for the honest claimant to obtain the benefit intended to be given by the said act: 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 so much of the before recited act as requires the deposition of surveyors to be taken in open court, and certified by the clerk of said court, that respects those entries and surveys, when the purchase-money has not been paid into the office, shall be void and of no effect.

Part of the recited act repealed.

II. And be it further enacted, That in future, the oath prescribed in the before recited act, for the surveyors to make in open court in cases of deficiency where no money has been paid, it shall and may be lawful to be taken before any two Justices out of court, which deposition, when so taken and certified under the hand and seal of such Justice, shall be a sufficient voucher to the Treasurer in the settlement of his accounts with the Comptroller for such deficiency; any law, usage or custom to the contrary notwithstanding.

Oath prescribed in former act may be taken before two Justices.

CHAP. X.

An Act to prevent Inspectors from being concerned in trade, or the exportation of commodities liable to inspection.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no merchant who shall be concerned in trade, and in the purchase of produce for exportation which the laws require to be inspected, shall be considered qualified to be appointed as Inspector of any of the articles of produce which by law are, or shall be required to be inspected. And if any person receiving an appointment as aforesaid, shall be concerned as a merchant in the exportation of produce, he shall forfeit the sum of thirty pounds, to be recovered by action of debt, in the name of the Governor, in any court of record having jurisdiction thereof; one half to the use of the State, and the other half to the use of the informer: And the person so offending shall moreover, be removed from office by the county court of the county in which he resides, on motion made by the Solicitor of the county, and on producing the record of the recovery of the penalty above mentioned.

No merchant shall be appointed an Inspector.

Forfeiture on Inspectors being concerned in exportation.

II. And be it further enacted, That if any Inspector already appointed shall, after the first day of March next, inspect, or be concerned in the inspection, of

1805. any produce bought or sold on his own account for exportation, he shall forfeit and pay the like sum of thirty pounds, to be recovered and applied in like manner; and shall also be subject to be removed from office in manner herein before directed: *Provided nevertheless*, that nothing herein contained shall be considered as applying to shopkeepers, or others, who do not buy or sell produce for exportation.

Forfeiture on any Inspector being concerned in the exportation of produce.

Number of Inspectors to be appointed in any town.

III. *And be it further enacted*, That it shall not be lawful for any of the county courts in this State, to appoint in any of the towns, more than six Inspectors; except for the purpose of inspecting lumber, in which case, the courts respectively may appoint such number as they may consider necessary and proper.

CHAP. XI.

An Act to amend the second section of an Act of the Assembly of one thousand seven hundred and ninety-five, entitled "An act directing the manner in which the clerks of the several Superior and County Courts shall hereafter make their returns to the Comptroller.

Expresses sent by the Comptroller to have additional compensation

BE 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 expresses sent by the Comptroller, in pursuance of the before recited act, shall be entitled to receive for their services, in addition to the sum already allowed by law, the sum of twenty five shillings for the day they shall arrive at the clerk's house or office, and the like sum for every day the clerk shall detain them in making out his returns; which shall be paid in the same manner as the mileage allowed to expresses under the before recited act, now is.

CHAP. XII.

An Act to repeal so much of the second section of an act passed in the year 1786, entitled "An act to direct the method of appointing Jurors and Surveyors to run out disputed lands," so far as requires juries of view.

Preamble.

WHEREAS by the above recited act, great inconvenience hath been experienced, mis-trials frequently made in consequence of the disagreement of jurors of view, by said act recited: For remedy whereof,

Part of the recited act repealed.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as requires a jury of view on the premises or lands in dispute, is hereby repealed and made void.

CHAP. XIII.

An Act to repeal all laws and clauses of laws heretofore passed, authorising the Secretary of State to issue land warrants for military services.

Laws, &c. 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 all laws and clauses of laws heretofore passed, authorising the Secretary of State to issue land warrants for military services, be, and the same are hereby repealed and made void; any law to the contrary notwithstanding.

CHAP. XIV.

An Act to prevent Vice and Immorality, by declaring the offences therein contained to be the subject of Indictment.

Preamble.

WHEREAS the policy of all well regulated Governments require the criminal law to be positive and certain; and as doubts have arisen as to the power of punishing by indictment, those who commit the crimes of fornication or adultery,

Crimes of fornication and adultery shall be indictable offences

Be it enacted by the General Assembly of the State of North-Carolina, That from and after the passing of this act, the aforesaid crimes of fornication and adultery, where a man shall take a woman into his house, or a woman a man, and they shall have one or more children without parting or an entire separation, or where it shall be proved to the satisfaction of the court and jury before whom it shall be tried, that they bed or cohabit together, shall be deemed and held indictable offences, and cognizable before any of the superior or county courts in this State. And any person legally convicted of either of the aforesaid offences, shall be ~~confined~~ fined at the discretion of the court before whom he or she may be tried, in any sum not exceeding one hundred pounds: *Provided always*, that the evidence of the person who may be *particeps criminis* shall not be admitted to charge any defendant under this act.

CHAP. XV.

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An Act to compel the attendance of Witnesses in certain cases 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 all cases where witnesses are required to attend any commissioners, referees, or order of survey, a summons shall be issued by the clerk of the court, at the request of either party, or their agent, expressing the day and place where they are to appear, the names of the parties to the suit, and in whose behalf summoned.

Manner of
summoning
witnesses.

II. *And be it further enacted,* That all witnesses summoned in pursuance of this act, shall be entitled to the same privileges, and receive the same pay for their attendance, and be subject to the same pains and penalties for non-attendance as witnesses summoned to attend the county courts.

Witnesses
thus summon-
ed to receive
same pay, &c.
as others.

CHAP. XVI.

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

WHEREAS by the before recited act, no mode is provided by which executors or administrators, who, prior to the said act, have advertised agreeable to the act of one thousand seven hundred and eighty nine, may perpetuate the evidence of such advertisement:

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 every executor or administrator who shall have advertised agreeable to the act of one thousand seven hundred and eighty nine, may, within nine months from the passing of this act, establish the same in the manner prescribed by the act of one thousand eight hundred and four, and such notice so proved shall be admitted as evidence in any court of law or equity, or before any jurisdiction.

How execu-
tors or admini-
strators who
shall have ad-
vertised, may
establish the
same.

CHAP. XVII.

An Act to amend an act, passed at Newbern in the year one thousand seven hundred and ninety one, entitled, "An act to amend an act concerning proving of Wills and granting Letters of Administration, and to prevent frauds in the management of Intestates Estates."

WHEREAS by the above recited act, all administration bonds that should be taken after the twentieth day of May the next following, should be taken and made payable to the Chairman of the Court for the time being, and his successors in office, yet for a want of a more special knowledge of the said act, and the provisions and directions therein contained, many administration bonds were therefore taken and made payable to the Governor for the time being, and his successors, whereby doubts have arisen whether any action at law can be maintained on such bonds: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all administration bonds taken and made payable to the Governor and his successors, after the aforesaid twentieth day of May, in the year one thousand seven hundred and ninety two, may be put in suit in the name of the Governor for the time being, by any person injured without any assignment, and judgment shall and may be recovered thereon in any of the Courts of record in this State, any thing in said act to the contrary notwithstanding.

How adminis-
tration bonds
made payable
to the Gover-
nor may be put
in suit.

CHAP. XVIII.

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

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

*Till Janua-
ry, 1808 allow-
ed for proving
and registering
bills of sale,
&c.

1835.

CHAP. XIX.

An act to amend the third section of an act passed in the year one thousand eight hundred and one, concerning Wrecks.

Preamble.

WHEREAS many disputes and much inconvenience happens by there being no person authorized by law to superintend the sales of such property as may be stranded, on the sea coast within the counties mentioned in the before recited act.

Commissioner
to advertise &
sell stranded
cargoes,

Except the
captain, &
choose to super-
intend the sale

Be it enacted by the General Assembly of the State of North-Carolina, That in future, the Commissioners in each of the counties of Currituck, Carteret, Onslow, New Hanover and Brunswick, shall be deemed the proper officers to advertise and expose to sale at public auction, any cargo or cargoes which may be stranded or cast on shore in his or their respective districts, except the captain, owner, merchant or consignee shall chuse to superintend such sale himself, or to remove the property without selling it. And each Commissioner aforesaid shall provide himself with books sufficient, and shall record in them all such sales by him made, and shall deliver to the captain, owner or merchant, or other person concerned, a true account of any such sale or sales which shall have been made. And the said Commissioner shall receive for such service two and a half per cent. on the amount of all such sales.

No 11. S. offi-
cers to be a
commissioners
3: sec. of
former act
repealed.

II. *Be it further enacted,* That no person who shall hold any office or deputation under the United States, shall act as a Commissioner in either of said counties.

III. *And be it further enacted,* That the third section of the before recited act is hereby repealed and made void.

CHAP. XX.

An Act to prevent the masters and owners of vesse's and boats, and other persons from trading with Slaves.

Penalty for
trading with
slaves.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if, after the passing of this act, any master or owner of any vessel or boat, or any other person belonging to, or on board of any vessel or boat, lying or being within any river, bay, harbour or creek, within the State, shall buy, sell, or carry on any kind of trade or merchandize to and with any slave or slaves, without permission from the master, mistress or owner of such slave or slaves, such master or owner, or other person, so buying, selling, or carrying on trade or merchandize, shall, for every such offence, forfeit and pay the sum of thirty pounds, to be recovered before any jurisdiction having cognizance of the same; any law, usage or custom to the contrary notwithstanding.

CHAP. XXI.

An Act better to regulate and ascertain the Pilotage which shall be allowed the Pilots at Occaco Inlet, in the several sounds and rivers to which they take vessels that do not belong to the State of North-Carolina.

Preamble.

WHEREAS great inconveniencies have arisen to pilots from masters of vessels that do not belong to the State of North-Carolina: For remedy whereof,

Rates to be al-
lowed for pi-
lotage,

Be 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 pilots legally authorized to take charge of vessels to bring in over Occaco Bar, or up to either of the ports of Newbern, Washington, Edenton or Camden, or offering to take such charge, if no other authorized pilot is on board said vessel, shall be entitled to demand and receive from the commander of such vessel or vessels as they may have charge of, the following pilotage, to-wit: For every vessel or vessels not belonging to the State of North-Carolina, provided such vessel or vessels be above forty tons burthen, from the outside of the bar, at any distance within the limits of pilot ground to Beacon Island Road or Wallace's Channel, if drawing less than eight feet water, seven dollars; and for all vessels drawing eight feet water, and less than ten feet, one dollar for every foot; and for all vessels drawing ten feet and upwards, one dollar and fifty cents per foot; and two dollars for each vessel over either of the Swashes; and from the Swath Straddle to either of the ports of Newbern or Washington, one dollar and fifty cents per foot, and from the Swath Straddle to Edenton, fifteen dollars, and to Camden, twelve dollars and fifty cents, and the same allowances down and out, as in and up; any laws, usage or custom to the contrary notwithstanding.

Read three times, and ratified in General Assembly,
the 17th day of December, 1835,

ALEXANDER MARTIN, S. S.
S. CABARRUS, Sp. H. C.

Copy, WILL. WHITE, Secretary.

CHAP. XXII.

An Act to incorporate a company for improving the navigation of Tar River, and for keeping the said navigation in good repair at all seasons. 1805

WHEREAS it is of great importance to the commerce and agriculture of Tar River, that the same shall be rendered completely navigable at all seasons, from Granville upwards, and it has been found by experience, that the customary mode of working on the same is ineffectual.

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 John Gray Blount, Walter Henrahan, sen. Joel Dickinson, Benjamin Atkinson, Thomas Blount and Robert Foreman, their successors, their associates, their heirs and assigns, are hereby constituted and appointed a body corporate for that purpose, or for as much thereof as in nature and the will of God, may be attainable by human prudence and foresight, by the name and firm of the *Tar River Company*; and that it shall forthwith be lawful for them as such to sue and be sued, recover and be recovered of, and to open books of subscription for effecting the same, in such and so many places as they may find convenient, and under the management and direction of such person or persons, as a majority of them may approve and empower.

II. And be it further enacted, That when the said subscription shall amount to the sum of ten thousand dollars, a committee of management, who shall be forthwith chosen and appointed by and among the above named persons (and their associates) shall give notice by public advertisements, of the day, hour and place, which they shall have appointed for a general meeting of the subscribers, and the said meeting shall continue from day to day, until the whole business is transacted: And the said managers shall then and there, lay before the said general meeting, the books by them respectively kept. And the said books, shall be kept open from time to time as may be found needful for an indefinite number of shares, of the amount of one hundred dollar per share, until the whole undertaking shall be declared complete and satisfied.

III. And be it further enacted, That the subscribers who shall form a majority of the whole, at the first general meeting to be held, or at any continuation of such meeting by adjournment, in default of such majority attending at the first, shall proceed by ballot to elect a President, twelve Directors, a Treasurer and Secretary, for the management of the said undertaking, and for regulating the same by such rules and by-laws, as may be consistent with the laws and constitution of the State, and in counting the votes of all such general meetings of the company, each share holder shall have one vote for each share as far as ten, and one vote for every five shares above ten, by him or her held at the time: And for the better understanding of the individual right and property herein created, the respective shares are hereby constituted and declared to be personal property, capable of transfer by assignment, to any person whomsoever in the presence of two subscribing witnesses: And a scrip written or printed instrument, shall be issued by the Court of Directors to such effect and purport, the exhibition whereof (either personally or by the proprietor, or by duly attested power of attorney) in the hands of any other person, shall be full and ample authority to entitle the bearer, to every right, privilege and claim of such share holder, in his, her or their behalf, for the then present occasion.

IV. And be it further enacted, That the Court of Directors and their successors or a majority of them, when so established, shall have full power and authority to appoint their own meetings and adjournments, to contract with and appoint one or more suitable engineer or engineers, for ordering and conducting the same, together with a clerk of the works, toll-takers and such other officers and servants as may be found needful, and the chief or principal engineer, when so appointed, shall have full power and authority, under the controul of the Court of Directors, to plan, survey, order and direct the opening and improving of the said navigation, or an improvement of the same, by such scientific methods, improvements, dams, weirs, contrivances, apparatus or works, as he may deem to be most efficient, economical and advisable: And to employ all such assistants, foremen, mechanics, handicrafts, labourers or other persons, as he may find requisite in the premises, to make or authorise all necessary purchases, which may be necessary for carrying on the operation, and his order for the same shall be a sufficient voucher to the clerk of the works, who shall (at such suitable periods as the court direct) have his accounts in condition for their inspection and settlement: *Provided*, That no director shall hold any other office in the concern or give a vote, when he is a party interested in exclusion of others.

V. And be it further enacted by the authority aforesaid, That for the better encouragement and carrying on this undertaking, all and every person who for the promotion of this improvement, shall have subscribed or advanced monies as an original adventurer, such and every such person, shall have a credit for the same on the books of the concern, and shall moreover hold the right of pre-emption for shares, in the undertaking, at the rate of ten per cent. so advanced, if he thinks proper to take so many shares.

VI. And be it further enacted, That for and in consideration of the expence the said company must incur in erecting gates, locks and other works necessary to the making said river navigable at all times, it shall and may be lawful for them to demand and receive at any and all times, when boats or rafts with or without loads pass their works, lawful toll for such boat, raft or load, *Provided*, That the water in the river at that time shall be so low, that the boat, raft or load could not pass without the aid or assistance of said works, or for so much thereof as could not have passed without the aforesaid assistance, which toll may be collected at such place or places as the company may direct, but shall not exceed the following rates, (to wit): For every cask of wine more than 63 gallons, every hogshead of molasses, spirits, every hogshead of tobacco or every hogshead of sugar, 50 cents; every hogshead of rum or other spirits, every thousand pipe staves, 35 cents; every barrel of small grain or salt, 3 cents; every barrel of pork, beef or flour, 15 cents; every barrel of tar, turpentine, pitch, rosin, spirits or varnish, 10 cents; every ton of iron or other goods sold by the ton, 100 cents per ton; every bushel of shells, 1 cent; every 100 weight of cotton in the seed, 5 cents; every 100 weight of clean cotton, 20 cents; every thousand hogshead staves or heading, 25 cents; every thousand barrel staves, 15 cents; every 1000 hogshead hoops,

1804, 25 cents; every 100 weight coffee, 25 cents; all casks not enumerated, shall be in proportion to a hog-head of tobacco, and all dry goods and other articles not enumerated, at 12 1-2 cents per 100 weight; returning back being empty, whose load had paid toll, to pass toll free, all others 50 cents per ton, and all other articles in proportion to the above rates. And in case of refusing to pay the toll, the collector may deny passage; and if any person refusing to pay shall pass through the navigation, it shall be lawful for the collector to seize such boat, raft and cargo wheresoever found and sell the same, or as much thereof as may be necessary to pay said toll and all charges of such seizure, and the surplus, if any, shall be paid to the owner: *Provided always*, That the company or their directors may at any time lessen the rates of toll or any of them.

VII. *And be it further enacted*, That the President and Directors or a majority of them, may agree with the proprietors for any quantity of land not exceeding one acre, at or near each place intended for collecting the toll aforesaid, for the purpose of erecting necessary buildings; and in case of any disagreement, or if the owner be a feme covert, under age, non compos, or out of the state, on application to any two Justices of the county where the land lies, the said Justices shall issue their warrant to the sheriff of the county, ordering him to summon eighteen men of property and reputation, being freeholders not related to the parties or interested, to meet on the land to be valued at a convenient day to be expressed in the warrant, not less than 10 or more than 20 days after the date thereof, and the Sheriff on receiving the warrant, shall cause the jury to be summoned and when met shall administer to them an oath, *Provided*, twelve or more of them shall appear, that they will impartially value the land in question, and consider all damages the owner thereof may sustain, by being divested of his property therein, that they will not in said valuation, spare any person, through favour or injure any one through malice or hatred; and the verdict or inquisition so taken, shall be signed by the sheriff and twelve or more of the jurors, and returned to the clerk of the court of the county to be recorded. And in all such the jury shall describe the land so valued, and their valuation shall be conclusive, and the company shall pay the owner of the land valued, or their legal representatives the valuation, and if neither can be found in the State, or if found and refuse to receive the money, then to the clerk of the court of the county; and on payment of the same, the company shall be seized in fee of the land so valued, in the same manner as if conveyed by the owner to them by legal conveyance.

VIII. *And be it further enacted by the authority aforesaid*, That in case any of the works that may be erected by the said company, shall be considered injurious to the passage of boats, or fish at high water, or low water without the aid of those works, then and in that case, the courts either of Pitt or Edgecombe counties, may order their clerk to issue a notice to some one of the company, (which shall be served on them by the Sheriff of the county wherein such person may reside) to appear at their next court of pleas and quarter sessions, to shew cause why their works shall not be so altered as to remove the cause complained, whereupon a jury shall be impanelled to enquire whether the complaints are well founded, and should they find in the affirmative, the company shall proceed to remove said obstructions in manner as may be ordered by the court, but in case they fail to comply with such order in three months, then the court is hereby authorised to order all overseers of roads and their hands, who live within three miles of the river, to remove such obstructions agreeable to the directions of said court, any thing herein contained to the contrary notwithstanding.

CHAP. XXIII.

An Act to incorporate a company for the purpose of cutting a navigable canal from Lockwood's Folly, to Elizabeth River in Brunswick county.

WHEREAS it has been represented to this General Assembly, that a canal joining the waters of Elizabeth river to those of Lockwood's Folly, would be attended with very beneficial effects, and a petition has been presented, setting forth, "that several of the subscribers are respectively owners of lands through which the said canal would pass, and agree that the canal and its appurtenances (if enacted to be cut) should pass through their lands and water courses, free of any reward or purchase money whatever, and have promised to make a deed or deeds of conveyance of all necessary lands and waters required for the performance of the works."

Be 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 to open books in the county of Brunswick and New-Hanover, under the management of Charles Gause, sen. John Gause, jun. Samuel Gause, James Smith, Levi Swain, Danuel Bellune, Thomas Russ, Benjamin Blaney, George Dans and James Flowers of Brunswick county, and James Walker, sen. Joshua Potts and John Lord of New-Hanover county, who are hereby required to meet at Wilmington, on the first Monday in January next, then and there to calculate the expence of cutting said canal, or the sum necessary to be raised, and to divide the same so as to fix the amount of each share, the number of shares necessary to be subscribed, the form of the subscription, the proportion in which they are to be paid, the times when, and every other preliminary that they or such number of them as attend the said meeting, shall deem necessary, previous to opening said books, as also the time of beginning to receive subscriptions, which subscriptions shall be made personally or by power of attorney, and the said books shall continue open 'till the first day of August following, and on the said last mentioned day, there shall be a general meeting of the subscribers at Smithville, of which meeting notice shall be given by the said managers or any of them, by advertisements in the Wilmington Gazette, in the said town of Smithville, and at the court-house, at least one month before the said meeting. And such meeting may be continued from day to day till 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 which the said managers shall deem sufficient, should not have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency, until the first Monday in November next; *Provided*, That if one half of the amount that may be deemed necessary as aforesaid, shall not be then 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, then the President and Directors are hereby empowered and required, to take and receive subscriptions until the deficiency shall be made up.

II. *And be it further enacted*, That in case one half of said capital, or a greater sum, shall be subscribed as aforesaid, the 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 *Smithville Canal 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 two Directors, for conducting the said undertaking, and managing all the said company's business and concerns for and during such time, not exceeding to the 31st December, 1809, 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, the whole sum subscribed shall be divided into equal shares, each member shall be allowed one vote for every share by him held at the time in the said company, and any proprietor by writing, may depute any other member or proprietor, to vote or act as proxy for him in any general meeting.

III. *And be it further enacted*, That the President and Directors so elected and their successors, or a majority of them so assembled, shall have power and authority to agree with any person or persons on behalf of the said company, to cut the said canal, to perform such other works as they shall judge necessary for the navigation of 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 to pay for the same, and to repair and keep in order the said canal and other works necessary thereto, and to defray all incidental charges, and also appoint a treasurer, clerk and such other officers as they shall judge requisite, to agree for and settle their respective wages or allowances, settle, pass and sign their accounts, make and establish rules of proceedings, 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 satisfaction for their trouble therein, such sums 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 order, for the true and faithful discharge of the trust reposed in him, and that the allowances 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.

