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L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the Seventeenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Six, and in the Thirty-First Year of the Independence of the said State.

1806.

NATHANIEL ALEXANDER, ESQ GOVERNOR.

CHAP. I.

An Act for the more uniform and convenient administration of Justice within this State.

WHEREAS, the delays and expences inseparable from the the present configuration of the courts of this State do often amount to a denial of Justice, the ruin of suitors, and render a change in the same indispensably necessary :

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a 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 courts of equity now have and exercise.

A Superior Court to be established in each county.

II. And be it further enacted, That the State shall be divided into six circuits; the first circuit to be composed of the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Bertie, Washington and Tyrrel; the second circuit to be composed of the counties of Jones, Carteret, Onslow, Duplin, Wayne, Greene, Lenoir, Craven, Beaufort and Hyde; the third circuit to be composed of the counties of Pitt, Edgecomb, Nash, Johnston, Wake, Franklin, Warren, Halifax, Northampton and Martin; the fourth circuit to be composed of the counties of Chatham, Randolph, Rowan, Stokes, Rockingham, Guilford, Caswell, Person, Granville and Orange; the fifth circuit to be composed of the counties of Montgomery, Anson, Richmond, Moore, Robeson, Cumberland, Bladen, Brunswick, New-Hanover and Sampson; and the sixth circuit to be composed of the counties of Surry, Wilkes, Ashe, Buncombe, Rutherford, Burke, Lincoln, Iredell, Cabarrus and Mecklenburg.

The State to be divided into six circuits.

III. And be it further enacted, That the courts in the counties composing the first circuit shall be held on the following times, to-wit, Currituck to begin the first Monday of March and September, Camden the second Monday of March and September, Pasquotank the third Monday of March and September, Perquimons the fourth Monday of March and September, Chowan the first Monday after the fourth Monday of March and September, Gates the second Monday after the fourth Monday of March and September, Hertford the third Monday after the fourth Monday of March and September, Bertie the fourth Monday after the fourth Monday of March and September, Washington the fifth Monday after the fourth Monday of March and September, Tyrrel the sixth Monday after the fourth Monday of March and September. The courts in the counties composing the second circuit shall be held on the following times, (to wit) Carteret the first Monday of March and September, Jones the second Monday of March and September,

Times of holding the courts.

Onflow the third Monday in March and September, Duplin the fourth Monday in March and September, Wayne the first Monday after the fourth Monday in March and September, Greene the second Monday after the fourth Monday in March and September, Lenoir the third Monday after the fourth Monday in March and September, Craven the fourth Monday after the fourth Monday in March and September, Beaufort the fifth Monday after the fourth Monday in March and September, Hyde the sixth Monday after the fourth Monday in March and September. The courts in the counties composing the third circuit, shall be held on the following times, (to wit.) Pitt the first Monday in March and September, Edgecomb the second Monday in March and September, Nash the third Monday in March and September, Johnston the fourth Monday in March and September, Wake the first Monday after the fourth Monday in March and September, Franklin the second Monday after the fourth Monday in March and September, Warren the third Monday after the fourth Monday in March and September, Halifax the fourth Monday after the fourth Monday in March and September, Northampton the fifth Monday after the fourth Monday in March and September, Martin the sixth Monday after the fourth Monday in March and September. The courts in the counties composing the fourth circuit, shall be held on the following times, (to wit.) Granville the first Monday in March and September, Person the second Monday in March and September, Orange the third Monday in March and September, Chatham the fourth Monday in March and September, Randolph the first Monday after the fourth Monday in March and September, Rowan the second Monday after the fourth Monday in March and September, Stokes the third Monday after the fourth Monday in March and September, Guilford the fourth Monday after the fourth Monday in March and September, Rockingham the fifth Monday after the fourth Monday in March and September, Caswell the sixth Monday after the fourth Monday in March and September. The courts in the counties composing the fifth circuit, shall be held on the following times (to wit) Montgomery the first Monday in March and September, Anson the second Monday in March and September, Richmond the third Monday in March and September, Robeson the fourth Monday in March and September, Bladen the first Monday after the fourth Monday in March and September, Brunswick the second Monday after the fourth Monday in March and September, New-Hanover the third Monday after the fourth Monday in March and September, Sampson the fourth Monday after the fourth Monday in March and September, Cumberland the fifth Monday after the fourth Monday in March and September, Moore the sixth Monday after the fourth Monday in March and September. The courts in the counties composing the sixth circuit, shall be held on the following times (to wit) Surry the first Monday in March and September, Ashe the second Monday in March and September, Wilkes the third Monday in March and September, Burke the fourth Monday in March and September, Buncombe the first Monday after the fourth Monday in March and September, Rutherford the second Monday after the fourth Monday in March and September, Lincoln the third Monday after the fourth Monday in March and September, Iredell the fourth Monday after the fourth Monday in March and September, Cabarrus the fifth Monday after the fourth Monday in March and September, Mecklenburg the sixth Monday after the fourth Monday in March and September.