IV. *And be it further 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 many as shall be wanting, to make and sign orders for that purpose, and direct at what time, and in what proportion the subscribers shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the *Wilmington Gazette*, and at the places before mentioned. And they are authorised and empowered to demand and receive of the several proprietors or subscribers, 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 direct 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 if any of the said subscribers shall refuse or neglect to pay their proportions within ten days after the same is so ordered by advertisement as aforesaid, the said President and Directors, on a majority of them, may, in the name of the company, sue and recover the amount or balance without delay or stay of execution.

V. *And be it further enacted*, That in case of the death, removal, resignation or incapacity of the President, or any of the Directors, the subscribers or proprietors of the said company 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 becoming incapable to act; and may, by a majority of votes estimated in manner aforesaid, 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.

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

VII. *And be it further enacted*, That the presence of a majority of the subscribers, at least, shall be necessary to constitute a general meeting, and that there be a general meeting of the proprietors on the second Monday of July, in every year in Smithville; but if a sufficient number should not attend on that day, the proprietors or subscribers who do attend may adjourn such meeting from day to day, until a general meeting of proprietors or subscribers 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 there 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 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 Smithville, giving at least one month's previous notice in manner herein before directed, which meeting may be adjourned and continued as aforesaid.

VIII. *And be it further enacted*, That the said canal when completed, shall forever hereafter be esteemed and taken as a public highway, free for the transportation of all goods, wares, commodities or produce, without the payment of any toll whatever, unless for repairs of said canal, a small toll be hereafter found necessary, and in consequence thereof allowed by law.

IX. *And be it further enacted*, That if the capital supposed to be sufficient, shall prove otherwise, it shall and may be lawful for the said company from time to time, to increase the capital by opening a new, or continuing open the former subscriptions, so long as shall be judged necessary by the members proprietors of such company, or a majority of them who shall be present at any general meeting.

X. *And be it further enacted*, That the privileges hereby granted, shall take effect and be valid on condition only, 1st. That agreeably to the representation and promise made in said petition, a deed or dec.

1803 of conveyance of all necessary lands and waters required for the performance of the works, be executed previous to the payment of any subscription monies, which deed or deeds shall be void in case the said canal is not made by the time herein limited. 2ndly. That the said company shall make the canal at least 16 feet wide, and of such depth below the surface of the earth, as will render it in dry seasons and at lowest tides, navigable for boats drawing two feet water. 3rdly. That they shall begin the same on or before the first day of January, 1807; and 4thly. That they shall complete the same on or before the first day of January, in the year of our Lord 1809.

CHAP. XXIV.

An Act for improving the navigation of Rockfish Creek and Little River, in Cumberland 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 inhabitants residing near Big Rockfish Creek, are hereby authorised to make navigable the said Creek, as far up the same as James M'Nair's bridge, and that all persons who have or hereafter shall have saw mills or grist mills on the said creek, in the county aforesaid, shall make or cause to be made at their respective mill dams, a good and sufficient slip, which will admit the free passage of all lumber rafts down said creek, from the said bridge to the mouth thereof.

II. *And be it further enacted,* That if any person owning mills as aforesaid, on Rockfish creek, shall fail to comply with the requisites of this act, shall forfeit and pay to the owner of such rafts, the amount of the damage sustained by a detention or injury of said rafts, in consequence of the slip or slips being insufficient to admit the safe passage of the same, together with all costs.

III. *And be further enacted,* That all persons that may or shall have saw or grist mills on lower Little River, shall keep their dams in good order, together with a sufficient slip in each dam, so as to admit the safe passing of all lumber rafts to the mouth thereof, under the penalties prescribed in this act for owners of mills on Rockfish Creek, and this act is hereby declared to be in force from and after the first day of May next.

CHAP. XXV.

An Act to alter and repeal the second and third sections of an act of the General Assembly, passed at Fayetteville on the fifteenth day of December, one thousand seven hundred and ninety three, entitled "An Act to prevent the introduction and communication of contagious diseases, so far as regards the port of Edenton."

WHEREAS the above recited act hath been in many instances either wholly evaded, or not carried into execution, for want of a more speedy and summary method of trial, whereby many offenders have gone unpunished: 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 when any vessel shall be directed to perform quarantine, and any seaman or passenger shall, contrary to the order and direction of the Commissioners of the port of Edenton, or one or more of the Justices of the county of Chowan, leave the vessel and land on any other place than the said Commissioners or Justices shall direct, every person so offending, shall forfeit and pay the sum of thirty pounds for each and every offence; and when the persons so offending shall be unable to pay the said forfeiture, and it can be made appear that he or she left the vessel with the master's consent, either express or implied, the said master shall be liable to pay the said forfeiture of thirty pounds, for each and every offence of his officers, seamen or passengers.

II. *And be it further enacted,* That when any vessel shall be directed to perform quarantine as aforesaid, and any person knowing such order, either by the information of such master, or otherwise, shall go on board such vessel, every person so going on board, shall forfeit and pay the sum of twenty-five pounds; and if any person shall be permitted by the master of such vessel to come on board without informing him or her of the order and direction of the said Commissioners or Justices, the said master shall be liable to pay the sum of thirty pounds for every person so offending, and the further sum of thirty pounds for suffering any person so on board depart to his vessel without leave of the Commissioners or Justices aforesaid; and the said Commissioners or Justices are hereby empowered, to order every person who shall go on board any such vessel, to remain there for such length of time as they may think proper, and if they disobey such orders, they shall be liable to pay the sum of twenty-five pounds, all which penalties and forfeitures shall be cognizable and determinable before any Justice of the Peace for the county of Chowan.

III. *And be it further enacted,* That the second and third sections of the above recited act, so far as they may have any operation in or relation to the port of Edenton, are hereby repealed and made void.

CHAP. XXVI.

An Act appointing commissioners to run and establish the boundary line between Wake and Franklin Counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Hunt, Lewis Webb, Allen Rogers and Edward Pride, or a majority of them, be and they are hereby appointed commissioners, with power to employ such artists, chain carriers and attendants as they may deem necessary to enable them to run, ascertain and mark the boundary line between Wake and Franklin counties, agreeable to the act by which the county of Granville was laid out and established, and the laws since passed respecting the boundaries of the two counties. And the line after being so run and marked, shall be and the same is hereby declared to be the dividing line between the said counties. And the said commissioners within six months of running the said line, shall make out two plats thereof, and return one to each of the courts of Wake and Franklin counties; which shall be recorded.

II. *And be it further enacted,* That the commissioners aforesaid, for their trouble in superintending the running of the line aforesaid, shall be entitled to the sum of thirty shillings for every day they necessarily shall be engaged in the said business; and the artists, chain carriers and attendants, shall respectively

be entitled to such sum for their daily services as the commissioners aforesaid shall certify under their hands, to be paid equally by the aforesaid counties of Wake and Franklin, out of the county tax.

CHAP. XXVII.

An act to appoint commissioners to lay off and establish the dividing lines between the counties of Chowan, Perquimons and Gates.

WHEREAS the dividing lines between the counties of Chowan, Perquimons and Gates have not heretofore been sufficiently described, either by actual surveys or by known and fixed boundaries, whereby it becomes expedient, in order to prevent disputes between the inhabitants of said counties, that the said dividing lines should be more accurately ascertained and laid off,

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 Hathaway, of the county of Chowan, Esq. Gabriel White, of the county of Perquimons, Esq. and Joseph Riddick, of the county of Gates, Esq. be and they are hereby appointed commissioners, with full power and authority to lay off, extend and mark the lines between the said counties.

II. *And be it further enacted,* that the said commissioners shall nominate and appoint such surveyor, chain carrier and other attendants, as shall be necessary for the marking, extending and establishing the said lines; and that they shall begin the dividing line between the counties of Chowan and Perquimons, at such place on Yeopon river, above Elliot's mills, as they may think proper, due regard being had to the former reputed line, and shall run thence along the said reputed line to Sunday ridge road, and from the said road to the intersection of the line of Gates county, and thence along the said line, as far as it extends on the heads of Chowan and Perquimons counties, and shall make or cause to be made returns of their proceedings to each of the courts of Pleas and Quarter Sessions of the said counties, to be deposited and kept among the records thereof; and the said lines when so extended and laid off, shall forever thereafter be established and confirmed as the dividing lines between the said counties.

III. *And be it further enacted,* That the said commissioners, surveyor, chain carriers and attendants respectively, shall receive such reasonable compensation for their services as the courts of pleas and quarter sessions of the said counties shall deem just, to be paid out of the monies levied and collected, or hereafter to be levied and collected for the use of the said counties.

CHAP. XXVIII.

An act to annex part of Pitt county to the county of Martin.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of Pitt county bounded as follows, shall be annexed to the county of Martin, viz. Beginning where the present county line intersects the fork of Trentross creek and Flat Swamp, thence along Flat Swamp to where the present county line crosseth said swamp; and all that part of Pitt county lying north of the before recited boundaries shall hereafter be part of Martin county, and under the same rules and regulations and restrictions as the county of Martin is or may be: *Provided,* nothing herein contained shall prevent the sheriff of Pitt county from collecting the taxes due him from said inhabitants, any law to the contrary notwithstanding.

CHAP. XXIX.

An Act to amend an act entitled "An act for settling the bounds of lands passed in the year one thousand seven hundred and twenty three, as far as relates to Currituck 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 Justices of the county court of Currituck, may and they are hereby empowered to lay off and divide their said county into as many different districts or divisions, as to them shall appear necessary, and to appoint two or more able and intelligent freeholders, in each of the said districts or divisions, to procession the lands within the same manner as in and by the before recited act is directed, and in case of neglect or refusal in the said Justices or Processioners, he or they so offending shall be subject to the same penalties as by the said act is inflicted; any thing therein contained to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the processioners aforesaid, shall be allowed for their trouble for the above services, the sum of three shillings for every tract of land by them so processioned, to be paid by the owner of such land, and that the clerk of the county court of Currituck shall have for his trouble for recording the returns made by the Processioners by this act to be appointed, the sum of one shilling and three pence for each tract of land so processioned, to be paid by the owner or representative of said land, to be recovered before any Justice of the Peace within said county.

III. *And be it further enacted by the authority aforesaid,* That in all cases of dispute relative to the bounds of lands in said county, the same proceedings shall be had thereon as mentioned in an act of the General Assembly passed at Raleigh in the year one thousand seven hundred and ninety nine, entitled "An act to amend the several processioning laws now in force in this State, passed in the year one thousand seven hundred and ninety-two.

CHAP. XXX.

An Act to lay off and ascertain the boundaries of the several fisheries on Chowan river.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any person who now is, or may hereafter be seized and possessed in fee simple of any lands or tenements lying on said river, with one or more fishery or fisheries appertaining and belonging thereto, and shall be desirous of having the boundaries of such fishery or fisheries ascertained and laid off, to apply to some Justice of the Peace of the county in which such lands, tenements and fisheries may be, to issue a subpoena to the surveyor and three freeholders of such county, unconnected with the parties either by consanguinity or affinity, to go upon the premises and lay off such fishery or fisheries, and such justice is hereby authorised

1805 and required to grant such subpoena, and to administer an oath to such surveyor and freeholders, before they shall enter on the duties required by this act, to do equal and impartial justice to all parties interested or concerned, according to the best of their knowledge and understanding. And the said surveyor and freeholders shall proceed to lay off the said boundaries, observing as near as may be a direct course across the said river to the first channel thereof, and mark the same with sufficient stakes or buoys; and the boundaries so laid off, shall be deemed and taken to be the true boundaries of said fishery or fisheries: *Provided nevertheless*, that any person wishing to have the boundaries of his, her or their fishery or fisheries so laid off, shall give ten days previous notice in writing to all persons owning lands or fisheries adjoining thereto, of the time and place of laying off such fishery or fisheries. *And provided also*, that nothing in this act contained, shall prevent any person or persons who may think themselves aggrieved from his, her or their appeal to the succeeding court of pleas and quarter sessions of the county in which such lands, tenements and fisheries may be, and all appeals so taken shall be tried by a jury as heretofore established by law. *And whereas* it has been found that the firing or discharging of cannon or small arms on the said river during the fishing season, not only prevents the regular running of the herring, but in many instances tends to deprive the inhabitants of all profit and advantage to be derived from their said fisheries,

II. Be it therefore enacted by the authority aforesaid, that no person or persons shall, after the first day of April next, on any pretence whatsoever, fire or discharge on cause to be fired or discharged, during the season of fishing for herrings, any cannon on the said river, or shores or banks thereof, any where between the mouth thereof and Winton in the county of Hertford, under the penalty of ten pounds, to be recovered in the name of the Governor for the time being, before any competent jurisdiction, one half to the use of the State, and the other half to the use of such person or persons as shall sue for the same, any law, usage or custom to the contrary notwithstanding.

CHAP. XXXI.

An Act for the government of Elizabeth City.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the government of Elizabeth city, shall be vested in an Intendant of Police and two Commissioners, who shall be chosen annually on the first Monday of March; at the court-house in Elizabeth city, to which end the sheriffs of Pasquotank county, by himself or his deputy is required, after giving due notice of said election, to attend at the place of election at ten o'clock in the forenoon, to open the poll, and receive the votes, and the person having the greatest number of votes for the office of Intendant of Police, shall be, by the said sheriff or his deputy, declared duly elected, and the persons having the greatest number of votes as Commissioners, shall be duly declared elected.

II. Be it further enacted by the authority aforesaid, That no person shall be deemed qualified to act as Intendant or Commissioner of the said town, who is not seized in fee simple of a lot and an actual resident within the limits of the said Elizabeth city; and that no person shall be deemed qualified to vote for an Intendant or Commissioner of the said town, who hath not been a resident within the limits of the same for three months preceding the day of election, or who hath not held a lot or part of a lot therein in fee simple or freehold.

III. Be it enacted, That the Intendant and Commissioners and their successors in office chosen agreeable to the directions of this act, shall be and are hereby incorporated into a body corporate by the name of "*The Commissioners of Elizabeth City*," and by that name to have succession by the election of the freemen as by this act directed, and a common seal, and by such name shall have power from time to time and at all times hereafter, to make such rules, orders, regulations and ordinances as to them shall seem necessary for laying out, amending and repairing the streets, erecting public pumps and wells, to provide for the strict observation of the sabbath day, for erecting a public market, appointing a clerk thereof, and such other persons as may be necessary in the management and conducting thereof or otherwise, for appointing an harbour master of the port of Elizabeth city with proper powers for the regulation thereof, for appointing a town sergeant, constable or constables, town watchmen, guards or patrols, and to make such allowance by fee or otherwise for the services of the said officers, and to make all such rules and ordinances, as to the said Intendant and Commissioners or a majority of them, shall appear necessary; and shall also have full power to enforce a compliance with, and an observance of such rules and regulations, of laying fines and penalties on those who shall refuse or neglect to them, not exceeding the sum of twenty shillings, and in the case of slaves by the punishment of not exceeding thirty-nine lashes; and the Intendant and Commissioners before they enter on the duties of their office shall take the following oath: "I, A. B. do swear or affirm (as the case may be) that I will faithfully discharge the office of Intendant or Commissioner (as the case may be) for Elizabeth city, agreeable to law, and to the best of my knowledge and judgment. So help me God." And if at any time hereafter, either of the persons elected as Intendant or Commissioner shall refuse to act and qualify, or should die or remove themselves away, or should otherwise be incapable of acting, the remaining Commissioners shall by themselves or by a town meeting fill up such vacancy by ballot or election among themselves; which Intendant or Commissioner so chosen and qualified according to law shall have and possess the same powers, and be under like restrictions and penalties with those in whose room and stead they were appointed and chosen.

IV. Be it enacted, That on all trials whatever before the said Commissioners under the present act, for any breach against the rules and ordinances established for the government and police of the said town, the said Commissioners, or any two of them, are hereby authorised to possess the power and authority of a justice of a peace, and any one of the said Commissioners shall possess and have authority to commit, in any case whatever where the peace is broken, or any disorder or outrage is about to take place.

V. And be it enacted, That it shall be the duty of the Commissioners generally, in all things to superintend the police of the said town, and to support the peace and good order of its inhabitants and others who may be there, and to suppress and punish all riotous disorder and profane assemblies, especially on the sabbath, whether of free persons or of slaves. And for the prevention of all criminal trespasses, offences and breaches of the peace, the said Commissioners, either jointly or separately, are hereby in-

vested with all the powers and authorities of a justice of the peace. And the town-sergeant or constable or constables appointed by the said Commissioners, shall be entitled on all process, to the same fees as constables are entitled to before a justice of the peace out of session.

VI. *And be it further enacted*, That the said Commissioners shall fix their stated meetings, which shall at the least be once in every month; and if any Commissioner, on due notice, shall fail to attend (unless prevented by sickness or other good causes satisfactory to the Board) he shall forfeit and pay the sum of twenty shillings, to be recovered before any justice of the peace, for the use of the said town.

VII. *And be it further enacted*, That the surveyor of the county of Pasquotank is hereby directed to make a plot and survey of the said town of Elizabeth City, under the direction and superintendence of the Intendant and Commissioners thereof, agreeable to law: which plot and survey shall be referred to as legal evidence of the boundaries of the lots and streets in the said town; and a plot of the same, in conformity to the said survey, certified by the said surveyor and signed by the Intendant and Commissioners of the said town, shall be deposited in the records of the county of Pasquotank, and duly registered by the register of the said county. Another plot, certified as aforesaid, shall also be deposited in the office of the Town Commissioners. And the Commissioners appointed by this act, are hereby authorised and empowered, and upon application directed, to make conveyances to the persons entitled, for all such lots in the said town as may in future be laid off, or hath not hitherto been conveyed by any former Commissioners.

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

IX. *And be it further enacted*, That all powers heretofore appointed by law for the laying off the town of Elizabeth City, by whatever name called, or with whatever power vested, shall altogether cease and be at an end.

X. *And be it further enacted*, That the said Commissioners shall have full power and authority to make and ordain such rules, regulations and ordinances as they may deem expedient (not inconsistent with the laws of this State or of the United States) to prevent any persons whatever from being brought, or coming into the said town, whether by land or water, who shall have, or be supposed to have, any contagious or infectious disease; and may compel vessels coming in the said port of Elizabeth City, to ride quarantine in some proper quarantine ground laid off for that purpose. And whereas sick seamen are often thrown upon the mercy and humanity of the citizens of Elizabeth City, while the church wardens refuse to give them aid and assistance out of the county funds,

XI. *Be it further enacted*, That the commissioners of Elizabeth City shall be authorised, on their receiving the sanction of the general government, to call upon the Collector of Port Camden, for such funds as may from time to time be necessary to aid, comfort, and assist such sick and disabled seamen as may come within the port of Elizabeth City.

CH. LXXXII.

An act to amend the laws regulating the police of the town of Fayetteville.

WHEREAS the laws heretofore in force have made no provision for succession of the magistrate of police, in case of his death, absence, removal, or inability to act,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when it shall hereafter happen that the magistrate of police for the town of Fayetteville may die, absent himself, remove or be disabled to act, it shall and may be lawful for the commissioners of police for said town, to appoint one of their number as a successor of the magistrate of police annually elected: who being so appointed, shall hold and exercise all the power and authority of magistrate of police, as directed by law, in case of death during the residue of the year, and in case of absence, removal or inability to act, during the term the said magistrate of police shall be so absent, removed, or disabled to act.

II. *And be it further enacted*, The commissioners of police for said town shall and may, when they may deem it expedient, appoint a director of patrols, whose duty it shall be to summon and appoint such number of the citizens as he may think necessary for securing the safety and tranquility of said town by night; and every person so summoned or appointed, who shall neglect or refuse to act as patrol without reasonable excuse, shall, on summary conviction before the magistrate of police, forfeit and pay for the benefit of said town, a sum of the current money of this State not less than ten shillings and not exceeding forty shillings, which shall be levied by the proper officers on the goods and chattels of the person or persons making default as aforesaid, under the warrant of the magistrate of police.

III. *And be it further enacted by the authority aforesaid*, That any person or persons licensed to keep tavern or ordinary, or retail spirituous or other liquors within the limits of the town of Fayetteville, shall, on summary trial before the magistrate of police of said town, be convicted of opening shop for retailing spirituous or other liquors on Sunday, commonly called the Lord's day, or in the nights of any of the week days after the hour of nine, to the end of entertaining of slaves, shall, on every conviction as aforesaid, forfeit and pay the sum of ten pounds for the use of the town, and the license of every such person shall be suspended until the board of police shall otherwise determine; and if such person or persons shall, after such suspension, be again in same manner convicted, he, she or they being so convicted, shall, for every conviction, forfeit and pay the sum of twenty pounds, to be applied as aforesaid.

IV. *And be it further enacted*, if any person or persons liable to the penalties contained in this act, shall not have property to discharge the same, he, she or they may be imprisoned a term not exceeding three months, as the magistrate of police shall direct.

V. *And be it further enacted*, The magistrate of police for said town, shall from time to time have authority to regulate the assize of baker's bread, conformably to the mean price of flour, under such regulations as the Board of commissioners of police may ordain.

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CHAP. XXXIII.

An act to extend and keep in force the privileges granted in an act of Assembly passed in the year one thousand seven hundred and eighty-five, entitled "An act to empower Robinson Mumford and James Porterfield, to receive storage on tobacco inspected and deposited in such warehouse or houses as they shall build at Fayetteville."

WHEREAS the term in said act expressed is nearly expired;

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 proprietors of said warehouse or houses may continue to take and receive the same storage on tobacco inspected and deposited in their buildings as hath been heretofore customary, and is established by law for storage of tobacco in other warehouses in Fayetteville.

II. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful for the proprietors of the said warehouse or houses from time to time to cause the same to be repaired and enlarged, and to annex or cause to be annexed any additional buildings in Fayetteville, as to them shall seem convenient and necessary for the purposes aforesaid.

III. *And be it further enacted,* That when the said buildings are put in sufficient order for the inspection and storage of tobacco, the county court of Cumberland are hereby authorised and required, on application of the proprietors, to appoint two skilful and discreet persons as inspectors, who shall be subject to the same rules and regulations, and be entitled to the same fees and emoluments as inspectors of tobacco heretofore appointed in Fayetteville: *Provided,* that if the said buildings should be in order for the inspection and storage of tobacco when the county court of Cumberland is not in session, that then it shall and may be lawful for any five of the justices of said county, to be summoned by the sheriff on application of the proprietors, to make an appointment of inspectors to said warehouse, who shall continue till the succeeding county court: *And provided,* that all the justices of said county shall have a right to sit and vote in said appointment.

CHAP. XXXIV.

An act to revive part of an act entitled "An act to regulate the town of Nixonton in the county of Pasquotank, and for other purposes therein mentioned."

WHEREAS in the year one thousand eight hundred and one, caption fifty-five, an act of the General Assembly was passed for the regulation of the town of Nixonton in the county of Pasquotank, and for other purposes therein mentioned, has not been carried into effect, and that the commissioners therein appointed, are now dead or removed from the said town,

BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert M'Morine, Timothy Trueblood, John Shaw, James Emmerston and William Albertson, be appointed commissioners in the room of those deceased or removed, and that the said commissioners thus appointed have full power vested in them to choose a clerk and treasurer, and draw the arrears of all monies now in the hands of a former treasurer; and to have every power and privilege vested in them, as was intended to those appointed in the before recited act, any thing to the contrary notwithstanding.

CHAP. XXXV.

An act to amend the several laws now in force for the regulation of the town of Lincolnton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all the free white males inhabitants residents within the town of Lincolnton, of the age of twenty-one years and upwards, are authorised and required to meet on the last Friday in February next, and on the last Friday which may happen in said month every three years thereafter, at the court-house in said town, then and there, under the inspection of two persons chosen by said inhabitants, to elect by ballot three commissioners, who, when duly elected, shall continue to hold, exercise and enjoy their office for and during the space of three years then next ensuing, with all the rights and privileges, powers and authorities heretofore vested in the commissioners or directors appointed for said town; and in case of the death, removal or refusal to act of any of the commissioners, those remaining are authorised and empowered to fill such vacancies as may happen.

II. *And be it further enacted,* That said commissioners when chosen, or as soon afterwards as may be convenient, proceed to appoint a Treasurer, who shall be of their own body and shall be considered their chairman, and into whose hands shall be paid all monies collected for the use and benefit of the said town; and whose duty it shall be to give bond and security in the sum of two hundred pounds made payable to the remaining commissioners, for the due application and accounting for said monies, and for the rules and regulations made for the government and good order of the town aforesaid to be carried into effect.

III. *And be it further enacted,* That the commissioners when chosen as aforesaid, or a majority of them, shall have full power and authority to make and adopt such rules, regulations and bye-laws for the good government of said town as they may deem proper and necessary: *Provided* they are not inconsistent with the laws of the State or the United States, and annex such penalties as they may deem just and right; and for the breach of which the justices of the peace for the said county of Lincoln shall have full power and authority to hear and determine the same, and award execution thereon in all cases where suits are commenced by the commissioners aforesaid for the violation thereof.

IV. *And be it further enacted,* That the commissioners appointed by this act, or their successors, if they deem it necessary or expedient, shall have full power and authority to lease to any person or persons such quantity of lands that are assigned for the use and benefit of said town of Lincolnton, and for such number of years as they may think proper for the purpose of erecting a tan-yard, and the monies arising therefrom shall be by them laid out and expended in the erection of a market-house or any other public buildings they may deem necessary, any law to the contrary notwithstanding.

CHAP. XXXVI.

An act to amend an act of Assembly now in force for the regulating of the town of Morganton.

BE it enacted by the General Assembly of the State of North-Carolina, That the inhabitants of the town of Morganton, and the lot-holders, being of the age of twenty-one years and upwards, are required to

meet on the first day of January court next, and on the same first day of January court every three years thereafter, at the court-house in said town, then and there, under the inspection of two persons chosen by said inhabitants and lot-holders, to elect by ballot five commissioners, who when duly chosen, shall continue to hold, exercise and enjoy their offices for three years then next ensuing, with all the rights and privileges, powers and authorities heretofore vested in either the commissioners or directors of the said town; and in case of death, refusal to act, incapacity or removal of any of said commissioners, those remaining are hereby authorised and empowered to fill such vacancy.

II. *And be it further enacted*, That the commissioners aforesaid shall, as soon after their election as convenient within ten days, meet and appoint a treasurer, who shall be of their own body, and when chosen shall be considered as chairman; and all the money that will be collected for the use of the town shall be paid into his hands, and who shall give bond with sufficient security in the sum of two hundred and fifty pounds, to the remaining commissioners, for the due application and accounting for said monies, and whose duty it shall be to cause all the laws, rules and regulations made for the good order and government, and interest of said town, to be carried into effect.

III. *And be it further enacted*, That the said commissioners, or a majority of them, shall have full power and authority to make and adopt such rules, regulations and by-laws, as they may deem proper and necessary for the good government of said town, provided the same shall not be inconsistent with the laws of this State, or of the United States; and when made and adopted, the said treasurer shall have full power and authority to enforce them by such penalties as the commissioners may deem proper. And any person incurring said penalties, shall be liable, in the name of the said commissioners or their successors in office, to be sued in any jurisdiction in the county of Burke having cognizance thereof. And the said commissioners shall be empowered to lay a tax annually either on polls or town lots, or both if necessary, which shall not at any time exceed the appropriation necessary to enforce the laws and regulations of said town; and which tax shall be collected in such a manner, and by such rules as the commissioners may devise for the improvement of the said town.

IV. *And be it further enacted*, That the treasurer when appointed, to take an oath of office to execute and enforce all the laws, regulations and by-laws for the good government of the town, to the best of his knowledge and ability. And it shall be his duty to oversee and take care of the town lands and streets of said town, and shall have full power and authority to employ a surveyor to survey and lay off the town lots, and all the town land and the streets, and open them, and lay down two fair plats of the same, and have them registered: And shall provide against the waste and destruction of fire-wood and timber; and where there is any encroachment by fencing in any public land by individuals, it shall be the duty of the treasurer to give them twenty days notice to remove their fences; and if they shall fail to remove them, it shall be the duty of the treasurer to throw them down at the expence of the delinquent, to be collected of them as the commissioners may devise, and shall be further liable to such fines as the commissioners may think proper.

V. *And be it further enacted*, That the commissioners hereby appointed shall have full power and authority to superintend the fairs held in said town, and to draw up, make and adopt such rules and regulations for the good government thereof as they may deem prudent and discreet, and which when made and adopted, they shall have full power and authority to enforce, in such manner and by such penalties, as they may deem most expedient.

VI. *And be it further enacted*, That the commissioners hereby appointed shall appoint a clerk, who shall keep his book or books, in which shall be inserted a due account of their election, together with a regular and fair statement of all their by-laws and proceedings. And the treasurer and clerk shall have a compensation, whatever the commissioners deem reasonable, for their services. And that all laws which come within the meaning and purview of this act, be and they are hereby repealed and made void.

CHAP. XXXVII.

An Act erecting a town on the lands of Henry Hampton, in the county of Surry.

WHEREAS it is represented to this General Assembly, that the said Henry Hampton having signified his consent to have fifty acres of land laid off for a town and town common:

Be 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 fifty acres of land be, and is hereby constituted and established a town, and shall be called by the name of *Hamptonville*.

II. *And be it further enacted by the authority aforesaid*, That Henry Hampton, Thomas Hampton, Thomas Wright, James Parks and John Angel be, and they are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in the said lands aforesaid, to and for the uses, intents and purposes hereby declared. And the said commissioners, or a majority of them, shall have full power and authority to meet as often as they shall think necessary for transacting business, and shall lay off twenty-five acres of said lands into streets and squares of one acre lots each, and cause a plan thereof to be made, and receive subscriptions to the amount of five pounds for each lot, which shall be paid to Henry Hampton, the proprietor thereof, as full compensation for said lands; and the residue of said lands shall for ever remain a town common. And the said commissioners, or a majority of them, shall appoint a time, and give public notice thereof, for meeting the subscribers on the said lands for determining the property of each particular lot, which shall be drawn by ballot, in a fair and open manner, by direction and in the presence of a majority of the commissioners at least; and each subscriber shall be entitled to such lot or lots which shall happen to be drawn for him, and correspond with the number contained in the plan of said town. And the commissioners, or a majority of them, shall make and execute deeds granting and conveying the said lots contained in the town, at the proper cost and charge of the said grantee or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in said town by virtue of such conveyance, shall hold and enjoy the same in fee simple.

III. *And be it further enacted*, That in case of death, refusal to act, or removal out of the State, of any of the commissioners hereby appointed, the surviving or other commissioners, or a majority of them,

1805 shall assemble, and shall from time to time, by writing under their hands and seal, nominate some other person, being a freeholder in the said town, in the place of him so dying or refusing to act, or removing, as aforesaid; which new commissioners so appointed, shall be vested with the same powers and authorities as those expressly named in the said act.

CHAP. XXXVIII.

An Act to amend an Act, entitled "An act establishing a town at the Court-house in the county of Buncombe," passed in the year 1797.

WHEREAS the commissioners appointed by the before-recited act for the establishment of said town, through some means or other neglected to reserve a sufficient quantity of lands for a public square, and part of the buildings being erected on private property, great inconveniences have been complained of by a number of the inhabitants 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 James Brittain, Samuel Murray, sen. Thomas Foster, sen. Jacob Byler and Thomas Love, be appointed commissioners, who are invested with full power and authority, or a majority of them, to purchase, or receive by way of donation, any quantity of lands not exceeding two acres adjoining the court-house and prison, or elsewhere within the limits of the town of Asheville, at their discretion, for the use and benefit of said county, on which the public buildings shall be placed, and receive good and sufficient title or titles for the same, which shall be registered and deposited in the office of the clerk of said county.

II. And be it further enacted by the authority aforesaid, That the county court of Buncombe shall have ample power and authority, and it shall be their bounden duty to lay such tax as may be deemed necessary at the first court which shall happen after the first day of January, in the year one thousand eight hundred and seven, not exceeding one shilling on every poll, and four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, for the purpose of repairing or removing, if deemed expedient by the commissioners appointed by this act, the aforesaid public buildings; any law, usage or custom notwithstanding.

III. And be it further enacted, That Andrew Erwin, Samuel Chunn, John M'Clutchev, Samuel Harris and James Blakely be, and they are hereby appointed commissioners for the said town of Asheville, and they, or a majority of them, shall have full power and authority to act and do all things which may tend to the regulation and good government of said town, provided the laws, rules and regulations by them made, are not inconsistent with the laws of this State. And the said commissioners, or a majority of them, shall have full power to appoint other commissioners in the room of those who may die, remove or refuse to act. *Provided nevertheless*, that no person shall be appointed a commissioner who shall not be a residenter of said town; any law to the contrary notwithstanding.

CHAP. XXXIX.

An Act to repeal an act, entitled "An act to establish a road and ferry at Elizabeth City, in the county of Pasquotank."

WHEREAS the Justices composing the county court of Pasquotank have petitioned this General Assembly for the repeal of the said act, and that in their stead the right of the said road and ferry may be vested in John Hamilton of said county:

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 Act of Assembly, passed in the year one thousand eight hundred and two, chapter forty-one, shall be, and is hereby repealed, and that the profits and emoluments of the said road and ferry, with all the estate thereof, shall be vested in said John Hamilton, his heirs and assigns, for the term of ninety-nine years.

H. And be it further enacted, That the county court of Pasquotank shall be, and is hereby authorised to appoint five discreet and proper persons as commissioners to lay off the said road from Elizabeth City, or its environs, to Camden county, and through the same in the nearest or best directions, to the main road leading to Indiantown.

III. And be it further enacted, That it shall be lawful for the said Hamilton, his heirs, executors, administrators or assigns, under the direction of the above-mentioned commissioners, to erect a ferry from Elizabeth City, or its environs, across the waters of Pasquotank river, to the county of Camden, from and to some convenient place on either side said river, under the direction of said commissioners as above. And at all times after said road and ferry shall be completed, fitting for the safe passage of horses and carriages, it shall be lawful for the said John Hamilton, his heirs, &c. for the term above mentioned, to demand and receive at the said ferry, the following rates: For every man and horse twelve and one-half cents; for every two-wheeled carriage and horse attached thereto, twenty-five cents; for every head of horses or black cattle, and for every foot passenger, six cents; and for every sheep or hog, one and one-half cents; and for every four-wheeled carriage, fifty cents: *Provided*, that this act shall not be so construed as to prevent any person living in Camden or Pasquotank from crossing the river in their own vessels, boats or canoes.

IV. And be it further enacted, That the said John Hamilton shall give bond and security to the court of the county of Pasquotank, for the safe-keeping of the said road and ferry, and for the due and faithful performance of his duty as ferryman.

V. And be it further enacted, That if either the said road or ferry shall be laid off to the injury of any person's land in the counties of Pasquotank or Camden, that the court of either county respectively, shall and may order a jury of good and lawful men, unconnected with the parties injured, to assess such damage or damages, which shall be paid by the said John Hamilton, his heirs, &c. to the party or parties thus injured: *Provided*, the jury appointed to lay off that part of the said road which lies in Pasquotank, shall be composed of freeholders living in the county of Pasquotank; and the jurors appointed to lay off such part of the said road as shall be in the county of Camden, shall be taken from the freeholders of the county of Camden; any thing herein contained to the contrary notwithstanding.

VI. And be it further enacted, That if any person or persons, after having passed over said ferry, shall refuse to pay the rate or rates, as before by this act directed, that it may and shall be lawful for the col-

lector or surveyor to seize on such horse, cattle or hogs, or wheel carriages, and detain the same until the true rate or rates be paid by such passenger or passengers for said ferry.

VII. *And be it further enacted*, That the said John Hamilton shall perfect said road agreeably to the provisions of this act, within four years, otherwise this act, and every part thereof, shall be null and void. *Provided nevertheless*, that this act shall not be a bar to prevent the county court of Camden from chusing five freeholders as commissioners to act, or a majority of them, with the commissioners chosen by the court of Pasquotank in laying off said road and ferry, at their next session, if they think proper, and their proceedings to be returned to the courts of Pasquotank and Camden; any law to the contrary notwithstanding.

CHAP. XL.

An Act respecting the Warrenton Academy.

WHEREAS it hath been represented to the General Assembly of the State of North-Carolina, that after an act, entitled "An act for the better regulation of the town of Warrenton, and for other purposes," had been carried into effect, a surplus of money to the amount of two hundred and fifty pounds remained in the hands of the present commissioners of said town; and whereas it is the wish of the citizens of said town that the amount aforesaid should be appropriated to the use and benefit of the Warrenton Academy,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Warrenton are hereby authorised, empowered and directed, to pay into the hands of the trustees of the Warrenton Academy, the aforesaid surplus amount of two hundred and fifty pounds, to be applied to the use and benefit of that institution.

II. *And be it further enacted*, That the trustees of the Warrenton Academy are hereby authorised and empowered to raise by a lottery or lotteries, a sum of money not exceeding three thousand dollars, to be appropriated to the use and benefit of said Academy.

III. *And be it further enacted*, That the trustees of the Academy aforesaid, are hereby invested with full power and authority to elect their own President; any law to the contrary notwithstanding.

CHAP. XLI.

An Act to amend an act, entitled "An act to establish an Academy in Nixonton, in the county of Pasquotank," so far as respects the appointment of Trustees.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert M'Morine, William T. Muse, Thaddeus Freshwater, John Shaw, Thomas Banks, George A. L. Conner, William Alberton, Aaron Morris, sen. John Boyd, John M'Donald, James L. Shannonhouse, Gabriel Bailey, Joseph Banks, William T. Relfe, John Bailey, Timothy Trueblood, and Thomas Achise, be appointed trustees of the said Academy, and that they, or a majority of them, have full power and authority to act, in the same manner as pointed out in the before-recited act; any thing to the contrary notwithstanding.

CHAP. XLII.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Lenoir, Jesse Franklin, Richard Allen, Edmund Jones, Daniel Edwards, James Wellborn, Chapman Gordon, William Hulme, Andrew Bryan, Henry Hampton, James Shepard and Benjamin Parks, shall be, and they are hereby declared to be a body politic and corporate, and to be known and distinguished by the name of the *Trustees of Philomathia Academy*, and by that name shall have perpetual succession; and they or their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels, that shall be given for the use of the said Academy, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents or tenements, of what kind or nature soever, in special trust and confidence, that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing 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 Buncombe.

WHEREAS it is represented to this General Assembly, that William Forster, jun. did convey to the trustees hereafter named, a certain lot of land containing eight acres, in the county of Buncombe, near the town of Asheville, for the purpose of a place of residence for a Preacher of the Gospel and Teacher of an English and Latin School, or either, as a majority of the trustees hereafter named, or their successors in office, should deem most advisable from time to time; and the said Forster, together with all the other trustees, are desirous to have said institution incorporated and established by Act of Assembly: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Erwin, Daniel Smith, Edmund Sams, John Patton, James Blakely, William Forster, sen. Thomas Forster, William Forster, jun. William Gudger, Benjamin Hawkins, David Vance, William Brittain, George Davidson, John Davidson, Samuel Murray, sen. John McLain and the Reverend George Newton, be, and they are hereby constituted and appointed trustees, and a body politic to superintend said seminary, with full power and authority to receive all gifts and donations or gratuities that may be given them as such for the use of said institution; and it is hereby constituted and established by the name of the *Union Hill Academy*; and the said trustees and their successors in of-

189: *And be it further enacted*, That the trustees herein named, and their successors in office, shall be vested with all the power and authority that other bodies politic of the like nature have a right to use or exercise within this State: *Provided*, such rules and regulations as they may adopt or establish, from time to time, shall not be repugnant to the principles on which this seminary was first established, and the reservations in the deed of conveyance to the trustees and their successors, nor repugnant to the constitution or laws of this State.

III. And be it further enacted, That the trustees herein appointed by this act, or a majority of them, shall convene on the third Saturday in March, one thousand eight hundred and six, at said seminary, for the purpose of carrying this act into effect, and adjourn to such time and place as they may think proper; and on all future occasions, shall convene at the time and place they shall adjourn themselves to; any law, usage or custom to the contrary notwithstanding.

CHAP. XLIV.

An Act to repeal the act of the last session of the General Assembly, that changed the sessions of the Court of Wake county.

WHEREAS it is manifest that the people of Wake county are much dissatisfied with the change of the sessions of their county court, by the act of the last session appointing one to be held on the fourth Monday of June and another on the fourth Monday of December yearly, contrary to the former establishment of the said court, with which the people were well pleased; 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 the act of the last session, changing the county court of Wake, in manner aforesaid, be hereby repealed and made void to all intents and purposes; and that the court of the said county shall thereafter be held as formerly, on the third Monday of February, May, August and November, yearly; to which, all matters and things appertaining to the said court so changed and altered, shall stand adjourned; any thing in the before recited act to the contrary notwithstanding.

CHAP. XLV.

An Act for altering the time of holding the Superior Courts of Law and Courts of Equity for the district of Morgan, and also the times of holding the County Courts 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 from and after the next court which shall be held for the district of Morgan, after the passing of this act, the superior courts of law and courts of equity for the said district, shall be held on the fourth days of March and September, and continue the number of days as now appointed by law, if the business in the said court shall require it, to which times all matters and things pending and undetermined in the said court shall stand adjourned, after the court which shall be next held as aforesaid; and all writs and other process shall be returned on the days hereby established, agreeably to the true intent and meaning of this act: *Provided nevertheless*, that whenever the said days hereby established for holding the said superior court shall be on Sunday, then the said court shall commence and be held on the succeeding day.

II. Be it enacted by the authority aforesaid, That the county courts of New-Hanover, shall hereafter be held on the first Monday in January, April, July and October, in each and every year; and that all process, pleading and proceedings in said court depending, and all records therein, shall, from the court to be held for the said county on the third Monday of December, one thousand eight hundred and five, be continued and stand adjourned to the first Monday in April next.

III. And be it further enacted, That all acts and parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAP. XLVI.

An Act to alter the times of holding 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 in future, the county court of Cumberland shall be held on the second Monday of March, June, September and December, in every year: *Provided*, that this act shall not take effect until after the next county court of Cumberland to be held in the month of January, one thousand eight hundred and six; when all causes in the said county court shall then stand adjourned to the second Monday of March next ensuing.

CHAP. XLVII.

An Act to provide for building a new Court-house in Warren 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 Jacob Mordecai, Henry G. Williams, Buckner Davis, Henry Fitts, Thomas B. Gloster, Samuel Alston and William E. Johnston, or a majority of them, be, and they are hereby appointed commissioners to contract with a person or persons for supplying materials and building said Court-house, of such dimensions, and in such manner, as they may think proper; and when the expences thereof are ascertained, they shall certify the same to the court of said county that may happen next thereafter.

II. And be it further enacted, That it shall be the duty of said county court to lay a tax for the purpose of defraying said expence, not exceeding two shillings on every three hundred acres of land, two shillings

on each and every poll, and two shillings on every hundred pounds value of town property, forty shillings for every tavern licence, fifty shillings for every store, five pounds for every billiard table, and the price of the season of one mare for all stud-horses and jack-asses, which tax shall be levied, collected and accounted for, as a majority of the acting justices of the county aforesaid may direct.

III. *And be it further enacted*, That the commissioners aforesaid are hereby authorised and empowered to sell the present Court-house, and the money arising therefrom to be appropriated towards paying for the new one.

IV. *And be it further enacted*, That the said county court is hereby authorised to lay a tax annually, not exceeding the sums aforesaid, for the purpose of completing and finishing the said Court-house. *Provided*, that the sum to be raised by the aforesaid taxes shall not exceed two thousand dollars.

V. *And be it further enacted*, That the surplus money collected, if any, shall be disposed of in such manner, and for such purposes, as a majority of the acting justices may direct.

CHAP. XLVIII.

An Act to empower the persons therein mentioned to call to account and settle with former Sheriffs and Trustees 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 Philip Brooks, Reuben Cole and John Bluebe, and they are hereby authorised and directed to call to account and settle with the different sheriffs that may have acted in said county since the first day of January, one thousand seven hundred and ninety-eight, for all supernumerary money by them collected for said county, in the different years in which they have respectively acted; and the said Commissioners hereby appointed, are directed to notify the said sheriffs in writing, at least thirty days previous to a meeting of the Commissioners for that purpose, specifying in the said notice the time, place and object of their meeting, with a request that they and each of them should come forward on that day and give them satisfaction touching and concerning the said enquiry.

II. *And be it further enacted*, That if the said sheriffs, on being notified as aforesaid, should fail to attend on the day appointed by the said Commissioners, and render the satisfaction by them required, or if they should attend and fail to render such satisfaction, in either case it shall be the duty of the said Commissioners to return the names of the said sheriff or sheriffs to the next county court, stating his or their several delinquency, unless a reasonable excuse for non attendance is made to the said Commissioners within ten days of the time first appointed for said investigation; in such case, it shall be the duty of the Commissioners to make an appointment for another hearing.