To be held by the Judges, who shall sit for six days.

Two additional Judges.

Judges to attend courts in rotation.

IV. *And be it further enacted*, That the said superior courts shall be held by the Judges now in office, and their successors, and those to be appointed by virtue of this act, and 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 who are now Judges of law and courts of equity of the present superior courts, who shall be entitled to the same salary, and have and exercise the same powers and authorities as the Judges of the present superior courts of law and courts of equity have hitherto had and exercised.

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

VII. *And be it further enacted*, That, in addition to the present Attorney and Solicitor General, there shall be appointed by joint ballot of both Houses of the General Assembly, four Solicitors, to attend and prosecute in behalf of the State, in the respective circuits for which they shall be appointed.

Four additional Solicitors.

VIII. *And be it further enacted*, That the Attorney-General shall attend and prosecute in behalf of the State in the superior courts composing the third circuit, and that the Solicitor heretofore appointed shall attend the superior courts composing the fourth circuit. And the Attorney and Solicitor-General, together with the Solicitors appointed under this act, shall receive 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, together with the fees arising on state prosecutions, which shall be in full compensation for their services.

The duty of the Attorney-General and Solicitors.

IX. *And be it further enacted*, That the county courts shall retain the same powers and jurisdictions which they heretofore have had, and shall be held four times in each and every year, as they heretofore have been held. And the sheriffs of the county courts shall be the sheriffs of the superior courts by this act established: *Provided always*, That no county court within this state shall be obliged to summon jurors to attend their said courts more than twice in each and every year, unless the business of the said courts shall so require.

County courts to retain their jurisdiction but not obliged to summon jurors more than twice a year.

X. *And be it further enacted*, That the several Judges of the Superior Courts by this act established, shall appoint Clerks and Clerks and Masters in Equity, of skill and probity of the several respective courts hereby established: *Provided nevertheless*, That the persons so appointed shall be residents within said county at the passing of this act, and continue to reside within the same during their continuance in office, who shall be subject to the same rules, regulations, and penalties as the Clerks of the Superior Courts and Clerks and Masters of the Courts of Equity heretofore established by law.

Judges to appoint Clerks, &c.

XI. *And be it further enacted*, That the Justices of the several county courts in this State, shall, at the 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 any of the said courts should happen within thirty days of the sitting of the Superior Court of their county, the Justices of the said County Court shall appoint the Jurors aforesaid at the court preceding; and that the said Jurors shall be liable for non-attendance as Jurors are in the present Superior Court.

Justices of the county courts to appoint jurors.

XII. *And be it further enacted*, That in all causes, whether civil or criminal, which shall be pending in any of the said courts established by this act, in which it shall be suggested, on oath or affirmation, on behalf of the State or the traveler of the bill of indictment, or of the plaintiffs or defendants in said causes, that there are probable grounds that justice cannot be obtained in the county in which said causes shall be pending, 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 court for trial: *Provided always*, That all state causes now depending in any of the present Superior Courts, shall be tried in the Superior Courts of the counties where the district towns are situated.

Causes may be removed to an adjacent court.

XIII. *And be it further enacted*, That all civil causes pending in the present superior courts of law and courts of equity, shall be transferred with the process and proceedings therein, to the Superior Court of the county where the plaintiff resides, except causes in which the plaintiff or defendant resides out of the district, and in such cases the causes shall be transferred to the Superior Courts of the county where the District Court is now held; except also, actions of ejectment and trespass, quare clausum fregit, which shall be transferred to the Superior Court of the county where the land is situated.

Causes pending in the present Superior Courts to be transferred to the counties.

XIV. *Be it further enacted*, That the Clerks and Clerks and Masters in Equity of the present Superior Courts of Law and Courts of Equity, shall be Clerks and Clerks and Masters in Equity in the courts by this act established, in the counties respectively in which their offices are now kept, and the Clerks and Clerks and Masters in Equity of the several Superior Courts of Law and Courts of Equity, shall be entitled to all the fees already accrued on the said suits so to be transferred,

The present Clerks to remain in the counties where their offices are kept.