III. *And be it further enacted*, That whenever the said Commissioners shall make return of any of the aforesaid officers to the county court, of their having failed to render them satisfaction on the subject of their enquiry, or of failing to attend at the time and place appointed for the same, it shall be the duty of the court aforesaid to enter up judgment against the said delinquent or delinquents, agreeable to the certificate of the clerk of the court, the Comptroller of the State on the discovery of the Commissioners; and the said court, on entering up judgment as by this act required, shall add to the said judgment the sum allowed to the Commissioners for their trouble and expenses in ascertaining and investigating the same.

IV. *And be it further enacted*, That if the officers herein mentioned should render to the Commissioners at their meeting, satisfactory receipts or vouchers, setting forth that they had fairly and justly settled and accounted for all sums of money by them collected, due and owing to the county, or make oath that they had done the same, they shall be exonerated from the payment of any costs whatever; and the Commissioners shall make report of the same to the next county court, and shall receive for their service in performing their duties by this act required, a certificate from the clerk of the court the sum of two dollars for each and every day they are concerned therein, to be paid in the same manner, and under the same rules and regulations as all other claims which are exhibited against the county.

V. *And be it further enacted*, That the said Commissioners are hereby authorised and directed to call to account the trustee or trustees of said county since the time aforesaid, who shall proceed in the same manner as herein directed for a settlement with the sheriffs; and on their failing to render full satisfaction of the justness of their proceedings, in all things touching and concerning the duties of their office, the said Commissioners are hereby directed to report to the next county court the manner in which their business was conducted, and their opinions respecting the justness of their proceedings. And if it should appear to the said Commissioners, that fraud and injustice were committed by him or them, the court shall thereupon enter up judgment and issue execution against them, in the same manner, and observing the same rules as are prescribed by this act in the case of delinquent sheriffs.

VI. *Be it further enacted*, That in case of the death, removal out of the county, inability or refusal to act, of any of the above-named Commissioners, the court of said county is hereby authorised and empowered to appoint some other person or persons competent to the task, to fill such vacancy or vacancies, who shall be vested with all the powers that the Commissioners by this act appointed are vested with.

CHAP. XLIX.

An Act for the appointment of a Committee to settle with all the Sheriffs and Trustees of the county of Rockingham, for public monies due said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Rockingham shall, at the second court to be held for said county, after the first day of January, in the year one thousand eight hundred and six, proceed to appoint three proper persons a committee, whose duty it shall be to call to account and settle with all sheriffs and county trustees, for all supernumerary money by them collected for said county, in the different years in which they have respectively acted. And the said committee by this act appointed, are directed to notify the said sheriffs or trustees, if to be found, in writing, at least thirty days previous to a meeting of the committee for that purpose, specifying in the said notice the time, place and object of their meeting, with a request that they, and each of them, should come forward on that day and give them satisfaction touching and concerning the said enquiry.

II. *And be it further enacted*, That if the said sheriffs or trustees, on being notified as aforesaid, should fail to attend on the day appointed by the said committee, and render the satisfaction by them required,

1605 it shall be the duty of said committee to return the name or names of said sheriffs or trustees to the next county court, stating his or their several delinquencies, unless a reasonable excuse for non-attendance is made to the said committee within ten days of the time first appointed for said investigation: In such case, it shall be the duty of the committee to make an appointment for another hearing.

III. *And be it further enacted*, That whenever the said committee shall make return of any of the aforesaid officers to the county court, of their having failed to render them satisfaction on the subject of their enquiry, or of failing to pay any monies due to the said county, it shall be the duty of the court aforesaid to enter up judgment against the said delinquent or delinquents, agreeable to the discovery and certificate of the committee; and the said court, on entering up said judgment as by this act required, shall add to the said judgment the sum allowed to the committee for their trouble and expences in ascertaining and investigating the same.

IV. *And be it further enacted*, That if the officers herein mentioned, should render to the committee at their meeting, satisfactory receipts or vouchers, setting forth that they had fairly and justly settled and accounted for all sums of money by them collected, due and owing to the said county, they shall be exonerated from the payment of any cost whatever. And the committee shall make report of the same to the next county court, and shall receive for their services in performing the duties by this act required, a certificate from the clerk of the court the sum of two dollars for each and every day they are concerned therein, to be paid in the same manner, and under the same rules and regulations as all other claims which are exhibited against the county.

V. *And be it further enacted*, That the said committee, when appointed as by this act required, shall immediately proceed to do the business as by this act enjoined, and shall have full power and authority to adjourn from day to day, until such time as a fair investigation is had; after which, it shall be the duty of the committee aforesaid, to make out a fair statement of their discoveries, and of all monies by them received, or which may be due to the county aforesaid, which statement they shall cause to be pasted up on the wall inside of the court-house.

VI. *And be it further enacted*, That all monies collected by virtue of this act, shall be applied to the use of said county as the county may direct; any law to the contrary notwithstanding.

CHAP. L.

An Act pointing out the duties of the Sheriff and Trustee in Richmond county.

BE it enacted by the General Assembly of the State of North-Carolina, That from and after the passing of this act, it shall be the duty of the trustee of the county aforesaid, for the time being, on the first day of the second court which shall happen after the time required by law for him to settle with the sheriff and receive the monies due to the county, to make out and paste up on the wall inside of the court-house, a fair statement of the different items of taxable property given in for the year for which he may be settling, also the amount of the county tax on each item, together with a fair statement of the different claims for which the said monies have been paid; and shall also state how much, if any, of said public money remains unappropriated.

II. *And be it further enacted by the authority aforesaid*, That when it shall so happen that there is not any trustee in said county, the court shall proceed to appoint three persons competent to the task, whose duty it shall be to proceed to settle with the sheriff, and receive the monies due to said county, and pay the same to the holders of claims against the county, agreeable to their date and number, beginning at the eldest date, and smallest number.

III. *And be it further enacted by the authority aforesaid*, That the court of said county may allow to the trustee or committee (as the case may be) any sum they think proper, not exceeding six dollars for making out and pasting up the statement as above described, to be paid out of the money by him or them received.

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the sheriff, on settlement with the trustee or committee, to render an account on oath, made before some justice of the peace, of all the supernumerary money by him collected for the use of the county, and pay the same into the hands of the trustee or committee, to be applied in the liquidation of county claims.

V. *And be it further enacted by the authority aforesaid*, That if the sheriff, trustee or committee, shall neglect or refuse to comply with the requisites of this act, he or they shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, one-half to be applied to the use of the Richmond Academy, and the other half to any person suing for the same: *Provided always*, that the trustee shall not incur the penalty herein prescribed, if he shall have applied to the sheriff for the monies due to the county, and on failure of the sheriff paying the same, shall have brought suit against him, as in such case made and provided; any law to the contrary notwithstanding.

CHAP. LI

An Act pointing out the duty of the Sheriff and Trustee of Rockingham 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 trustee for the time being, in the county of Rockingham, in each and every year, on the first day of the second court which shall happen after the time required by law for him to settle with the sheriff, and receive the monies due to the county, to make out and paste up a fair statement of the different items of taxable property given in for the year for which he may be settling, also the amount of the county tax on each item, together with a fair statement of the different claims for which the said monies have been paid, and shall also state how much, if any, of said public money remains unappropriated.

II. *And be it further enacted*, That the court of said county may allow to the trustee any sum they may think proper, not exceeding six dollars for making out and pasting up the statement above directed, to be paid out of the money by him received.

III. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the sheriff of said county, for the time being, in each and every year after the passing of this act, on settlement with the trustee, to render an account on oath, made before some justice of the peace, of all the monies by him

collected for the use of the county, and pay the same into the hands of the trustee, to be applied in the liquidation of county claims.

IV. *And be it further enacted*, That if the sheriff or trustee, as aforesaid, shall neglect or refuse to comply with the requisites of this act, he or they shall forfeit and pay the sum of two hundred pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, one-half to be applied to the use of the poor of said county, and the other half to the use of any person suing for the same: *Provided always*, that the trustee shall not incur the penalty herein prescribed, if he shall have applied to the sheriff for the monies due to the county, and on failure of the sheriff's paying the same, shall have brought suit against him, as in such case made and provided; any law to the contrary notwithstanding.

V. *And be it further enacted*, That no trustee for the county of Rockingham shall, in future, be considered duly elected, unless a majority of the acting justices of said county be present at such election.

CHAP. LII.

An Act to empower the County Court of Perquimons to levy and collect a tax for the purpose of erecting a house for the reception and employment of the Poor, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, That the county court of Perquimons is hereby authorised and empowered to levy and collect a tax of one shilling and sixpence on each poll, sixpence on every hundred acres of land, one shilling and sixpence on every hundred pounds value of town property, and one-fourth part of the sum that the owner shall demand for a season per mare for every stud-horse in said county, for the years one thousand eight hundred and six, one thousand eight hundred and seven, and one thousand eight hundred and eight, for the purpose of building a house in said county for the reception and employment of the poor thereof.

II. *And be it further enacted*, That the said court shall have full power to appoint three commissioners as trustees, for the purpose of contracting for the building of said house, who shall purchase, or receive by way of donation, a convenient parcel of land for that purpose, and take a deed or deeds for the same, in the name of the chairman of the court, for the benefit of the poor of the said county.

III. *And be it further enacted*, That when the commissioners shall report that the said house is fit for the reception of the poor, the said court shall appoint one discreet person to superintend the same, whose duty it shall be to keep a regular account of the expenditures for, and earnings of the poor, and return a statement thereof to court at least once in every year. And it is hereby declared to be the duty of the wardens of the poor to send unto the said house, all such persons as in their opinion deserve the aid of the county, and also to assist the manager of said house (if necessary) in the management thereof.

IV. *And be it further enacted*, That if any person shall be convicted as a vagrant in said county, that it shall be the duty of the justice who acted on the trial, to commit him or her so convicted, to labour under the direction of the manager of said house, until the next court of said county, when he or she shall be released, or again committed, at the discretion of the court, so that such commitment shall not exceed thirty days.

V. *And be it further enacted*, That five justices shall be present, when acting in court on any part of this act; any law, usage or custom to the contrary notwithstanding.

CHAP. LIII.

An Act to empower the County Court of Carteret 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 six, and the year one thousand eight hundred and seven, 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 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 allowances for their services as the said court shall think proper to make.

III. *Be it further enacted*, That the commissioners who 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 dimension 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 make such arrangements for their useful and comfortable employment, as to them may appear most advantageous for the support of said poor, and make a report 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, be unable, or refuse to act.

VI. *And be it further enacted*, That the wardens of the poor for the county of Carteret, 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.

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CHAP. LIV.

An Act to authorise the County Court of Pasquotank to lay a tax for the purpose of building a Prison and Stocks, and finishing the Court-house in said county, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a power be vested in the justices of the county court, or a majority of them, to lay a tax on the inhabitants of said county not exceeding three shillings on each poll, one shilling on every hundred acres of land, and three shillings on every hundred pounds value of town property, for the term of two years, if by them deemed necessary; and to be collected and accounted for as other taxes, and to be appropriated and applied to the purpose of building a prison and stocks, and the finishing the court-house in said county. And that the county court aforesaid shall appoint three discreet persons to act as commissioners to carry the said work into effect; and previous to their entering into office, it shall be the duty of the said commissioners to give bond and security for the faithful performance of their duty under the direction of the said court. And the commissioners shall make a fair statement of all their progress and expenditures, and report to the said court from time to time, as required by them, until the whole business be completed.

II. *And be it enacted,* That the said commissioners shall direct the sheriff of the county aforesaid, to sell at auction, on a credit of six months, the old jail in the city of Elizabeth, he giving due notice thereof, and the money arising therefrom shall be applied for the purpose above mentioned.

III. *And be it further enacted,* That the overseers of the poor of the county aforesaid, are hereby empowered to lay an additional poor tax on the inhabitants of the said county, for the years one thousand eight hundred and five and one thousand eight hundred and six, not exceeding one shilling on each poll, four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, and that the same be collected and accounted for as other taxes, and to be applied towards certain arrearages due in said county; any thing to the contrary notwithstanding.

CHAP. LV.

An Act to provide for the repairing of the Court-house of Chowan county, and other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Chowan shall, at their first session to be held after the first day of March next, proceed to levy a tax not exceeding one shilling on each poll, a tax not exceeding one shilling and sixpence on every hundred pounds value of town property, and a tax not exceeding four-pence on every hundred acres of land within the said county, for the purpose of repairing the court-house of said county.

II. *And be it further enacted,* That the sheriff of said county shall collect and account for the said tax, under the same rules, regulations and restrictions as other public taxes are collected and accounted for, and shall pay the same to the commissioners of the town of Edenton; and it shall be the duty of the said commissioners, or a majority of them, to employ some proper person to repair the said court-house, and to superintend the same until it shall be completed, and shall, at the next court thereafter, render an account of their receipts and expenditures to the said court, for their settlement and allowance thereof.

III. *And be it further enacted,* That if the monies raised and collected in virtue of this act, shall exceed the sum necessary for the repairing the court-house, it shall be lawful for the aforesaid commissioners to apply such surplus towards repairing the jail of the said county, in such manner as they may deem proper.

IV. *And be it further enacted by the authority aforesaid,* That the commissioners of the said town are hereby authorised and empowered to appoint a collector of all taxes to be levied and collected from the inhabitants of the said town for the use thereof, who shall enter into bond with sufficient security for the faithful discharge of his duty in collecting, accounting for, and paying to the said commissioners, all such monies as may come to his hands by virtue of his appointment; any law, usage or custom to the contrary notwithstanding.

CHAP. LVI.

An Act to authorise the County Court of Randolph to lay a tax to defray the expences of building a Court-house in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of the justices of the county court of Randolph is hereby authorised, whenever they deem it necessary, to levy a tax not exceeding two shillings on the poll, eight-pence on every hundred acres of land, four shillings on every hundred pounds value of town property, in the town of Ashborough, and two shillings on every hundred pounds value of town property in the town of Johnstonville, 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 said tax so levied for one year should be insufficient to answer the purpose 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 by the authority aforesaid,* That the county court of Randolph, on proceeding to the business aforesaid, shall appoint three commissioners, whose duty it shall be to draw a plan of the said court-house, under the direction of the court, let out the building of the same to the lowest bidder, and see that it be completed in a workmanlike manner.

III. *And be it further enacted by the authority aforesaid,* That the county court of Randolph are hereby authorised, by themselves or their commissioners as they shall deem it best, to expose to sale and sell the present court-house, either with or without a part of the public lot annexed thereto, and make a good and sufficient title for the same to the purchaser, and the monies arising therefrom shall be applied to the use of the said county of Randolph.

CHAP. LVII.

An Act to direct the manner of appointing Wardens of the Poor for the county of Halifax.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the inhabitants of Halifax county, and they are hereby required, at the elections to be held for wardens of the poor for said

county, to elect one person in each captain's district within the said county; and the wardens so appointed in virtue of this act, shall have the same powers in all respects as those heretofore appointed, any law, usage or custom to the contrary notwithstanding.

CHAP. LVIII.

An Act to empower the County Courts of Camden and Currituck to lay a tax on the inhabitants of said counties for the purpose of building of houses for the reception and employment of the Poor thereof.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the courts of said counties are hereby authorised to lay a tax annually for three years, if it should be deemed necessary by the said courts, that is to say, for the year one thousand eight hundred and six, one thousand eight hundred and seven, and one thousand eight hundred and eight, not exceeding two shillings on each poll, and eight-pence on every hundred acres of land within the said counties, to be levied, collected and accounted for as other county taxes.

II. And be it further enacted, That the said county courts 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 courts shall think proper to make.

III. And be it further enacted, That the commissioners who shall be appointed by this act, are empowered to fix on proper places in the said counties for the erection of such buildings, and either to buy, or receive by way of donation, such lands as may be convenient for the same, and take a deed thereof from the former proprietors or owners, to the wardens of the poor of said counties, to and for the use of the poor thereof, which deed shall be recorded in the proper offices, and lodged with the clerks of the courts of said counties. And the said commissioners are hereby farther authorised, to use their own discretion with respect to the size and dimensions of said houses, and manner of erecting the same.

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

V. Be it further enacted, That if any of the commissioners herein to be named, shall die, remove, or be unable, or refuse to act, then and in that case, it shall be lawful for the courts of said counties 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.

CHAP. LIX.

An Act describing the residence of the Wardens of the Poor in the county of Nash, and other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, nine wardens of the poor shall be elected for the county of Nash, that is to say, one for each captain's district, who shall have resided therein at least three years previous to the day of election, and shall have paid public taxes.

II. And be it further enacted, That the wardens so elected, shall have the same powers and authorities as the wardens within this state; any thing to the contrary notwithstanding.

CHAP. LX.

An Act enabling the Court for the county of Mecklenburg to provide for the better preserving, transcribing and authenticating certain parts of the Records in the Register's Office of said county, and for other purposes therein mentioned.

WHEREAS it has been represented to the General Assembly of this State, that the records in the register's office of the county of Mecklenburg are in a very insecure condition; that many of them, especially those executed by and under the direction of Robert Harris, one of the former Registers of said county, are written with very bad ink, and in such an indifferent hand-writing, and in all respects badly executed; and also, that in many cases the clerk's certificate is omitted to be registered: 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 court of Mecklenburg county may, and are hereby authorised and empowered to appoint one or more fit and proper person or persons to transcribe such parts of the records in the register's office of said county as they may deem proper and necessary.

II. And be it further enacted by the authority aforesaid, That it shall be the duty of such person or persons so appointed by the court aforesaid, to transcribe such part of the records in the register's office aforesaid, as he or they may be directed to do, in a fair and legible hand-writing, with good and durable ink; and in cases where the certificate of the clerk is omitted to be registered, he or they shall apply to the clerk of said county, and he is hereby directed at all times, to suffer such person or persons so appointed as aforesaid, to have free access to his office and the records thereof, to take copies of the certificates of the probate of all such deeds and conveyances as may or shall be found registered without registration of the clerk's certificate of probate, which said copies so taken, shall be by such person or persons registered along with the deed or conveyance to which it belongs or is proof of. And whereas, from length of time and misfortunes in the late revolutionary war, part of the records of the county court of Mecklenburg county has been lost or destroyed, by reason of which, in many cases, the record of probate of many deeds that are registered without registration of the clerk's certificate cannot be had, although no rational doubt can be entertained but the same deeds and conveyances were, before registration, duly acknowledged and proved in open court, or before some Judge of the superior court; and whereas it is of the utmost importance to all the citizens holding lands under titles thus circumstanced, that they should be made secure, in their just rights: For remedy whereof,

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 III. *Be it further enacted*, That all deeds and conveyances transcribed in manner aforesaid, after the same shall be examined by the court aforesaid, or by a committee thereof appointed for that purpose, shall be deemed good and valid in law; and that in all cases where the original of such deed or conveyance shall be lost or mislaid, an oath thereof being made to the satisfaction of the court, that a copy from the register's office of any such deed or conveyance taken from such record, so transcribed as aforesaid, shall be as good and valid in law, as copies of records in other cases, are deemed and considered to be.

IV. *And be it further enacted by the authority aforesaid*, That in all those cases where the certificate of probate are omitted to have been registered with the deed or conveyance in the said register's office, and the same cannot be found in the clerk's office of the said county, the registration shall be as good and effectual, to all intents and purposes, as if the certificate of probate thereof had been registered; any law to the contrary notwithstanding. *Provided always*, that in all such cases, the person or persons appointed as aforesaid, shall briefly certify, under the registration of said deed or conveyance, that the certificate of probate is lost, or not to be found in the clerk's office.

V. *And be it further enacted by the authority aforesaid*, That the person or persons appointed under this act, shall, in open court, before he or they enter upon the duties of his or their appointment, swear that he or they will faithfully perform the duties required by this act.

VI. *And be it further enacted by the authority aforesaid*, That all expence and charges arising by virtue of this act, shall be paid by the county trustee out of the county tax of said county, upon an order of the court thereof for that purpose to him directed.

CHAP. LXL

An Act to authorise the County Courts of Nash, Hertford and Carteret, to appoint Commissioners to examine the Register's books of said counties, and to appoint proper persons to transcribe the same, so far as is necessary.

WHEREAS it is represented to this General Assembly, that a considerable part of the public register's books of said counties, are much obliterated owing to time and use:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of Nash, Hertford and Carteret, having a majority of the acting justices of said counties, are hereby empowered and required to appoint three proper persons as commissioners to examine the registers books of the said counties, and make report thereof to the next succeeding courts, how far it is necessary to transcribe the same; which said commissioners before entering on their duties, shall be sworn to discharge their trusts faithfully, whereupon a majority of the justices aforesaid, may and they are hereby empowered and required to appoint some proper and well qualified persons to transcribe the aforesaid books, who also shall take an oath to discharge the trusts reposed in them with fidelity.

II. *And be it further enacted*, That the persons so appointed to transcribe the books aforesaid, shall furnish the necessary books in which the original books are to be transcribed, which said books shall be well bound in leather.

III. *And be it further enacted*, That as soon as the transcript shall be completed, that the courts, having a majority of justices aforesaid, shall direct the commissioners aforesaid to examine the correctness of the said transcripts and make report thereof, and for their services shall be paid at the discretion of the courts. And upon the report of the said commissioners, the courts may, and they are hereby empowered and required to allow such sum of money to the persons so transcribing the books and to the commissioners aforesaid, as they may deem adequate to their services.

IV. *And be it further enacted*, That the courts may, and they are hereby empowered to lay a tax sufficient to discharge the expence incident to such transcripts. And after the said books shall be transcribed, they shall, and are hereby declared to be, as valid to all intents and purposes, as the original books might or could have been; and all authenticated copies therefrom shall be received in evidence in any court of this State, as if taken from the original records. And said originals, after the transcripts are made, shall be deposited in the clerk's office of said counties, who are hereby required to keep safe the same; but shall not be authorised to grant copies therefrom.

V. *And be it further enacted*, That the persons so appointed to transcribe the said books, shall be, and they are hereby appointed temporary registers, to grant copies from such of the said books as they may have to transcribe, which said copies shall be as valid as if granted by the original public registers of said counties; any law, usage or custom to the contrary notwithstanding.

CHAP. LXII.

An Act to compel the Register of Bertie county, to keep his office at or within two miles of the Court-house of said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Register's office of said county, shall at all times be kept at or within two miles of the court house of said county, any law to the contrary notwithstanding.