LAWS OF NORTH-CAROLINA.

1806.

Supreme court
to be held once
a year.

XV. *And be it further enacted*, That the Judges of the Superior Courts by this act established, or a majority of them, shall hold the Supreme Court once in each and every year in the city of Raleigh, on the first day of July, that if said day should happen on Sunday, then on the next succeeding day, with the same powers, and under the same rules and regulations as is now prescribed by law; and the said Supreme Court shall prescribe and establish from time to time, rules of practice for the said Superior Courts, which rules the Clerk of the Supreme Court shall certify to the Judges of the Superior Courts, who shall cause the same to be entered on the records of the said courts.

State business
to be tried at
Raleigh.

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 in the city of Raleigh.

Fees.

XVII. *And be it further enacted*, That the fees of Attornies, 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.

Pay of jurors

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.

Former laws
repealed.

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.

*Read three times, and ratified in General Assembly
the 9th day of December. 1806.*

JOSEPH RIDDICK, S. S.
JOHN MOORE, Speaker of the House of Commons.

Copy.

WILLIAM WHITE, Secretary.

CHAP. II.

An Act amendatory and supplemental to an act, entitled, "An Act for the more uniform and convenient administration of Justice," passed at the present session of the General Assembly.

Manner of ap-
pointing jurors

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the first term at which the several county courts of pleas and quarter sessions shall be held within this State after the first day of January next, and once at least in every three years thereafter, it shall and may be lawful for each and every of the said county courts, and they are hereby directed and required, to cause the jury lists to be made up from the tax returns of such county for the preceding year, which tax returns shall be furnished by the Clerk of said county, who never thereto required by said court; and the justices attending at such court, shall cause therefrom to be transcribed, the names of all such persons who are by law qualified to serve as jurors, (except those who from age, infirmity, or from any other cause, may be unfit to serve as jurors) whose names shall be written on small scrolls of paper of equal size and put into a box to be procured for that purpose, which shall have two divisions marked No. 1 and 2, and two locks, the key of one to be safely kept by the sheriff of the county, the other by the chairman of the county court, and the box by the clerk of the said court; and the said justices at each and every session of their said court, which shall happen next preceding the sitting of the superior court of the said county, shall cause to be drawn from the said jury box, out of the partition marked No. 1, by a child not more than ten years of age, thirty persons, who shall serve as jurors at the next succeeding superior court to be held for said county: *Provided always*, that whenever the county court of such county shall be held within fifteen days of the sitting of the superior court of the same, that then the court preceding such county court, shall draw the jury as aforesaid. *And provided further*, That in case any of the jurors so drawn shall have a suit pending and at issue in the superior court, the several scrolls with his or their names, shall be returned into the partition No. 1, of the jury box, or if any of said persons so drawn shall be dead or removed out of the county, the said scrolls with his or their names to be destroyed, and other jurors shall be drawn in his or their stead: and the scrolls drawn as aforesaid, shall be put into the partition marked No. 2; and the clerk shall furnish the sheriff with a list of the

jurors so drawn, who shall be bound to summon the same to attend at the court for which they are appointed, under the same rules, regulations and penalties, as are now by law established for the summoning of jurors; and the said jurors shall be bound to attend said court in the same manner and shall be subject to the same forfeitures as heretofore for non-attendance: *Provided further*, that if before the expiration of three years, the names of the jurors in the partition No. 1, shall be drawn out, then the whole names shall be put into the said partition marked No. 1, and drawn out again as herein first directed. And there shall also be put into said partition marked No. 1, at the court following every first day of January in each year, the names of such persons as shall appear, by the tax lists immediately preceding, to have become qualified to serve as jurors since the making out of the general triennial list, subject however to the exceptions in the first section of this act.

II. *And be it further enacted*, That if some one of the Judges of the said Superior court shall not attend and hold each of the superior courts in this State on the day by law prescribed for holding such courts, the sheriff of the county or his lawful deputy, shall open and adjourn such court from day to day, until one of the said Judges shall attend and hold the same, or until the third day appointed for the holding thereof, on which said third day, the sheriff or his said lawful deputy, shall adjourn the same unto the next court to which time all actions, pleas, process and other matters pending in the said court shall be continued and have day, as if the said court had been duly held.

If a Judge shall not attend, the sheriff to adjourn the court from day to day.