CHAP. LXIII.

An Act to compel the public Register and Entry-taker of the county of Hyde, to hold their offices at or within four miles of the Court-house of said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the public register and entry-taker of the county of Hyde, shall keep their offices at or within four miles of the court-house of said county, under the penalty of forfeiting one hundred pounds, to be recovered by any person suing for the same, one half to the person so suing, and the other half to the use of the poor of said county: any law, usage, or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That in case of resignation of either public register or entry-taker, they shall and are hereby compelled to deliver to their successors in office, all the papers and books which may properly belong to their respective offices.

CHAP. LXIV.

An Act to compel the Clerk, Register and Entry-taker of the county of Robeson, to keep their offices at or within five 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 the clerk, register and entry-taker of Robeson county, from and after the first day of September next, shall keep their offices at or within five miles of the court-house of said county, by themselves or lawful deputies, under the penalty of fifty pounds for each and every year, they or any of them shall fail to comply with the requisites of this act, to be recovered by action of debt before any court having jurisdiction thereof, one half to be applied to the use of the county, and the other half to the use of the person suing for the same; any law to the contrary notwithstanding.

CHAP. LXV.

An Act directing the manner in which the Sheriff of Buncombe county, shall hereafter collect and pay out the tax of said county, and other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, any tax to be laid by the county court of Buncombe, to defray the county contingencies or charges against the county, shall be collected by the sheriff in the currency of the state, and by him paid out to the county treasurer, on or before the last day of December in each and every year, and not otherwise, under the penalty of five hundred pounds, to be sued for in the name of the chairman of the court, and applied to the use of the county; and the said treasurer, before he enters upon the duties of his office, shall in open court give bond with approved security in the sum of five hundred pounds, payable to the chairman of the court, for the use of the county, for the faithful discharge of the duties of his office as county treasurer.

II. *And be it further enacted,* That all claims against the county which have heretofore been obtained, or shall hereafter be obtained, shall be entered with the county comptroller in a book by him to be kept for that purpose, with their numbers and dates, and the county treasurer shall pay off the same according to their several numbers, in the currency of the state, and not otherwise. And the said treasurer shall at the first court which shall happen after the first day of January in each and every year, make a final settlement with the court, fairly stating all monies and bonds, notes and judgments that have been put in his possession for the use of said county, and likewise a joint account of all monies by him collected or paid out. And in case any treasurer shall fail fully to account with the court as aforesaid, it shall be the duty of the county solicitor to move in court for a Scire Facias to issue against such delinquent treasurer and all other county delinquent officers.

CHAP. LXVI.

An Act to amend the fourth section of an act, passed at Hillsborough in the year 1783, which makes provision for the payment of witnesses attending the county courts within this State, so far as respects Carteret county.

WHEREAS by the above-recited act, the payment of witnesses is found inadequate to their expence and trouble: 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 each person lawfully summoned, and shall attend the county court of Carteret as a witness, shall be allowed for every thirty miles travelling, going to and returning from the said court, the sum of ten shillings, to be paid by the party cast, and inserted by the clerk in the bill of cost: *Provided,* that the party cast shall not be obliged to pay for more than two witnesses to prove any single fact; and the attendance and mileage of such witnesses, shall be ascertained by their making oath of the same before the clerk of the court when the cause may be determined, or within five days after.

II. *And be it further enacted by the authority aforesaid,* That when any person shall be lawfully summoned to attend as a witness before any justice or justices of the peace for the county of Carteret, out of court, shall be allowed the sum of five shillings per day, to be paid by the party cast, and inserted by the justice in the judgment as cost, and ascertained by the witness making oath of the same, before the said justice: *Provided,* The party cast shall not be obliged to pay for more than two witnesses to prove any single fact; any law to the contrary notwithstanding.

CHAP. LXVII.

An Act to amend and repeal part of an act passed last General Assembly, entitled "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, That from and after the passing of this act, each and every juror who shall be appointed and summoned, and shall regularly attend the court aforesaid, shall be allowed the sum of five shillings for each day's attendance, and the like sum for every thirty miles travelling to and from court.

II. *Be it further enacted,* That each juror shall obtain from the clerk of said court, a certificate in the same manner as certificates are obtained from the clerks of the Superior courts for like services.

III. *Be it further enacted by the authority aforesaid,* That the sheriff of said county, and his successors in office, are hereby authorised and empowered to collect annually, one shilling on each and every poll, and four pence on each and every hundred acres of land, and one shilling on every hundred pounds value of town property, for the purpose of paying the jurors for the above described services.

IV. *Be it further enacted,* That if any person or persons resident in Richmond county, shall kill and destroy a wolf or wolves, wild and running at large in said county, he or they shall be entitled to receive the sum of one dollar for each grown wolf, on producing the scalp thereof, and swearing before some justice of the peace, that he or they killed the same within the limits of the said county.

V. *Be it further enacted by the authority aforesaid,* That a majority of the acting justices are hereby authorised and empowered, if they think it expedient, to lay a tax not exceeding sixpence on each and every poll, also a tax not exceeding two pence on each and every hundred acres of land for the purpose of paying for destroying the above described vermin.

VI. *Be it further enacted, &c.* That no wolf or wolves, killed previous to the court's laying the tax above described, shall be paid for by the county.

VII. *Be it further enacted;* That such part of the above recited act as does come within the meaning of this act, is hereby repealed and made void.

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CHAP. LXVIII.

An Act to amend an act, entitled "An act to alter the mode of raising money to defray the expences of the Jurors from the county of Burke to the Superior Court of Morganton District and County Court of Burke, and for other purposes therein mentioned."

WHEREAS the aforesaid act limits too short a time for the juror's certificates and other county claims to be presented to the county treasurer to be enrolled, and many of the citizens for want of a knowledge of the law, neglected to present their claims to be enrolled, will be obliged to lose their demands: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful at any time to present to the county treasurer of the county of Burke, all the old jurors, clerks, sheriffs and constables certificates, and all the certificates for killing wolves, which are not yet enrolled; and the county treasurer aforesaid shall enrol and pay them off in rotation, agreeable to the aforesaid act.

CHAP. LXIX.

An Act making compensation to the Jurors who may hereafter attend the County Court 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, each and every juror summoned to attend the county court of Rowan, shall, for each and every day they may attend the said court, receive the sum of five shillings, and the same sum for every thirty miles travelling to and from the same, together with the ferriages; and the juror or jurors so attending, shall apply to the clerk of the said court for a certificate of his attendance, whose duty it shall be to make out the same.

CHAP. LXX.

An Act to empower the County Courts of Duplin and Onslow to lay a tax for the express purpose of paying the jurors from said counties to the Superior 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, it shall and may be lawful for the justices of the county courts of Duplin and Onslow, at their first session in each and every year, to lay a tax not exceeding one shilling on every poll, and four-pence on every hundred acres of appropriated land, for the purpose of paying the jurors from said counties to the superior court, which money shall be collected as other taxes in said counties.

II. *And be it further enacted,* That it shall be the duty of sheriffs of said counties to forward so much of the monies arising from said tax, when collected, to Wilmington, at each and every superior court there held, as will be sufficient to pay off the jurors from said counties at their discharge from said superior court, they producing the clerk's certificate, and proving their mileage and ferriage.

III. *And be it further enacted,* That the sheriffs of said counties shall, once in every year, settle with the chairman of said county courts, for all monies by them collected by virtue of this act; any law, usage, or custom to the contrary notwithstanding.

CHAP. LXXI.

An Act to amend the several acts of Assembly that require a majority of the acting justices to be present for the purposes herein mentioned, so far as respects the counties therein named.

WHEREAS by the acts of Assembly heretofore in force, it is enacted that a majority of the acting justices belonging to the county shall be present at the laying of a tax for repairing of public buildings, building of bridges, or any other county tax, or in making allowances for extra services to the clerk or sheriff, or in allowing any other claims against the county; and whereas it frequently happens that it is difficult to assemble a majority of the acting justices of the counties of Granville, Rowan and Wake, for the purposes aforesaid, owing to the great number of justices in said counties, whereby great damages are sustained both by the public and individuals: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any number of the acting justices of the counties aforesaid, not under eleven, at the courts of pleas and quarter sessions, to be held for the counties of Wake, Granville and Rowan, to have full power and authority to lay a tax for the repairing of public buildings, building of bridges, or any other tax, or in making allowances for extra services to the clerk or sheriff, or in allowing any other claims against the county; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXII.

An Act for the relief of Sheriffs hereafter to be appointed for the county of Cabarrus.

WHEREAS the electing sheriffs, and the period of payment of the public and county taxes for the county of Cabarrus, has been found extremely inconvenient and burthensome: 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 sheriffs hereafter elected for said county, shall be only bound to collect and account for the taxes that may become due and payable within the year for which they shall be elected; any law to the contrary notwithstanding.

CHAP. LXXIII.

An Act to empower Uriah Sullivan, late sheriff of Brunswick county, to collect the arrears of taxes due him for the year 1800.

WHEREAS in pursuance of an act of the General Assembly, passed in the year 1796, the dividing-line between the counties of Brunswick and Bladen was run out and established by commissioners appointed for that purpose, by which a number of inhabitants who had been considered as inhabitants of the said county of Brunswick, and who had given in their list of taxables therein for the year 1800, were taken into the county of Bladen: And whereas Uriah Sullivan was elected to the office of sheriff of said county of Brunswick, in the year 1801, and thereby became bound to collect and account for the taxes of the preceding year: And whereas the said Uriah Sullivan did not receive the list of taxables in time to make a

collection of the same previous to the establishing of said line, and the inhabitants taken into the county 1803 of Bladen as aforesaid, refused to pay him the taxes by them due, notwithstanding the said Uriah Sullivan has actually paid the same in the Public Treasury of this State :

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Uriah Sullivan, late sheriff of the county of Brunswick, be, and he is hereby authorised and empowered to collect from all such inhabitants, the amount of their respective taxes for the said year 1800, agreeable to their several lists so given in, with full power and authority to distrain for the same, under the same rules and regulations which the several sheriffs in this State are authorised and empowered to distrain for in a collection of public taxes.

II. *And be it further enacted,* That the said Uriah Sullivan be, and is hereby authorised and empowered to collect all other arrearages of taxes which may be due him in the said county of Brunswick for the said year of 1800, under the same rules and regulations which other taxes are collected in this State : *Provided nevertheless,* that this act shall not extend to empower the said Uriah Sullivan to collect any tax from executors or administrators, or from any person who will make oath that he or she has paid the same.

III. *And be it further enacted,* That this act is hereby declared to remain in force twelve months from the ratification thereof, and no longer.

LXXIV.

An Act to authorise the Securities of John Jennings, deceased, late sheriff of Anson county, to collect the taxes due in said county for the year 1804.

BE 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 securities of John Jennings, deceased, late sheriff of Anson county, be, and they are hereby authorised to collect the taxes due in said county for the year 1804, which collection shall take place under the same rules, regulations and restrictions, as are prescribed by law for sheriffs in the collection of public taxes ; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXV.

An Act authorising the present sheriff of the county of Stokes to collect the tax due the former sheriff of said county, for the purpose of building a Gaol for the district of Salisbury, in 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 the present sheriff of Stokes county be, and he is hereby authorised and empowered to collect the tax due the late sheriff of said county, for the purpose of building a Jail in the district of Salisbury, in the county of Rowan : any law, usage or custom to the contrary notwithstanding.

CHAP. LXXVI.

An Act to divide the Militia of Buncombe county into three separate Regiments,

WHEREAS the great extent of the county of Buncombe, and the many mountains and water courses which divide the same, render it very inconvenient for the inhabitants thereof to attend general musters at the court-house :

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 militia of the county of Buncombe shall be, and the same is hereby divided into three separate regiments, in the following manner, to-wit : the companies of infantry at present commanded by Captains Erwin, Bird, Davidson, Merrel, Mires, Butler, Rhodes, Graham, Clayton and Thaxer, shall compose the first regiment ; and the companies of infantry at present commanded by Captains Williams, Street, Moore, Gillespie, Deaver, Wolf, M'Henry, and the Ocone Luffy company, shall compose one regiment, to be called the second regiment ; and the infantry at present commanded by Captains Garretson, Shields, Rogers, Bailey, Edwards, Sevier and M'Mahon, shall compose one regiment, to be called the third regiment.

II. *And be it further enacted,* That the field officers for each of said regiments, shall be appointed by the present General Assembly, and shall be in each an inhabitant within the limits or bounds of the regiment or battalion which they command.

III. *And be it further enacted,* That the colonel or commanding officer of each regiment shall appoint the place for holding the first regimental muster that shall happen after the passing of this act, at which time and place the commissioned officers of the several regiments shall appoint the several places at which the respective regiments shall hereafter hold their regimental musters and courts martial.

IV. *And be it further enacted,* That the companies of cavalry at present commanded by Captains Justice and Chunn, shall be attached to the first regiment, and the company of cavalry at present commanded by Captain Davidson, shall be attached to the second regiment.

CHAP. LXXVII.

An Act to alter the mode of holding the separate Elections in Beaufort county.

WHEREAS from the remote situation of the separate elections held in the county of Beaufort from the court-house of said county, it is found to be inconvenient to keep the polls open until sun-set, as by law established : To remedy which,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the sheriff of the county of Beaufort, by himself or legal deputy, to open the election at Stanton Harriald, agreeable to the law heretofore passed for establishing the same, and to close it at four o'clock on the same day ; and to open that which is held at Bath under the restrictions pointed out by law, and close the same at five o'clock the same day : *Provided,* that nothing contained in this act, shall prevent the closing of the polls at either place at an earlier hour, if agreed to by the candidates ; any law to the contrary notwithstanding.

CHAP. LXXVIII.

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

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the sheriff of Tyrrel county, by himself or his lawful deputy, on the Monday preceding the annual elections, to open and

1805 hold a separate election on the west side of Cuppernong river, at the house of John Bateman, for the convenience of the inhabitants, to give their suffrages for members of the assembly and representatives in congress, and to elect electors. And the said sheriff, deputy sheriff or their successors, shall hold the said elections under the same rules, regulations and restrictions, as are prescribed for other elections in this state. And the votes so taken shall be counted out at the close of the poll, which votes shall and they are hereby declared to be part of the suffrages of Tyrrell county; any thing to the contrary notwithstanding.

CHAP. LXXIX.

An Act to amend an act, entitled "An act granting to the inhabitants of Northampton 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 the upper separate election, heretofore held for the county of Northampton at the Beard Free Tavern, shall in future be holden at Maconville.

II. Be it further enacted, That it shall be the duty of the sheriff of said county, or his deputy, immediately after the polls are closed at the several separate elections, to count out the votes received at each place, in presence of the inspectors, and cause a fair statement thereof to be made, which shall be subscribed by the sheriff or his deputy, and the inspectors, and transmitted to the court-house; and the number of votes in favour of each candidate, shall be added to those taken at the court-house, on the last day of the election; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXX.

An Act to amend the several acts of Assembly for establishing separate Elections in the county of Duplin, and to establish one other 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, it shall be lawful for the sheriff of Duplin county, by himself or deputy, to open and hold an election at the several places appointed by law for separate elections, and also at the house of Lewis Barfield, on Burncoat in said county, on the second Thursday in August in each and every year, for the purpose of receiving votes for Members of the General Assembly, which shall be held open from twelve o'clock until four in the afternoon; and the votes so taken at each election, shall be counted out in presence of the inspectors respectively; and the number of votes in favour of each candidate, shall be transmitted on the day following to the sheriff or other returning officer, at the court-house, and be added to those there taken; and the person having the greatest number of votes shall be declared duly elected; but if two have an equal number, the sheriff shall then give the casting vote.

II. And be it further enacted by the authority afore-said, That elections for Representatives to Congress and for Electors to vote for a President and Vice-President of the United States, shall be held at the same places appointed for electing Members of the General Assembly, under the same rules, regulations and restrictions as by this act directed.

III. Be it further enacted, That so much of the before-recited act as comes within the purview and meaning of this act, be, and the same is hereby repealed and made void.

CHAP. LXXXI.

An Act to remove the separate election on the north side of Tar river in Pitt county, heretofore held at the house of Josiah Carney, Esq. to the house of Peter Mayo, on the north side of Grindle creek, in said county.

WHEREAS a large number of the inhabitants on the north side of Tar river, hath petitioned this General Assembly, to have the separate election heretofore held at the house of Josiah Carney, Esquire, removed to the house of Peter Mayo, on the north side of Grindle 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 from and after the passing hereof, the separate election in Pitt county, heretofore held at the house of Josiah Carney, Esquire, shall hereafter be held at the house of Peter Mayo, senior, on the same days as heretofore held at said Carney's by law, under the same rules, regulations and restrictions.

II. And be it further enacted, That the poll shall be opened by the sheriff, or his lawful deputy, at the house of said Peter Mayo, by twelve o'clock of the day, and continue open till five o'clock in the afternoon, unless sooner agreed upon by the candidates present, and the votes so taken shall be counted out in presence of the inspectors, and be transmitted to the court-house on the Friday following, and be added to the votes taken at the other separate elections, and those taken on that day; and the candidates having the largest number of votes be declared, as heretofore, duly elected; any law to the contrary notwithstanding.

CHAP. LXXXII.

An Act granting a separate election to the inhabitants in the upper part of Wake county, on the north side of Neuse river.

WHEREAS it appears to this General Assembly, that the inhabitants of said county, residing in the upper part of the north side of Neuse river, and west of the road leading from Louisburg by Drummond's store to Rogers's bridge on the said river, are frequently prevented by high waters from attending annual elections in the city of Raleigh, or any separate election heretofore established in said county, to vote for members of the General Assembly, representatives to Congress, and electors to vote for President and Vice-President of the United States:

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 Solomon Terryl, Allen Mobley, Robert Crenshaw, Henry Coker and James Harris, be, and they are hereby appointed commissioners to fix on such place, as to them may appear most convenient, for the reception of the votes of the inhabitants of the part of the county so described on the north side of Neuse river aforesaid. And the place so fixed on by them, or a majority of them, shall be the place of election to receive votes for members of the General Assembly, representatives to the Congress of the United States, and electors to vote for President and Vice-President of the United

States, and the said election shall be held annually at the place so fixed on by the commissioners, on the Tuesday next preceding the second Thursday in August, to be opened at twelve o'clock of the said day, and continued open until sun-set, for the reception of votes, under the same rules and regulations that annual elections are at present held at the different places established by law: and the commissioners, when they have fixed on such place, shall give notice to the sheriff, who shall at least ten days before the election, advertise the same at three public places in that part of the county, when and where the election is to be held.

II. *And be it further enacted*, That the votes taken in any election at the place so fixed on, 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 Thursday then next, 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 for the purposes aforesaid.

III. *And be it further enacted*, That the county court of Wake shall, at the time fixed by law to appoint inspectors of the separate elections before established in said county, annually appoint one justice of the peace and two freeholders in the said county, to be inspectors of the separate election by this act established.

IV. *And be it further enacted*, That if any person shall vote at more than one place of election in said county in the same year, he shall be liable to a fine of ten pounds, to be recovered before any justice of the peace, one half to the use of the informer, and the other half to the use of the county.

CHAP. LXXXIII.

An Act to alter the time of holding the separate Election in 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 the separate elections held at Morgan's and Hagg's, in the county of Rowan, shall hereafter be held on the second Thursday and Friday in August in each and every year, at the aforesaid places, the poll to be opened on Thursday at ten o'clock, and remain open until Friday twelve o'clock the next day, when the votes taken at each separate election shall be counted out in the presence of the inspectors, and a statement thereof subscribed by them, setting forth the number of votes received for each candidate, shall be transmitted the same day to the sheriff at the court-house in the town of Salisbury; and the votes contained in the statement, shall be added to those taken at the court-house. And that the said election shall be under the same rules and regulations as all other elections in this State; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXIV.

An Act to establish a separate Election in the county of Guilford.

BE 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 Guilford county, by himself or lawful deputy, shall open and hold an election on the south-west side of Deep River, on Tuesday preceding the second Thursday in August in each and every year, at the place to be appointed and agreed on by the commissioners hereinafter named; and the said election shall be held and kept open until sun-set of the same day, when the ballots and tickets taken and received thereat, shall be sealed up by the officer conducting said election, in the presence of the inspectors, and by him conveyed to the court-house of said county, where they shall be broke open in presence of the inspectors of the election held at the court-house, and counted out with the ballots which are there received. And the said separate election shall be conducted under the same rules and regulations as all other elections in this State.

II. *And be it further enacted*, That James Parsons, James Dunning and Daniel M'Fetridge, are hereby appointed commissioners to fix on a place at which said separate election shall be held; any law to the contrary notwithstanding.

CHAP. LXXXV.

An Act to establish a separate Election at the house of Philip Mocks in Rowan county, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, That the sheriff of Rowan county, by himself or deputy, shall, on the Wednesday next preceding the second Thursday in August, in each and every year, open and hold an election at the house of Philip Mocks, in said county, 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 on that day, and continue open until sun-set, unless sooner agreed on by the candidates present, and shall be continued under the same rules and regulations as all other elections in this State; and the votes there taken, shall be counted out on that day in presence of the inspectors, and the number of votes in favor of each candidate shall be transmitted by the officer who shall conduct the said election, to the sheriff at the court-house, on or before sun-set the day following; any thing to the contrary notwithstanding.

II. *And be it further enacted*, That after the passage of this act, the commissioned officers of the second regiment of the Rowan militia, may at all times fix on the place the most convenient and desirable to them for their regimental muster; any law to the contrary notwithstanding.

LXXXVI.

An Act to amend an act, entitled "An act to amend an act passed in the year 1803, 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 so much of the above recited act as directs that the votes taken at the separate elections established by said acts, not to be counted out at such place or places where such elections are held, be, and the same are hereby repealed and made void.

II. *And be it further enacted*, That the votes taken at each separate election, shall be there counted out on the evening of the same day on which they are taken in the presence of the inspectors, who shall be first sworn

1835 to act impartially, a correct statement of which, setting forth the number of votes taken for each candidate, shall be subscribed by said inspectors, together with the sheriff or his deputy, and transmitted to the court-house. And the number of votes for each candidate taken at the court-house, shall be added to the number contained in the statement that contains the votes taken at the several separate elections; any thing to the above recited acts to the contrary notwithstanding.

CHAP. LXXXVII.

An Act granting a separate Election to the people composing the first Battalion in the first Regiment of Militia in Lincoln county.

WHEREAS it is represented to this General Assembly, that the citizens composing the first battalion in the first regiment of the militia in said county, live at a considerable distance from the court-house, which renders it inconvenient to attend elections for Members of Assembly: For remedy whereof,

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the people composing the said first battalion in the first regiment, shall be entitled to a separate election, other than that at the court-house, to be held at the house of John Reed, at the Catawba Springs, under such rules and regulations as have been heretofore established by law.

II. *And be it further enacted,* That the sheriff, by himself or deputy, shall open and hold an election on the second Thursday in August next, and on the second Thursday in said month every year thereafter, at the said Catawba Springs in said county, for Members of the Assembly, Representatives to Congress, and Electors to choose a President and Vice-President of the United States.

III. *And be it further enacted,* That it shall be the duty of the county court of Lincoln, next before any election to be held at the Catawba Springs as aforesaid, to appoint two suitable persons to superintend the same; and should the court fail so to do, the sheriff, or his deputy, is hereby authorised to make such appointment on the day of election.

IV. *And be it further enacted,* That the votes or suffrages taken and received at said place, shall be sealed up in a box or boxes, as the case may require, by the superintendents aforesaid, and to be by them conveyed to the court-house at Lincolnton, and delivered to the inspectors of the election during the day thereof, and to be by them counted out at the close of said election; which votes and suffrages so received and counted, shall be as good and valid as if they had been taken at the court-house as heretofore.

V. *And be it further enacted,* That no part of this act shall be construed so as to prevent any person authorised to vote, from giving his suffrage at the court-house as heretofore: *Provided always,* that if any person shall be convicted of giving his vote at the place herein fixed, and at the court-house also, shall forfeit and pay the sum of five pounds, to be recovered by any person suing for the same, before any justice of the peace for said county, to the sole use of the person suing for the same.

VI. *And be it further enacted,* That the several elections heretofore established by law in said county of Lincoln, be, and they are hereby directed to be opened and held at their respective places in said county, on the second Thursday in August in each and every year thereafter, under the same regulations and restrictions as are heretofore established by law.

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

CHAP. LXXXVIII.

An Act granting the privilege of a separate Election to the inhabitants of the county of Rutherford, and altering the place of holding the separate Election granted to the inhabitants of said county by the last General Assembly, and to empower the Militia Officers of said county to divide their Regiment into Battalions, and to appoint the place or places where battalion musters shall in future be held.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, there shall be a separate election held at the dwelling-house of William Saddlers, near the Island Ford of Broad river, in Rutherford, upon the second Thursday of August in each and every year, for the purpose of electing Members of the General Assembly, Representatives to Congress, and Electors to vote for a President and Vice-President of the United States; and said election shall be held and conducted in every respect as other separate elections are directed by law to be held in said county of Rutherford.

II. *And be it further enacted,* That the separate election granted last General Assembly, to be held at the dwelling-house of M^r Swaine's, shall in future be held in the town of Barraborough; any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted,* That from and after the passing of this act, the militia officers of Rutherford county, shall, and they are hereby invested with all the powers and authorities necessary to divide their regiments into battalions, and to appoint the place or places where battalion musters shall in future be held; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXIX.

An Act to establish two separate Elections in the county of Chatham, and to alter the mode 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 two separate elections shall be opened and held in the county of Chatham, at the following places, on the second Thursday in August in each and every year, in addition to those already established, to wit: At the house of Thomas Hadley, in the upper end of said county, and at the place which may be appointed on the south-side of Rocky river, by the commissioners herein named, 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 the said elections hereby established, shall be opened at ten o'clock, and closed at four in the afternoon, and shall be conducted under the same rules and regulations as prescribed by law for the regulation of all other elections in this State.

II. *And be it further enacted,* That William Brandley, John Minton and Cato Riddle, be, and they are hereby appointed commissioners to ascertain the place where the separate election hereby established on the south side of Rocky river, shall be held, and a majority of said commissioners are hereby authorised to ascertain the same.

III. *And be it further enacted*, That the election which has heretofore been held at the court-house on 1803 the second Thursday and Friday in August, shall only be held on the second Thursday in August, the day appointed for the separate elections established by act to be holden. And also the separate elections heretofore established and held in said county, shall be holden on the same day at the places established by law, and shall be opened and closed at the times specified in this act for the two separate elections hereby established.

IV. *And be it further enacted*, That the votes taken at the different elections which shall be holden on that day in said county, shall be counted out in the presence of the inspectors by the person appointed to conduct the same; and the number of votes in favour of each candidate shall be transmitted or conveyed to the sheriff at the court-house, on Friday the day following, on or before twelve o'clock of that day, by the inspectors or conductors of said elections, under the penalty of twenty pounds, to be recovered before any jurisdiction having cognizance thereof, to be applied to the use of the county.

V. *And be it further enacted*, That it shall be the duty of the county court of Chatham, at the court next preceding the day of election, to appoint a justice of the peace and two freeholders for each and every separate election for the purpose of conducting the separate election for which they may be respectively appointed, except at the court-house, at which place it shall be the duty of the sheriff of said county to attend; but in case the court should fail to appoint such poll-keepers as aforesaid, that then and in that case, any two justices of the peace for said county may, and are hereby authorised to appoint the same.

VI. *And be it further enacted*, That it shall be the duty of the sheriff, on receiving a statement of the polls of each separate election, to add up the number of votes in favour of each candidate, together with those taken at the court house, and thereupon shall make proclamation at the court-house door, the persons duly elected to represent said county.

CHAP. XC.

An Act to establish the mode of Elections in future in the county of Granville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all elections for Members of the General Assembly in this State, to be held in the county of Granville, shall be holden in each and every year, on the Friday next preceding August court of said county, at the following places, to wit: the court-house, the house of George Brinsfield, the house of Richard Cook, the store of Charles Simms, at the store of Thomas Brown, the tavern of Stephen Sneed in Williamsborough, and at Pop Castle.

II. *And be it further enacted*, That it shall 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 at every place heretofore mentioned, except at the court-house, 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; and the court shall also appoint two inspectors to act with the sheriff of said county, or his legal deputy, at the court-house, for holding said elections; which elections shall be held in the manner, and under the same rules, regulations and restrictions, as are observed in other cases of election in this State.

III. *Be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count up the votes, to correct statement of which, together with a list of the voters names, shall be by one of them returned, at 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 the presence of the inspectors, proceed to add the number of votes thus to him returned together with those received by himself or deputy, at the court-house, and the persons having the greatest number of votes shall be declared 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 inspectors as aforesaid, or any of them should die or refuse to act, then and in that case, it shall be lawful for any justice of the peace and two freeholders to appoint them, and when so appointed, 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 appointment of said inspectors to the sheriff whose duty it shall be to give them notice as soon as may be necessary of their appointment; and the sheriff is hereby required to advertise said election in every district and at the court house, at least twenty days previous thereto.

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

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

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

CHAP. XCI.

An Act to hold a separate Election in Burke County.

WHEREAS the citizens on Doe river, Cane creek, Crabtree and Grassy creek, have to travel a considerable distance to the nearest election and their passage to said election materially obstructed by two large mountains and water courses, so that sometimes it is almost impossible to get to the election: For remedy whereof,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the sheriff or his deputy to open and hold a separate election at Peter Stalcope's house on Grassy creek, in the county of Burke, for the purpose of electing Members of the General Assembly, Members of Congress, and Elec-

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 1805. *And be it further enacted,* That all the separate elections in the county of Burke aforesaid, shall be held on the second Thursday in August, by the sheriff or his deputy, and two freeholders, at each of the separate elections, to hold the polls and keep them open from eight o'clock in the forenoon till four o'clock in the afternoon, and then to count out the votes taken at each separate place of election, and make a fair statement of the votes received for each candidate, which said statement shall be subscribed by the said freeholders or inspectors of the poll, together with the sheriff or his deputy, and transmitted the next day to the court-house at four o'clock in the afternoon, to be added to the number of votes taken for each candidate at the court-house.

III. And be it further enacted, That the election at the court-house shall remain to be holden the two days, as heretofore, that is to say, on the second Thursday and Friday in August every year. And all acts that come within the meaning and purview of this act, be, and the same are hereby repealed and made void, as far as it respects the county of Burke.

CHAP. XCII.

An Act respecting Elections in the counties of Brunswick and Randolph.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the annual elections to represent Brunswick and Randolph counties in the Congress of the United States and in the General Assembly of this State, shall hereafter be held at the places appointed in pursuance of the acts already passed on the second Thursday of August in each and every year.

II. And be it further enacted, That it shall be the duty of the courts of said counties, at the term preceding any election, to appoint one justice of the peace and two freeholders in each election district, to act as inspectors of the polls; copies of which appointments the clerk is required to deliver to the sheriff at the same term, or on the day of the ending thereof. And the said sheriff shall give notice to such inspectors of their appointment within ten days thereafter, and advertise all elections at least twenty days previous to the same, at the different places for holding them, except when ordered otherwise by a writ from either House of Assembly to supply a vacancy. And if it should happen that the said court neglect to appoint inspectors, or if any of those appointed should die or refuse to act, it shall be lawful for any three of the oldest justices of the peace present at the place and day of election, to appoint inspectors; and if three justices shall not be present, the deficiency shall be made up by the oldest justice or justices calling the assistance of a respectable freeholder or freeholders to make up the number, and the appointments so made, shall be considered equally valid and binding as if made by the court; and they the said inspectors in all cases shall be sworn to do their duty with impartiality and punctuality.

III. And be it further enacted, That all elections in the said counties shall commence at twelve o'clock and be closed at five o'clock of the same day, under the rules, regulations and restrictions prescribed for general elections throughout the State, except as herein excepted and declared. The inspectors shall, immediately after the polls are closed, count out the votes, a correct statement of which, together with a list of voters names, shall be by them returned at the court-house, the next day by twelve o'clock, to the sheriff, whose duty it shall be to give due attendance at the court-house to receive said statements and lists by himself, or in case he cannot from any great and unavoidable cause, then by his deputy; and on the returns being made to the sheriff, he shall, in the presence of the inspectors, proceed to add the number of votes together, and declare the persons in whose favour the highest number have been given, duly elected, proclaim the same at the door of the court-house, and grant certificates accordingly.

IV. And be it further enacted, That if any person shall vote at more than one election on the same day, or without a legal and constitutional right to vote in the said counties, he shall, on conviction before any justice of the peace, forfeit the sum of five pounds, one half to be paid to the wardens for the use of the poor of said county, and the other half to the use of the informer, saving however to the defendant the right of appeal.

V. And be it further enacted, That all acts and clauses of acts coming within the meaning of this act, and contrary thereto, shall be, and the same are hereby repealed and made void.

CHAP. XCIII.

An Act to alter the time of holding the several Elections in the county of Bladen, and to grant the inhabitants of said county two other 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 from and after the passing of this act, the several elections heretofore established in said county, shall all be held at their several places now prescribed by law, on the second Thursday in August in each and every year hereafter, under such rules and regulations as are hereinafter prescribed.

II. And be it further enacted, That two other separate elections shall be granted to the inhabitants of said county, for the purpose of electing Members to represent them in the General Assembly, Representatives to Congress, and Electors to vote for a President and Vice-President of the United States, the one to be held at the house of John Westbrook, on Carver's creek, to be begun and held on the aforesaid second Thursday in August, for the purposes aforesaid, under such rules and regulations as are hereinafter prescribed.

III. And be it further enacted, That Bortram Robeson, James Moore and James Salter, are appointed commissioners to fix on a proper place in Captain Mohon's district, for the purpose of holding the other separate election; which place when agreed on by the said commissioners, shall be the place by this act established for the purpose of holding said election for the purposes aforesaid, which election shall be held on the said second Thursday in August.

IV. And be it further enacted, That from and after the passing of this act, that the justices composing the court of said county, which shall happen immediately preceding the day of elections in said county, shall proceed to appoint inspectors to hold the polls of said elections, who shall consist of one justice of the peace and two freeholders; and in case the said court should neglect to make such appointments, or if

any of them when so appointed should die, refuse to act, or in anywise be unable, then and in that case 1805 any one justice of the peace, together with two freeholders, shall have full power and authority to appoint and other inspectors.

V. *And be it further enacted*, That the polls of the said several elections shall be held open until sun-set of the day on which they are held, unless sooner agreed on by the candidates or their representatives; and the said inspectors shall immediately upon the close of the polls, proceed to count out the votes so taken, and that a fair statement of the number shall be made out and certified by them, which certificate shall be transmitted to the court-house the succeeding day by two o'clock in the evening, by some proper person by them agreed on, who shall there meet the sheriff or his lawful deputy, whose duty it shall be to attend and there compare the numbers so taken, with that taken at the court-house by him or his deputy, and the person having the highest number of votes shall be considered duly elected, and the sheriff or his deputy shall make proclamation thereof accordingly at the door of the court-house.

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

CHAP. XCIV.

An Act to establish a separate Election at the house of John Cameron on Barbacue, in the county of Cumberland, and to repeal in part an act, entitled "An act altering the time and mode of holding separate Elections in the county of Cumberland, and for other purposes," passed in the year eighteen hundred and four.

BE 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 Cumberland county, by himself or deputy, shall open and hold an election at the house of John Cameron on Barbacue, in the county of Cumberland, for the purpose of receiving votes 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, in each and every year, on the day appointed by law for holding the other separate elections in said county, that is to say, on the day preceding the day or days appointed by law for holding such elections in the town of Fayetteville.

II. *Be it further enacted*, That the third section of an act, passed in the year one thousand eight hundred and four, entitled "An act altering the time and mode of holding the separate elections in the county of Cumberland, and for other purposes," be, and the same is hereby repealed and made void; and in lieu thereof, the following shall be and remain in full force: That at the close of the polls at each and every separate place of election, the votes received at such place or places, shall be counted out in the presence of the inspectors, who shall, together with the sheriff or his deputy, subscribe a correct statement thereof, setting forth the number of votes given to each candidate; which said statement shall be transmitted to the court-house, and the number of votes therein specified, shall be added to the number of votes received for each candidate at the court-house. And the said election shall be conducted under the same rules, regulations and restrictions as the election which is held at the court-house of said county; any law, usage or custom to the contrary notwithstanding.

CHAP. XCV.

An Act to establish the mode of Election in future in the counties of Onslow and Richmond.

BE 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 counties of Onslow and Richmond, in every year on 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 courts of said counties, at the court next preceding the day of every 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 by 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 in 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 voter's 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 courts of said counties 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 clerks of said courts, to deliver copies of the appointments of said inspectors to the sheriff, whose duty it shall be to notify them, as soon as may be, of their appointments; and the sheriff is hereby required to advertise said elections in every captain's district, and at the court-house door, at least fifteen 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 of said county, forfeit and pay the sum of ten 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 elections for Members of Congress, and for Electors to vote for a President and Vice-President of the United States, shall be held in said counties 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.

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CHAP. XCVI.

An Act to alter the place of holding the General Musters in the upper end of Halifax 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 after the passing of this act, it shall and may be lawful to hold said general musters at Thomas Turner's; any law, usage or custom to the contrary notwithstanding.

CHAP. XCVII.

An Act to repeal part of an act passed in the year 1803, which directs the mode of appointing Constables in 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 so much of the above recited act as relates to the appointment of constables for the county of Rowan, be, and is hereby repealed and made void.

CHAP. XCVIII.

An Act to incorporate St. Tammany's Lodge, Number thirty, 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 officers and members who at present are, or in future may be of St. Tammany's Lodge, Number thirty, Wilmington, North-Carolina, are hereby constituted and declared to be a body corporate, under the name and title of St. Tammany's Lodge, Number thirty, 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. XCIX.

An Act to repeal an act, passed at Raleigh in the year one thousand eight hundred and one, entitled "An act to prevent the fatal effects of the Murrain distemper among cattle, so far as respects the county of Granville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act, and all clauses thereof, are hereby repealed and made void.

CHAP. C.

An Act to repeal part of the fourth section of an act passed in the year one thousand seven hundred fifty-nine, so far as it affects Carteret county.

BE it enacted by the General Assembly of the State of North-Carolina, That so much of the above recited act, that says that no person or persons whatsoever inhabiting in the government shall give leave to any person or persons, either inhabitant or foreigner, to turn loose, drive or put on their land, any horses, cattle or hogs, under the penalty of ten pounds, be, and the same is hereby repealed and made void, so far as it affects Carteret county.

CHAP. CI.

An Act to authorise Thomas Standback, of the county of Richmond, to continue to keep his Gates on the road leading to his ferry on Pee-de River.

Be it enacted by the General Assembly of the State of North-Carolina, That Thomas Standback, of the county of Richmond, be, and he is hereby authorised to keep up a gate or gates on the road leading to his ferry, in said county, on Pee-de River; any law, usage or custom to the contrary notwithstanding.

CHAP. CII.

An Act authorising the County Court of Stokes to make compensation to their Committee of Finance.

WHEREAS the county court of Stokes, at their last session, begun and held on the first Monday of March last past, found it necessary and expedient to appoint three members of said court as a committee of finance, to enquire into, examine and settle all the accounts of the clerk, sheriffs and trustees, since the existence of said county, and report the balances due from each to the succeeding court: And inasmuch as the said committee performed their duty with much fidelity, and reported considerable sums due to the county and state, and which for want of their exertions would have been lost. And whereas doubts have arisen whether the county court aforesaid had power to compensate the said committee for their trouble and expenses, and whether the said committee, as magistrates, could lawfully receive compensation for their services: To remedy which,

Be 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 Stokes have power and authority to make to the committee as aforesaid, by them appointed, such compensation as they have determined, by their resolution of June term last, and that the persons composing said committee have right to receive the same; any law, usage or custom to the contrary notwithstanding.

CHAP. CIII.

An Act to amend the seventh section of an act, passed at Raleigh in the year one thousand seven hundred and ninety-five, so far as respects the county of Lenoir.

WHEREAS the seventh section of the before recited act, appropriates to each county within this State, two hundred pounds for the building and improving the several gaols, and for no other purpose: And whereas previous to the appropriation of said money, a new brick gaol was built in the county of Lenoir; and the court-house in said county being in a decayed situation,

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 may and shall be lawful for a majority of the acting justices of the county of Lenoir, to appropriate said money, or so much thereof unappropriated as they may deem necessary, to repairing the court-house of said county; any law to the contrary notwithstanding.

CHAP. CIV.

An Act to incorporate the Newbern Mechanic Society.

WHEREAS Freeman Woods and others, associated under the style of the Newbern Mechanic Society, have prayed to be incorporated:

BE 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 society, shall be, and they are hereby constituted, ordained and declared to be a body politic and corporate, by the name of the *Newbern Mechanic Society*, and by that name they and their successors shall have succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and pleas whatsoever, and that they and their successors shall have a common seal, and may 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 society.

II. *And be it further enacted,* That the said society shall have power to make such rules and regulations, from time to time, for the internal regulation of the same, as may seem expedient.

III. *And be it further enacted,* That this act shall be in force for the space of ten years from the passing thereof, and no longer.

CHAP. CV.

An Act to authorise William Eaton, of the town of Newbern, to raise by lottery a sum of money for the purpose of enabling him to establish a Manufactory of Salt in this State.

WHEREAS it hath been represented to this General Assembly by the petition of William Eaton, formerly of the state of Massachusetts, now of Newbern in this State, that he is desirous of establishing a manufactory of salt in this state, upon an extensive, respectable and permanent footing, from which the citizens of the state will derive great advantages, but that such an undertaking requires a capital exceeding his fortune, or that of a common individual. And the said William hath solicited the General Assembly to grant him, with such other persons as he may find it necessary to associate with him for the purpose of insuring success, leave to raise by lottery a sum sufficient to enable him to accomplish the said object:

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 William Eaton, and such person or persons as he shall associate with him for said purpose, be, and they are hereby authorised and empowered to raise by lottery for the aforesaid purpose, a sum not exceeding twenty-five thousand pounds.

II. *And be it further enacted,* That the said William Eaton and his associates shall, before they sell or cause to be sold, any tickets by virtue of the authority hereby granted, give bond and security to the satisfaction of the county court of Craven, payable to the chairman thereof and his successors, to be accountable for the fair conducting of said lottery, according to such scheme or schemes as they shall adopt, and for payment in reasonable time, and according to such scheme or schemes of the prizes which shall be drawn; which said bond may be put in suit for the benefit of any person injured, without assignment.

And whereas the said William Eaton and his associates may, by death and other accidents, be deprived of the benefit of their efforts, after they have expended much time and money in pursuit of the aforesaid object, and before they shall have accomplished it: For prevention whereof,

III. *Be it enacted by the authority aforesaid,* That the privilege, authority and interest hereby granted to the said William Eaton and his associates, shall be, and the same is hereby declared to be transmissible and transferable to their executors and administrators or assigns, upon whom the obligations of the bond, directed as aforesaid to be given, shall devolve in their full effect,

CHAP. CVI.

An Act for the relief of Lauchlen M'Keller.

WHEREAS Lauchlen M'Keller hath made known to this General Assembly, that by means of the death of his uncle Peter M'Donald, of Kingston, in the island of Jamaica, he hath become entitled to the negro slaves of his said uncle, which he is desirous to remove to Cumberland county, in this State, to the place of his usual residence there:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Lauchlen M'Keller to bring the negro slaves which have so become his property, into this State, not exceeding the number of twenty; any law, usage or custom to the contrary notwithstanding.

CHAP. CVII.

An Act to prevent persons who reside in any other counties from voting at any Election in the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That no person shall vote at any election in the county of Hyde, who does not reside in said county, under the penalty of ten pounds, to be recovered before any justice of the peace for said county, the one half to the use of the county, and the other half to any person who will sue for the same.

CHAP. CVIII.

An Act to continue in force an act, passed at the last General Assembly, entitled "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 the above recited act, and every clause, provision and restriction therein contained, shall be, and the same is hereby continued in force; any thing therein contained to the contrary notwithstanding.

CHAP. CIX.

An Act to emancipate Isaac Jones and others therein mentioned, of the county of Anson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac Jones, Jacob Jones, John Jones, Thomas Jones, Abraham Jones, Lewis Jones, Sukey Jones, John Jones and Sally Jones, of the county of Anson, be, and they are hereby emancipated and set free, in as full and ample a manner, to all intents and purposes, as if they had been free from their nativity; any law, usage or custom to the contrary notwithstanding.

CHAP. CX.

An Act authorising Martin Kellar to hawk and peddle, and to exempt him from the payment of public taxes.