III. *And be it further enacted*, That the first court to be held under the said act, shall commence on the first Monday in March next, and the first circuits or ridings be performed as follows, and thereafter as directed by the aforesaid act; the courts in the first riding shall be holden by David Stone, Esquire; the courts in the second riding shall be holden by John Louis Taylor, Esquire; the courts in the third riding shall be holden by John Hall, Esquire; the courts in the fourth riding shall be holden by Spruce Macay, Esquire; the courts in the fifth riding shall be holden by Samuel Lowrie, Esquire; the courts in the sixth riding shall be holden by Francis Locke, Esquire. And the said several Judges shall appoint the clerks and clerks and masters in equity within their respective circuits or ridings. And it shall be the duty of the clerks and clerks and masters in equity, to take the oath of office, and give bonds as by law prescribed necessary for their qualification, before the Judge holding the superior court in each county.

When an officer for in the last circuit.

IV. *And be it further enacted*, That in all cases where any person or persons are bound in recognizance to appear and answer to any charges to be alleged against them, to prosecute in behalf of the State, to give evidence, or for other causes; and by virtue of their said recognizances are to appear on the days on which the former superior courts respectively were to have been holden, that it shall be the duty of the several clerks of the said courts respectively (who are now, by an act passed this present session of the Legislature, entitled "An act for the more uniform and convenient administration of justice within this State," constituted clerks of the superior courts to be holden in the several counties in which the former superior courts were holden and in which their respective offices are now situated) to attend at their respective court-houses on the days on which the said former superior courts were to have been holden, and on the days on which the above description of persons recognized to appear, and then and there, from day to day, for the space of ten days, to call out all such persons so bound as aforesaid. And it shall be the duty of the said clerks respectively to recognize all such persons so bound as aforesaid, and who shall appear and answer on said days, to appear and answer, to prosecute or give evidence, as the cases may be, at the superior courts to be holden in the said counties respectively, agreeably to the above recited act, and which shall happen next after said days, that they may be so bound. And in all cases where any of such persons shall appear and refuse to be bound as aforesaid, or refuse or fail to give sufficient security whenever the same is requirable and required by the said clerks, for their appearance at the next superior court, to be holden in said counties respectively, it shall be the duty of the said clerks, and they are hereby authorized and directed to commit such persons to the gaols of their respective counties, until the times the superior courts by the above recited act shall happen, or until such person or persons give such security as aforesaid; and in all cases where any of the above de-

Persons bound by recognizances, &c. to appear at the former superior courts, to appear and answer fresh recognizances to appear at the county superior court.

1806.

scriptions of persons shall fail to appear, it shall be the duty of the said clerks respectively to note their recognizances as forfeited, and to proceed thereon by issuing scire facias returnable to the first superior courts to be holden in their respective counties hereafter (agreeably to the above recited act) to shew cause, if any they have, why the said recognizances should not be absolutely forfeited, and for which services the said clerks shall have such fees as for the same they were heretofore entitled to by law.

Present superior court clerks to transmit the records to the counties.

V. *And be it further enacted*, That it shall be the duty of the said clerks respectively, to transmit to the several county court clerks, the records, papers and all proceedings, by some safe conveyance, of all such causes, matters and things as by the above recited act are to be tried in the superior courts of the counties. And it shall be the duty of the said county court clerks respectively, to receive and safely keep the same until the Judge shall appoint clerks and clerks and masters in equity in the said counties for said superior courts, and to deliver the said records, papers and proceedings, to the said clerks and clerks and masters in equity so appointed, who shall docket the same, according to their respective numbers for trial. And the said clerks so transmitting the said records, papers and proceedings, shall receive for their trouble the sum of twenty-five shillings in each and every cause by him transmitted as above directed, to be paid by the party cast on the final decision of such cause.

Penalty for neglect.

VI. *Be it further enacted*, That any clerk, or clerk and master in equity of the present superior courts of law and equity, who shall fail, refuse or neglect to perform his duty in transferring the suits as required by the before recited act, in manner as directed by this act, shall be deemed guilty of a misdemeanor in office, and on conviction, shall be removed therefrom, and be further liable to pay the sum of five hundred pounds for each failure or neglect, one-half to the use of the State, and the other half to the use of the party injured.

Directions for issuing subpoenas.

VII. *And be it further enacted*, That in all civil suits, directed by the afore-said act to be transmitted to the superior courts in the different counties within this State, it shall and may be lawful for the parties, either plaintiff or defendant, their agent or attorney, to apply to the clerk of the county court within the said county, to issue subpoenas for all such witnesses as may be necessary for him or them on the trial of such cause. And the clerks of the said county court are hereby authorized and required to issue such subpoena or subpoenas, returnable to the first day of the superior court to be holden in their respective counties, on application as aforesaid. And the several sheriffs within the said counties are hereby authorized and required to execute and make due return of all such subpoenas. And the witness or witnesses so summoned, shall be subject to the same penalties for non-attendance, and be entitled to the same pay as is hereafter provided for the compensation of witnesses attending under subpoena.