INASMUCH as it has been represented to this General Assembly, that Martin Kellar, of the county of Lincoln, is not enabled to procure a sufficient maintenance by manual labour, owing to some imperfections by nature, and wishing by honest industry to procure a competency, so as not to become chargeable to the parish:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Martin Kellar, of the county of Lincoln, have licence, liberty and authority to hawk and peddle, and to retail spirituous liquors by the small, and that he be exempted from the payment of the revenue and all other taxes due the State, as pointed out by law for the same; any thing to the contrary notwithstanding.

CHAP. CXI.

An Act to restore to credit John Sheppard, of the county of Montgomery, and John Taylor, who was convicted of petit larceny at the aforesaid County 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 John Sheppard, of the county of Montgomery, and the aforesaid John Taylor, be, and they are hereby restored to credit, in as full and ample a manner, to all intents and purposes, as if they had never sustained any loss from a conviction of crimes; and the said John Sheppard and John Taylor are hereby declared to be able and capable in law, to dispose and testify in any case where the same may be necessary; any law to the contrary notwithstanding.

CHAP. CXII.

An Act to pardon and restore to credit Dennis Bradley, of Wake 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, Dennis Bradley, of the county of Wake, shall be restored to credit, in as full and ample manner as if he had never been convicted of any crime whatsoever; and the said Dennis Bradley shall be admitted as a competent witness in all courts of record in this State; any law or custom to the contrary notwithstanding.

CHAP. CXIII.

An Act to restore to credit William Briley, of Pitt County.

BE it enacted by the General Assembly of the State of North-Carolina, That William Briley, of the county of Pitt, be, and he is hereby restored to credit, in as full and ample a manner as if he the said William had never forfeited his right as a citizen by a conviction of crimes; and he is hereby declared fully able and capable to sue and be sued by any competent authority, and shall depose and testify in any court of record and before any jurisdiction whatever, where the same is required; any law to the contrary notwithstanding.

CHAP. CXIV.

An Act to pardon and restore to credit Thomas Triplet, of Burke 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, Thomas Triplet, of the county of Burke, shall be pardoned and restored to credit, in as full and ample a manner as if he had never been convicted of any crime of what kind or nature soever, and that he shall be a competent witness to depose and testify in all cases, and in every court of record where the same may be necessary, in as full and ample a manner as though he had never sustained any injury from any conviction of crimes; any thing to the contrary notwithstanding.

CHAP. CXV.

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 Barbara Ellrod of Stokes county, wife of Jeremiah Ellrod; Ann Roothoas of Stokes county, wife of Balser Roothoas; Nancy Brucks of Burke county, wife of William Brucks; Martha Armstrong, wife of Archibald Armstrong; Charlotte Anderson of Wilkes county, wife of George Anderson; Priscilla Knight of Hertford county, wife of Lewis Knight; Mary Eisenhauer, wife of Nicholas Eisenhauer; Fanny Alexander, wife of Azariah Alexander; Margaret Buie of Cumberland county, wife of Donald Buie; Betsey Caldwell, wife of Thomas G. Caldwell; Mary Moreign, wife of Thomas Moreign; Peggy Norfleet of Chowan county, wife of Benjamin Norfleet; Polly Woodyard and Rachel West of Wake county; Catharine Luck of Lincoln county; Susannah Doak of Guilford county; Nancy Reins of Randolph county, and Anna Lowe of Wayne county; Elizabeth Stevens of the county of Franklin, shall be entitled to and possess in their sole right, all such estate, either real or personal, as they may hereafter acquire, by purchase, devise, industry, or otherwise, in as full and ample a manner as if they had never been married to their husbands herein 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 persons whatever, any property they may hereafter acquire, or be entitled to, in as full and ample a manner as if they had never been married: and that such estate shall descend as if they had not been married, or they, or any of them, may devise the same to such person or persons as they see cause: any law, usage or custom to the contrary notwithstanding.

CHAP. CXVI.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the names of Millicent Edwards and Elizabeth Edwards, illegitimate children of Henry Gardner and Catharine Edwards, of the county of Chowan, be altered and changed to those of Millicent Gardner and Elizabeth Gardner; the name of John Croom of Duplin county, to that of John Grady; the names of James Strickland, Dilly Strickland and Sena Strickland, of Sampson county, to those of James Hudson, Dilly Hudson and Sena Hudson; the name of Susanna Graves of Randolph, to Susanna Gray; the names of William Dean and Betsey Dean, of Franklin county, be altered to those of William Coppedge and Betsey Coppedge; the name of James Douglas Low, be altered to that of James Douglas Bridgers; the name of John Daniel Barnes, be altered to that of John Daniel Bledsoe; the name of Martha D. Chamblin, be altered to that of Martha D. Armstrong; the name of John Neighbors, to that of John Man; the names of John Deen, Daniel Alfred and Rebecca Simmonds of Bladen county, be altered to those of John Graham, Daniel Simmonds and Rebecca Goodman; the name of Charlotte Dardens, be altered to that of Charlotte Martin; the names of Seth Bab Childress and Littlejohn Childress, be altered to those of Seth Bab Harris and Littlejohn Harris; that John Steward Standley, Catharine Greene Standley and Unis Caruthers Standley, together with the above persons whose names are altered, be legitimated.

II. And be it further enacted, That the names of Daniel Forrest and Ruth Forrest, be altered to those of Daniel Pugh and Ruth Pugh; the name of Calvin Page of Wake county, be altered to that of Calvin Henry Dillard; the names of Michael Dyre, Matilda Dyre, Mahitabel Dyre and John Dyre, of Hyde county, be altered to those of Michael Linton, Matilda Linton, Mahitabel Linton and John Mayo Linton; the name of Jesse Batts of Duplin county, be altered to that of Jesse Williams; the name of Mitchell Fuller, be altered to that of Mitchell Manning; the name of Macy Ann Tooty of Halifax county, be altered to that of Macy Ann Franklin; the names of Thomas Bull, Elizabeth Bull, Job Bull, Richard Bull, William Bull, Jonathan Bull, Mary Bull, John Bull, Elizabeth Bull, James Bull, Thomas Bull, Mary Bull, Jean Bull and Nancy Bull, of the county of Guilford, and Joseph Bull, Rachel Bull, William Bull, Jesse Bull, sen. and Margaret Bull, of the county of Randolph, be severally altered to those of Thomas Talbert, Elizabeth Talbert, Job Talbert, Richard Talbert, William Talbert, Jonathan Talbert, Mary Talbert, John Talbert, Elizabeth Talbert, James Talbert, Thomas Talbert, Mary Talbert, Jean Talbert, Nancy Talbert, Joseph Talbert, Rachel Talbert, William Talbert, Polly Talbert, Jesse Talbert; William Talbert, Jesse Talbert, sen. and Margaret Talbert; the name of Frederick La Fayette Jones, to be altered to that of Frederick La Fayette Jones Pride; the name of James Ramsour, be altered to that of James Robertson; the name of Thomas Collier of Randolph county, be altered to that of Thomas Thompson; the name of Young Anderson of Wake county, be altered to that of Young Burt; the name of William Finn of Person county, be altered to that of William Mitchell Marshall; the name of Willis Harris of Hyde county, be altered to that of William Neal; the name of Harry Williams, be altered to that of Harry Samuel Williams; the name of Everett Blackwell of Northampton county, be altered to that of Simon Everett.

III. 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.

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

*Read three times and ratified in General Assembly,
the 21st of December, 1805.*

ALEX. MARTIN, S. S.
S. CABARRUS, S. H. C.

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To annex part of Pitt county to the county of Martin,	ib.	To hold a separate election in Burke county,	ib.
To amend an act for settling the bounds of lands, passed in 1723, as far as relates to Currituck county,	ib.	Respecting elections in the counties of Brunswick & Randolph,	33
To lay off and ascertain the boundaries of fisheries on Chowan river,	ib.	To alter the time of holding the elections in the county of Bladen, and to grant two other separate elections,	ib.
For the government of Elizabeth City,	22	To establish a separate election at the house of John Campton on Barbacue, in Cumberland, and to repeal in part an act altering the time and mode of holding separate elections in that county, &c.	ib.
To amend the laws regulating the police of Fayetteville,	23	To establish the mode of elections in future in the counties of Onslow and Richmond,	ib.
To extend and keep in force the privileges granted in an act passed in 1785, to empower Robinson Mumford and Jas. Porterfield, to receive storage on tobacco inspected and deposited, &c.	24	To alter the place of holding the general musters in the upper end of Halifax county,	40
To revive part of an act to regulate the town of Nixonton, &c.	ib.	To repeal part of an act passed in 1803, which directs the mode of appointing constables in Rowan county,	ib.
To amend the several laws for the regulation of Lenoirton,	ib.	To incorporate St. Jammy's Lodge, No. 30, Wilmington,	ib.
To amend an act for the regulating of the town of Morganton,	ib.	To repeal an act passed in 1801, to prevent the fatal effects of the Murrain disease among cattle, so far as it respects Granville,	ib.
Erecting a tower on the lands of Henry Hampton, in Surry,	25	To repeal part of the 4th section of an act passed in 1715, so far as it affects Carteret county,	ib.
To amend an act establishing a town at Buncombe court-house,	ib.	To authorise Thomas Standbeck, of Richmond county, to continue his gates on the road leading to his ferry on Pee Dee,	ib.
To repeal an act to establish a road and ferry at Elizabeth City,	ib.	Authorising the county court of Stokes to make compensation to their committee of finance,	ib.
Respecting the Warrenton Academy,	27	To amend the 7th section of an act passed in 1795, so far as respects the county of Lenoir,	ib.
To amend an act to establish an Academy at Nixonton,	ib.	To incorporate the Newbern Mechanic Society,	ib.
To establish an Academy in the county of Wilkes,	ib.	To authorise William Eaton of Newbern, to raise by lottery a sum of money for the purpose of enabling him to establish a manufactory of salt in this State,	41
To establish an Academy in the county of Buncombe,	ib.	For the relief of Lauchlin M'Keller,	ib.
To repeal the act of last session that changed the sessions of the court of Wake county,	28	To prevent persons who reside in any other county from voting at any election in the county of Hyde,	ib.
For altering the time of holding the Superior Courts of Morgan district, and the County Courts of New Hanover,	ib.	To continue in force an act passed last session to amend an act of 1793, to amend an act passed in 1777, to encourage the building of public mills, and directing the duty of millers,	ib.
To alter the times of holding the County Court of Cumberland,	ib.	To emancipate Isaac Jones and others of Anson county,	ib.
To provide for building a new Court-house in Warren county,	ib.	Authorising Martin Keller to hawk and peddle, and to exempt him from the payment of public taxes,	ib.
To empower the persons therein mentioned to call to account and settle with former Sheriffs and Trustees of Richmond county,	29	To restore to credit John Sheppard and John Taylor, of Montgomery county,	42
For the appointment of a committee to settle with all the Sheriffs and Trustees of Rockingham county, for public monies,	ib.	To pardon and restore to credit Dennis Bradley of Wake,	ib.
Pointing out the duties of the Sheriff and Trustee of Rockingham,	30	To pardon and restore to credit William Briley of Putnam y	ib.
To empower the county court of Perquimans to levy a tax for erecting a house for the reception and employment of the poor, &c.	31	To pardon and restore to credit Thomas Triplett of Burke,	ib.
A similar act for Carteret county,	ib.	To secure to the persons therein named such property as they may hereafter acquire,	ib.
To authorise the court of Pasquotank to lay a tax for building a prison and stocks, and finishing the court-house,	32	To alter the names of the persons therein mentioned, and to legitimate a part thereof,	ib.
To provide for the repairing of the court-house of Chowan county,	ib.		
To authorise the county court of Randolph to lay a tax to defray the expenses of building a court-house,	ib.		
To direct the manner of appointing Wardens of the Poor for the county of Halifax,	33		
To empower the courts of Camden and Currituck to lay a tax for building houses for the employment and reception of the poor,	33		
Describing the residence of the wardens of the poor in Nash,	ib.		
Enabling the court of Mecklenburg to transcribe records, &c.	ib.		
To authorise the courts of Nash, Hertford and Carteret to appoint commissioners to examine and transcribe registers,	34		
To compel the register of Bertie to keep his office at or within two miles of the court-house,	ib.		
To compel the register and entry-taker of Hyde to hold their offices at or within four miles of the court-house,	ib.		

A BILL.

WHEREAS the delays and expences inseparable from the present constitution of the Courts of this State, do often amount to a denial of justice, the ruin of suitors, and render a change in the administration thereof indispensably necessary :

Be it therefore enacted by the General Assembly of the State of North-Carolina, That a Superior Court shall be held at the court-house in each county in the State twice in every year ; which courts shall have the same jurisdiction that the present superior courts of law and equity have, together with all power and authorities, rules and regulations, that are by law established for said courts, in as full and ample a manner as said courts now possess them ; and which said powers and authorities, rules and regulations shall apply to the superior courts by this act established, in the same manner as they now apply to the existing superior courts.

II. And be it enacted by the authority aforesaid, That the State shall be divided into six circuits ; the first circuit to be composed of the counties of

The second circuit to be composed of the counties of

The third circuit to be composed of the counties of

The fourth circuit to be composed of the counties of

The fifth circuit to be composed of the counties of

The sixth circuit to be composed of the counties of

III. And be it further enacted, That the counties composing the first circuit shall be held on the following times, to wit :

The counties composing the second circuit shall be held on the following times, to wit :

The counties composing the third circuit shall be held on the following times, to wit :

The counties composing the fourth circuit shall be held on the following times, to wit :

The counties composing the fifth circuit shall be held on the following times, to wit :

The counties composing the sixth circuit shall be held on the following times, to wit :

IV. And be it further enacted, That the said superior courts shall continue their sittings from day to day for six days, should the business of the courts require it.

V. And be it further enacted, That there shall be appointed by joint ballot of both houses of the General Assembly, two judges in addition to those of the present superior courts, to hold and preside in the said superior courts by this act established, and shall be entitled to the same salary and possess the same privileges and immunities as the judges of the superior courts have hitherto held and enjoyed.

VI. And be it further enacted, That said judges shall, in such manner as may be agreed on between them, attend the superior courts by this act established in rotation, so that they shall not attend the said courts more than twice in succession.

VII. And be it further enacted, That there shall be appointed by joint ballot of the General Assembly, four solicitors to attend and prosecute on behalf of the State in the respective districts for which they shall be appointed, in addition to the present attorney-general and solicitor.

VIII. And be it further enacted, That the attorney-general shall attend, and prosecute in behalf of the State, the superior courts composing the third circuit, and that the solicitor now appointed shall attend the superior courts composing the fourth circuit, and the attorney and solicitor general, together with the solicitors appointed by this act, shall receive for their services, in addition to the fees by law established, the sum of ten pounds for each and every court they shall attend, to be paid by the Treasurer, on their producing a certificate from the clerk of their attendance.

IX. And be it further enacted, That the county courts shall retain the powers and jurisdictions in law of all such matters and things as they heretofore have had, and shall be held twice in each and every year: *Provided always*, that it shall be in the power of any of the aforesaid courts to hold their said courts as they may adjourn, four times in each and every year as they have heretofore been held, in case the business of the said courts should so require: *Provided also*, that the superior courts by this act established in all the counties holding their courts twice in each year only, shall have such ordinary jurisdiction as the county courts do now enjoy ; also a concurrent jurisdiction in the trial of all causes which are required to be tried by a jury ; and the sheriffs of the county courts shall be the sheriffs of the superior courts by this act established.

X. And be it further enacted, That the judges of the superior courts by this act established, shall appoint clerks of skill and probity to the several respective courts hereby established, who shall be subject to the same rules, regulations and penalties as the clerks of the superior courts heretofore established by law.

XI. And be it further enacted, That the justices of the several county courts in this State, shall at their respective courts next preceding the sitting of the superior court in their respective counties, appoint thirty jurors who shall be summoned by the sheriff to attend the said superior court in the manner prescribed by law: *Provided nevertheless*, that if the said court shall happen within thirty days of the sitting of the superior court, the justices of the said county court shall appoint the jurors aforesaid at the court preceding the same ; and that the said jurors shall be liable for non-attendance ; as jurors are in the present superior courts.

XII. Be it further enacted, That in all criminal prosecutions instituted in any of said courts established by this act, wherein the State is prosecutor, and it shall be suggested on oath or affirmation, on behalf of the State or the traverser of the bill of indictment, that there are probable grounds that justice cannot be obtained in the county in which said prosecution shall be commenced, that then and in that case the judge of said court is hereby authorized to order a copy of the record of said cause to be removed to some adjacent county for trial.

XIII. And be it further enacted, That all civil business now depending in any of the present superior courts of law and courts of equity in this State, the causes, process and proceedings shall be transferred to the superior court of the county where the plaintiff resides, except in civil suits brought against persons residing out of the district, which shall be transferred to the superior courts of the counties where the district town is situated ; and excepting also actions of ejectment and trespass, *quare clausum fregit*, which shall be transmitted to the superior courts of the county in which the land is situated.

XIV. And be it further enacted, That the clerks of the present superior courts shall be the clerks in the courts by this act established in the counties respectively in which their offices are now kept.

XV. And be it further enacted, That the judges of the superior courts by this act established, or a majority of them, shall meet together once in each and every year in the city of Raleigh on the

that if said day shall happen on Sunday, then on the next succeeding day, with the same powers, and under the rules and regulations as prescribed by an act of the General Assembly, passed in the year 1799, directing the judges of the superior courts to meet together to settle questions of law or equity arising on the circuit, and to provide for the trial of all persons concerned in certain frauds.

XVI. And be it further enacted, That all the civil business of the State instituted by the treasurer, shall be tried in the superior court held in and for the county of Wake, at the city of Raleigh.

XVII. Be it further enacted, That the fees of attorneys, clerks and sheriffs for pleading and acting in said superior courts, shall not exceed those already established by law for pleading and acting in the county courts of pleas and quarter sessions.

XVIII. And be it further enacted, That the several county courts in this state shall have the same power to allow pay to the jurors of the superior courts by this act established, as they now have respecting the county court jurors.

XIX. Be it further enacted, that all laws and clauses of laws that come within the purview and meaning of this act be repealed and made void.

XX. And be it enacted, This act shall continue in force for three years, and until the end of the then next ensuing session of Assembly, and no longer.

Letter and Abstract of the Secretary of State.

To the Hon. the Speaker of the Senate of the Legislature now in session.

SIR, In compliance with a Resolution of yesterday's date, I have the honor, through you, to lay before that House an Abstract (which is enclosed) shewing the number or amount of warrants issued on military claims, and the number of entries made in John Armstrong's Office, together with the number of each that have ripened into grants; also the highest numbers of warrants that have been returned into the Secretary's Office, that have been issued by the different Entry-takers in the counties of Washington, Sullivan, and Greene, and the number or amount of each of said entries that have passed into grants. It will be observed that no transcript of the Entry-takers' books of those counties, have been returned into the office; the calculations are therefore made from the highest number of the warrants which have been returned. There have been, and perhaps still remain, some few warrants founded on other claims emanating from the State, for lands within the now State of Tennessee, which are not contained in the abstract—such as pre-emptions, commissioners, guards, &c. for buying off the military bounds, and those distinguished by the appellation of Evans's corps, being the troops that were raised for the defence of Davidson county; but of those I apprehend there are very few which have not been perfected into titles. This abstract may not be free from error; but I trust if any should occur, I shall be pardoned, as the time I have had to prepare it has been short, and at a time when I have been pressed with other necessary business.

Yours with great respect,

WILL: WHITE, Sec.

An Abstract, shewing the number or amount of Grants, founded on different species of claims, for lands lying in the now State of Tennessee; and the number or amount of such claims, on which titles have not yet been made.

Military Bounty Warrants, highest number issued by J. Glasgow 5312. Deduct for an error of numbers shipped, viz. from 4799 to 5000, two hundred, 5,112
Ditto, issued by W. White, 122

Warrants passed into Grants, of those issued by J. Glasgow 3,397, of those issued by W. White 6, 5,234
3,403

Entries made in John Armstrong's Office, 2,663. Deduct for entries withdrawn, 93 2,570
Entries on which Grants have been founded and issued, 2,000

Entries made in Washington County, in John Carter's Office, highest number, 3,084
Amount, or number of said Entries, on which Grants have issued, 2,301

Entries made in Sullivan County, in John Adair's Office, highest number, 858
Amount, or number of said Entries, on which Grants have issued, 675

Entries made in Greene County, in Harden's Office, highest number, 112
Grants that have issued on said Entries, 107

Number or amount of Warrants and Entries perfected into titles, 7,686

Number or Amount of Warrants and Entries yet to pass into Grants, 302

Raleigh, Dec. 10, 1803.

WILL: WHITE, Sec.

Comptroller's Statements.

A STATEMENT of the net amount of that branch of the revenue of the State of North-Carolina, which is receivable by the Clerks of the County Courts for the year 1804

Names of COUNTIES.	Amount of tax fees on property.	Amount of tax on pred. l. e.	Amount due from clerks.	Amount paid by clerks.	Names of COUNTIES.	Amount of tax fees on suits.	Amount of tax on pred. l. e.	Amount due from clerks.	Amount paid by clerks.
Anson,	24 18		24 18 3	24 18 3	Marion,	No return			
Ashe,	2 7 0		2 7	2 7 0	Mecklinburg,	16 4 4	18 16	35 0 4	35 0 4
Beaufort,	18 1 11		18 1 11		Montgomery,	6 17 6		16 17 6	
Waden,	7 15 2		7 15 2	7 15 2	Moore,	9 8 1		9 8 0	9 8 0
Bertie,	77 6 2	9 8	86 14 4	86 14 4	Nash,	13 17 4		13 17 4	13 17 4
Brunswick,	7 10 5		7 10 5	7 10 5	Newhanover,	23 5 4		23 5 4	23 5 4
Furke,	15 9 0	9 8	25 17 0	25 17 0	Northampton,	24 4 2		24 4 2	
Richcombe,	22 1 10		22 1 10	22 1 10	Orange,	23 19 5		23 19 5	23 19 5
Craven,	46 0 4	9 8	55 8 4	55 8 4	Onslow,	9 8	9 8	18 16 0	18 16 0
Carteret,	9 12 0		9 12 0	9 12 0	Pasquotank,	24 2 3	9 8	33 10 3	33 10 3
Chatham,	11 0 11		11 0 11	11 0 11	Perquimons,	No return			
Cosewell,	15 5 6	25 17	41 2 6	41 2 6	Pitt,	18 6 8		18 6 8	18 6 8
Chowan,	36 3 76	9 8	45 11 10	45 11 10	Person,	9 4 3		9 4 3	9 4 3
Caden,	18 12 3	9 8	28 0 3	28 0 3	Rutherford,	23 5 4		23 5 4	23 5 4
Carrutuck,	22 11 3	9 8	31 19 3	31 19 3	Rockingham,	25 7 6		25 7 6	25 7 6
Camberland,	19 5 5		19 5 5		Randolph,	9 3 4		9 3 4	9 3 4
Cabarrus,	7 5 9		7 5 9	7 5 9	Rowan,	34 1 0		34 1 0	34 1 0
Duplin,	15 0 11		15 0 11	15 0 11	Richmond,	9 17 5		9 17 5	9 17 5
Edgecomb,	45 7 2		45 7 2	45 7 2	Robeson,	5 17 6		5 17 6	5 17 6
Franklin,	24 13 6		24 13 6	24 13 6	Stokes,	17 12 6		17 12 6	17 12 6
Granville,	33 15 0	75 4	108 19 0	108 19 0	Surry,	19 19 6		19 19 6	19 19 6
Gates,	15 1 9		15 1 9	15 1 9	Sampson,	7 19 1		7 19 1	7 19 1
Greene,	7 1 0		7 1 0	7 1 0	Tyrrell,	6 6 11	18 1	25 2 11	25 2 11
Guilford,	0 17 5		9 17 5	9 17 5	Wayne,	18 16 0	9 8	23 4 0	23 4 0
Halifax,	38 15 6		38 15 6		Warren,	48 3 6		48 3 6	48 3 6
Hertford,	33 12 2	28 4	61 16 2	61 16 2	Wilkes,	8 9 3		8 9 3	8 9 3
Hyde,	3 17 6		3 17 6	3 17 6	Washington,	14 2 0		14 2 0	14 2 0
Iredell,	16 9 0	9 8	25 17 0	25 17 0	Wake,	24 13 6		24 13 6	24 13 6
Johnston,	25 0 8		25 0 8	25 0 8					
Jones,	9 14 7		9 14 7	9 14 7	Total,	£ 1141 19 1	360 17	1402 7 1	1255 2 7
Lincoln,	31 9 10		31 9 10	31 9 10					
Lenoir,	6 13 11		6 13 11	6 13 11					

The foregoing Statement is founded on the Returns filed in the Comptroller's Office of North-Carolina.

Dec. 31, 1805.

J. CRAVEN, Compt.

A STATEMENT

Of the nett amount of that branch of the Revenue of the State of North-Carolina, receivable by Sheriffs for 1804.

Names of COUNTIES.	Amount of Land Tax.	Amount of Poll Tax.	Amount of stall-horse tax.	Amount of town property tax.	Amount of tax. licence tax.	Amount of cotton machine tax.	Amount of Store tax.	Fines on sh'ffs.	Amount due from Sheriffs.	Amount paid by Sheriffs.
Anson,	92 6 8	126 16 2	11 5 6	5 18 0	11 5 8	11 15 0	16 9		275 16 2	275 16 2
Ashe,	30 17 1	38 9 0	3 11 6	11 7 4	10 3		4 14		102 4 3	102 14 3
Beaufort,	96 1 8	135 14 9	11 3 8	30 9 2	24 8 10	1 3 6	54 1		353 4 7	353 4 7
Bladen,	159 14 10	192 2 0	11 15 0			9.10	10 0	100	433 1 10	
Bertie,	103 11 10	281 8 11	17 6 0	5 14 11		17 14 11	42 6		71 2 7	250 16 6
Brunswick,	51 16 4	98 16 0		8 0 8			10 0	100	168 13 0	225 0 0
Burke,	225 12 4	154 8 11	6 5 7	5 3 5	10 2 1	4 14 0	14 2		420 9 4	
Buncombe,	231 10 4	115 4 11	16 8 8	3 19 1	29 6 7		14 2		410 11 7	410 11 7
Craven,	152 13 8	283 6 4	4 14 0	127 8 1	58 5 8		154 10		791 2 5	791 2 9
Carteret,	42 18 10	74 16 6	1 3 6	6 7 7	32 6 9		11 15		169 8 2	169 8 2
Chatham,	132 6 8	232 2 3	19 3 5	11 8 4	7 7 40	15 6	23 10		533 12 10	533 12 10
Caswell,	77 7 10	233 19 4	20 8 11		48 2 7	41 4 11	25 17		447 0 7	447 0 7
Chowan,	29 13 6	168 16 11	4 18 9	20 6 2	32 6 5	4 14 0	75 4		331 0 1	193 15 6
Camden,	35 0 11	104 16 3	11 11 2		16 18 5		23 10		191 16 10	191 16 10
Currituck,	43 17 0	137 10 6	4 18 9		35 14 5		11 15		233 15 8	233 15 8
Cumberland,	210 17 9	239 17 10	14 16 2	91 15 8	57 10 7	22 11 3	89 5		726 15 3	490 17 0
Cabarrus,	55 0 7	94 7 7	7 19 10	3 6 11	15 8 4	45 16 6	9 8		231 7 9	231 7 9
Duplin,	125 9 1	161 8 0	15 0 10		22 11 5	15 0 10	11 15		331 5 0	331 5 0
Edgecomb,	121 13 6	290 5 6	42 15 5	17 10 7	21 8 8	20 16 0	49 7		563 16 8	563 16 8
Franklin,	25 3 11	245 18 1	25 17 0	3 17 11	15 15 11	33 14 6	23 10		433 17 4	437 1 0
Granville,	129 19 9	393 14 10	30 15 9	2 14 7	40 4 8	14 11 5	50 11		644 12 0	644 12 0
Gates,	48 18 7	173 12 5	3 15 3		27 1 6	7 1 0	14 2		274 10 9	274 10 9
Greene,	47 11 5	111 4 1	15 0 10		15 15 11	1 15 3	11 15		203 2 6	203 2 6
Guilford,	113 4 8	194 9 9	30 11 0	1 5 1	15 15 11	19 3 7	54 1		428 11 0	428 11 0
Halifax,	116 4 6	430 2 11	50 8 4	9 5 4	38 7 1	48 1 2	55 5		727 14 4	727 14 4
Hertford,	55 5 8	192 8 5	9 8 0	8 14 11	33 16 10	4 14 0	42 6		346 13 10	346 13 10
Hyde,	84 11 10	105 0 0			16 18 5		11 15		218 5 3	218 5 3
Iredell,	119 17 7	181 10 4	26 8 9	4 8 10	31 13 0	77 6 4	23 10		464 14 10	464 14 10
Johnston,	142 8 10	167 3 4	30 1 8	3 14 4	24 16 4	24 15 11	18 15		412 1 5	412 1 5
Jones,	64 3 4	132 9 0	11 10 4	2 3 11	13 10 9	7 1 0	11 15		242 13 4	242 13 4
Lincoln,	217 4 9	185 3 8	15 19 8	7 10 0	29 6 1	9 1 0	28 4		539 9 8	539 9 8
Lenoir,	56 16 11	114 19 3	12 9 2	3 12 9	20 6 1	9 1 0	16 5		233 14 2	233 14 2
Martin,	58 7 10	158 2 2	9 8 0	3 10 6	18 1 0	4 4 8	18 15		270 0 2	270 0 2
Mecklenburg,	112 3 7	220 14 3	24 4 2	3 9 2	21 1 2	12 1 9	30 11		624 5 1	624 5 1
Montgomery,	125 10 6	162 12 0	13 10 0	3 8 3	24 0 0	41 15 0	25 0	100	495 15 9	
Moore,	94 5 7	96 18 4	5 5 9		20 6 1	22 4 2	7 1		245 0 11	245 0 11
Nash,	100 7 7	131 16 0	33 5 10		10 3 1	10 11 6	11 15		447 19 0	447 19 0
New-Hanover,	101 9 0	222 0 7	2 7 0	121 15 0	40 4 8	10 2 2	63 9		561 7 3	561 7 3
Northampton,	91 7 2	348 7 4	28 15 0	2 1 5	21 16 2	22 18 3	23 10		538 15 4	538 15 4
Orange,	155 14 8	342 10 9	48 8 3	17 6 1	33 16 10	36 8 6	51 14		686 19 1	686 19 1
Onslow,	66 7 4	134 14 1	5 3 5	2 7 0	15 0 10	3 12 11	16 9		243 13 7	243 13 7
Pasquotank,	35 9 11	133 13 5	12 4 5	8 7 0	25 6 5		56 8		273 9 2	273 9 2
Perquimons,	37 13 9	137 6 9	15 19 8	4 13 5	23 4 0		28 4		252 6 7	252 6 7
Pitt,	24 9 3	207 3 7	30 1 8	5 2 1	22 11 3	11 3 3	18 10		389 7 1	389 7 1
Person,	65 0 3	166 18 11	23 14 9		21 1 2	15 17 3	16 9		509 1 4	509 1 4
Rutherford,	208 8 8	155 5 10	25 7 8	3 2 9	26 6 5	53 18 8	21 3		493 13 0	493 13 0
Rockingham,	87 5 3	154 5 1	14 4 5	1 19 7	12 10 27	17 0 11	15 15		302 19 2	302 19 2
Randolph,	123 2 9	140 1 3	19 14 10	1 4 0	22 11 3	19 19 6	23 10		350 3 7	350 3 7
Rowan,	213 7 3	337 8 6	50 1 7	17 18 6	24 16 4	32 15 8	25 17		702 1 10	702 1 10
Richmond,	78 8 11	105 13 2	2 16 5	2 3 0	7 10 5	30 8 8	11 5		278 15 7	278 15 7
Robeson,	131 12 7	132 3 4	2 16 5	7 1 0	40 12 2	17 5 6	14 2		395 13 0	395 13 0
Stokes,	134 10 3	174 16 10	17 3 2	5 5 10	57 18 1	12 2 1	16 9		418 5 3	418 5 3
Surrey,	140 1 10	157 7 2	18 2 11		22 11 3	10 9 2	14 2		562 14 4	562 14 4
Sampson,	115 18 3	161 8 0	7 15 2	2 10 20	6 117 3 2		7 1		329 14 6	329 14 6
Tyrrell,	91 12 8	50 15 9	2 11 9		18 16 0		14 2		186 12 2	186 12 2
Wayne,	92 15 8	153 11 1	14 16 2		4 10 3	29 5 2	35 5		335 11 4	335 11 4
Warren,	94 1 1	338 4 3	26 3 4	12 17 5	30 9 2	32 15 8	28 4		562 14 11	562 14 11
Wilkes,	73 7 8	123 8 6	7 17 6	4 10 1	13 10 1	7 15 2	7 1		237 10 0	237 10 0
Washington,	54 18 5	75 13 5	7 10 5		31 19 3	2 9 5	23 10		196 0 11	196 0 11
Wake,	170 11 1	353 14 6	17 17 3	24 8 6	38 7 1	28 1 8	35 5		668 5 1	668 5 1
Total,	5321 1 9	10953 8 6	987 17 11	632 4 7	1459 13 9	1252 8 0	1640 13 300		23547 7 6	21326 5 2

Note. The return from Bertie county is incomplete, for want of the sheriff's affidavit.

The foregoing Statement is founded on the returns filed in the Comptroller's Office of North-Carolina.

J. CRAVEN, Comptroller.

December 31, 1805.

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 Superior Courts and Masters in Chancery for the year 1804.

Names of Districts.	Amount of tax fees on suits.	Amount of Fines	Total of tax fees & fines received by clerks	Amount paid by Clerks of Super. courts.	Tax fees recd. by clerks and mas. in chan.	Amount paid by clerks, &c. in chancery.
Morgan,	34 15 8	14 2 0	48 17 8	48 17 8	9 8 0	9 8 0
Salisbury,	49 7 0	30 1 8	79 8 8	79 8 8	3 15 3	3 15 3
Hillsborough,	67 13 8		67 13 8		14 2 0	
Felifax,	31 9 10	48 17 8	80 7 6	80 7 6	25 7 8	25 7 8
Edenton,	No return.				16 18 5	16 18 5
Newbern,	74 5 3	111 17 3	186 2 6	186 2 6	9 8 0	9 8 0
Wilmington,	30 11 0	14 2 0	44 13 0	44 13 0	No return.	
Fayetteville,	38 10 10	7 10 5	46 1 3	46 1 3	2 16 5	
	326 13 3	228 11 0	553 14 3	485 10 7	81 15 9	64 17 4

The foregoing Statement is founded on the returns filed in the Comptroller's office of North-Carolina, December 31, 1805.

J. CRAVEN, Compt'r.

List of Delinquents
TO THE TREASURY OF THE STATE OF NORTH-CAROLINA,

Fayetteville District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates	Remarks.
Anson,	Michael Auld,	Clerk,		1 13 0		
	William Johnson,	Do.		10 7 6		
	Stephen Miller,	Sheriff,		2 14 9		Judgment.
	Thomas Wade,	Do.	1785	438 44 8	350 27 10	Judgment.
	Jesse Gilbert,	Do.	1787	619 3 1	144 0 10	Do.
	David Jameson,	Do.	1788	478 11 8	524 11 9	Do.
Cumberland,	Wills and Aikin,	Confiscated property			75	Suit.
	Samuel Spencer,	Judge,		16 7 9		Do.
	Robinson Mumford,	Clerk,	1804	19 5 5		
	George Mumford,	Clerk in chancery	1804	2 16 5		
	Kenneth M'Iver,	Sheriff,	1804	235 18 3		
	James Emmett,	Do.	1785	618 3 0	697 3 6	Judgment.
Richmond,	John Campbell,	Do.	1787	1223 13 3	1023	Do.
	John Sibley,	Balance of anegro		13 18 5		Do.
	John Cole,	Sheriff,	1796	70 10 11		Do.
	Owes nothing					Suit.
Moore,	Owes nothing					
Sampson,	Owes nothing					
Rouseson,	Owes nothing					

Wilmington District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates	Remarks.
New-Hanover,	James Miran,	Entry-taker,	1795 and 1794	537 16 4	950 5 2	
	Amareat Jocelyn,	Clerk in chancery	1804	No return	payment.	Judgment.
	Peter Muller,	Commissary,		834 0 10		
	Roger Moore,	Sheriff,	1803	Paid in par:	5861 6s. No	Suit.
	Kingsborough and Jones,	Confiscated property			1604	Suit.
	James Chavis and others,	Do.			2875	Do.
Brunswick,	Griffith M'Lee,	Do.			603 11 10	
	Frederick Ward,	Clerk,		35 0 7	22 0 5	Judgment.
	Peter Bacot,	Clerk,		8 19 9		Do.
	William Dry,	Entry-taker,		200	7371 15 1	Do.
Duplin,	Wm. J. Grisset,	Sheriff,	1804	43 13	2557 8 11	Do.
	Nich. J. Keanan,	Entry-taker,		140 12 3	16 1 6	Do.
Bladen,	William M'Lee,	Sheriff,	1788	705 8 3		Do.
	Joshua Lewis,	Sheriff,	1803	185 12 8		Do.
Onslow,	Joshua Lewis,	Sheriff,	1804	403 1 10		Do.
	Thomas Johnson,	Sheriff,	1794	233 2 5		Do.

Newbern District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates	Remarks.
Craven,	James Taylor,	Agent,		703		
	John L. Taylor,	Judge,		No return	or payment	
	William Cox,	Confiscated property	1803 and 1804	11		
	Rowland Williams,	Do.		21 13 4		
	Scott Hubert,	Do.		135		
	Alexr. Sanders,	Do.		345 14 6		
Beaufort,	Edward Tinker,	Do.		390		
	Henry Ellison,	Clerk,		46 8 3		Judgment.
	Alderson Ellison,	Clerk,	1802	18 16		
	James Bonner,	Clerk,	1803 and 1804	45 11 7		
	Reading Blount,	Sheriff,	1800	34 1 7		
	Richard Respas,	Entry-taker,	1794	1228 17 11		Judgment.
Dobbs,	Joseph Kidd,	Sheriff,		6 1 9	15 6 11	
	Winston Caswell,	Vendue master,		24 8 4		
	Benja. Caswell,	Entry-taker,			36 14 9	Judgment.
	Jesse Latham,	Sheriff,		1439 14	543 15 2	Do.
Hyde,	James Harrison,	Entry-taker,	1794	2566 18 9		Do.
Lenoir,	Winston Caswell,	Entry-taker,		208 0 6	3435 0 10	Do.
Greene,	Samuel Speight,	Clerk,		14 5 5		Do.
Carteret,	Owes nothing.	Sheriff,		100		Do.
Johnston,	Owes nothing.					
Pitt,	Owes nothing.					
Wayne,	Owes nothing.					

Edenton District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates.	Remarks.
Chowan,	William Blair,	Clerk Sup. Court.	1804	No return.	101 3 2	
Bertie,	Solomon Cherry,	Sheriff.	1804	No affidavit.		
Currituck,	Thomas Youngusband,	Entry-taker,				in part 230 16 6
Perquimans,	John Harvey,	Clerk,	1801, 2, and 3.	75 8 10		Judgment.
Pasquotank,	John Harvey,	Clerk,				
	Jonathan Price,	Money loaned,		No return.		
	Price and Christmas,	Do.		400		Suit.
	Price and Strother,	Do.		290		Do.
Tyrrel,	Robert M. Morine,	Emancipated negro.	No return. Pd	500		Do.
Camden,	Owes nothing.					
Gates,	Owes nothing.					
Washington,	Owes nothing.					
Mertford,	Owes nothing.					hundred & hundred and 31 pounds 2s.

Halifax District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates.	Certificates.
Hanfax,	Abisha Thomas,	Agent,		4879 3 4		
Franklin,	Lunsford Long,	Clerk,	1804	38 15 4		Services rendered for pati.
	Thomas Brickell,	Clerk,		80 5 9		Suit.
	Thomas Brickell,	Entry-taker,		25 7 1		Judgment.
	Peter Goodwin,	Entry-taker,		14 1		
Northampton,	Jordan Thomas,	Sheriff,	1804	39 8 4		
	Anthony Walke,	Raleigh lots,		124 19		Judgment.
	John Haywood,	Judge,	No return of			
	Eaton Haynes,	Clerk,	1804	24 4 2		Attorney's fees granted, or payment.
Warren,	Benjamin Moss,	Sheriff,		23 11 6		Judgment.
	John Macen,	Raleigh lots,		43 15 0		Judgment.
	Ingram, Poole & Macon,	Do.		129 13 4		Judgment.
	John B. Hunter,	Clerk,	1800, 1, 2 & 3	95 14 0		Judgment.
Martin,	John B. Hunter,	Clerk,	1804	No return.		
	Henry Smithwick,	Sheriff,	1804	137 17 2		Judgment.
Edgecomb,	Owes nothing.					
Nash,	Owes nothing.					

Hillsborough District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates.	Remarks.
Orange,	Leonard Henderson,	Clerk Sup. Court.	1800	126 13 2		
	Samuel Benton,	Clerk of do.	1803 and 1804	112 9 0		Judgment.
	Robert Bell,	Clerk in chancery	1800 1 2 3 & 4	82 15 1		
	James Williams,	Confiscated lots,		71 17 7		Suit.
Randolph,	James Williams,	Confiscated lands,		219 14 6		Do.
	Andrew Gibson,	Do. do.		335		Do.
	Coloy Jackson,	Owes interest on the	Judgment had			against him from July, 1793, viz. on £31 1
	Thomas H. Perkins,	Owes interest on the	Judgment had			against him from July, 1793, viz. on £23
Wake,	Andrew Gibson,	Owes interest on the	Judgment had			against him from July, 1793, viz. on £60 4
	Robert M. Linn,	Sheriff,		663 16 6		Judgment.
	John Arnold,	Entry-taker,		793 13 4		Do.
	Martin Cole,	Confiscated property			473 2 1	Do.
Granville,	William Lane,	Raleigh Lots,		17		Do.
	Sphram Persons,	Raleigh Lots,		42 5 0		Do.
	Lawrence Smith,	Owes the interest from	March, 1793, on 131			Do.
	William Armstrong,	Raleigh Lots,		40 5		
Perdon,	Joshua Dillard,	Do. do.		40 5		
Chatham,	Owes nothing.					
Caswell,	Owes nothing.					

Sali-bury District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates.	Remarks.
Rowan,	Robert Aaron,	Clerk Sup. Court.	1803	30 13 6		
	Adlai Osborn,	Clerk,		3 15 3		
	James Brandon,	Entry-taker,		129 17	1853 12	Judgment.
	Benjamin Rouseville,	Confiscated lands		165 0 7		Stayed by Assembly.
Iredell,	Joseph Cunningham,	Do.		157 10		Judgment with interest.
	Thomas Morris,	Sheriff,	1797	99 7 2		Judgment.
	Samuel Martin,	Former Clerk,		526 19 3		Judgment.
	John Davidson,	Clerk,	1803	4 19 6		
Montgomery,	John Davidson,	Clerk,	1804	16 17 6		Judgment.
	Thomas C. Williams,	Sheriff,	1804	495 15 9		Judgment.
	John H. Spruce,	Sheriff,		33 0 4		Judgment.
	Owes nothing.					
Guilford,	Owes nothing.					
Rockingham,	Owes nothing.					
Cabarrus,	Owes nothing.					
Stokes,	Owes nothing.					
Surry,	Owes nothing.					

Morgan District.

Counties.	Names of Persons.	Officer.	Year.	Money.	Certificates.	Certific.
Burke,	Robert Alexander,	Sheriff,	1804	420 9 4		Judgment.
Rutherford,	William Alexander,	Sheriff,	1787	54 10 9		Judgment.
Wilkes,	William Hall,	Sheriff,	1787	516 15 3	465 19 9	Suit or Judgment.
Lincoln,	Owes nothing.					
Runcombe,	Owes nothing.					
Ashe,	Owes nothing.					

*Balances due from individuals
On the books of the late Comptroller.*

Benjamin Hawkins,	} Deleg. to Congress,	£1280
William Cumming,		736
James White,		1664
Paul Machem,		7
James Amos,	} Invalid Pensioners,	34
Elisha Hunt,		34

NORTH-CAROLINA.

Comptroller's Office, Dec. 31, 1805.

The foregoing balances appear by the
Books of this Office to be due from Individua
to the State.

J. CRAVEN.
Comptroller.