Provision for appointing jurors where a county court is not held.

VIII. *And be it further enacted*, That the sheriffs of the several counties within this State in which a county court shall not be regularly holden between the rise of the present General Assembly, and fifteen days before the day appointed by the above recited act for the holding of the superior court in such county, to summon seven or more Justices of the Peace of said county to convene together at the courthouse in said county, which Justices so convened, or any five of them, shall be authorized to appoint a jury to attend the first superior court to be held for said county, in the following manner, to-wit: The said Justices shall cause to be written on small scrolls of paper of equal size, the names of one hundred and twenty persons properly qualified to serve as jurors, from which shall be drawn thirty persons, who shall be, and hereby are declared to be legal and qualified jurors to serve at the said first court to be held for said county. And the said Justices are hereby required to furnish the sheriff with a list of the names so drawn to serve as jurors; and the said sheriff shall be bound to summon the same to attend the said court, under the same rules, regulations and penalties as are now by law established for summoning jurors. And the said jurors shall be bound to attend said court in the same manner, and shall be subject to the same forfeitures for non-attendance as heretofore.

Allowances to witnesses.

IX. *And be it further enacted*, That each person who shall attend any of the courts established by the before recited act, as a witness in any cause therein depending, shall be allowed for each and every day's attendance, and for every thirty miles he or she shall travel going to and returning from the said court, &c.

shillings, provided the said witness resides within the county wherein the suit is tried, or the sum of ten shillings, if such witness lives out of said county, to be paid as heretofore directed by law.

X. *And be it further enacted*, That proper seals for each and every court by the said act established, shall be provided by the Governor of this State, and the expence incurred in procuring the same, shall be paid on a warrant drawn by the Governor on the Public Treasurer; and the seals heretofore provided shall remain in the offices to which they respectively belong, for the purpose of attesting the records of the present district superior courts of law and equity.

Proper seals for each court to be provided by the Governor.

XI. *And be it further enacted*, That the clerks and clerks and masters of the present district superior courts of law and courts of equity, shall have full power and authority to issue executions and all other necessary process on all judgments and decrees, now had or which may hereafter be had or made in any of the said courts, previous to the first Monday in March next, and may continually thereafter issue executions and other necessary process, to carry any such judgments and decrees into full and complete effect. And that all executions which now are, or may hereafter be issued from any of the offices of the district courts, shall be returned to the superior courts of the counties respectively in which the said district courts were held. And until after the commencement of the first term of the respective superior courts of law and courts of equity by the above recited act established, all original and mesne process shall and may be issued by the clerks and clerks and masters in equity of the present district courts, and returnable to the superior courts of law and courts of equity where the same may be triable, according to the provisions of the above recited act.

The present clerks & masters to issue executions, &c.

XII. *And be it further enacted*, That whenever any suit shall be directed to be removed from any of the superior courts by said act established, agreeably to the twelfth section of said act, it shall be the duty of the clerk to transmit a transcript of the record of said suit to the court to which the same is directed to be transmitted, together with any depositions or other written evidences which may be filed therein, at least fifteen days before the sitting of the court to which the same shall be directed to be transmitted, for which he shall be allowed the sum of ten shillings, to be paid by the party making application for the removal at the time of filing his, her or their affidavit.

When a suit is directed to be removed, clerk to transmit a copy of the record, &c.

XIII. *And be it further enacted*, That the Judges to be appointed under the said recited act may, and they are hereby authorized and empowered to take the oaths prescribed by law for their qualification before any Judge or Justice of the Peace; and it shall be the duty of the Judge or Justice of the Peace before whom such Judge or Judges may qualify, to cause such Judge or Judges to subscribe the oaths by him or them taken, and having certified the same, shall return said oaths to the Secretary of State, who shall carefully preserve them: *Provided however*, that the duties and compensation of the said Judges shall not commence prior to the first Monday in March next.

Qualification of the Judges

CHAP. III.

An Act to raise a Revenue for the Payment of the Civil List and contingent Charges of Government for the year One Thousand Eight Hundred and Seven.

BE 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 seven, 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, as well on those not established by acts of Assembly as on those that have been so established; 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.

II. *Be it further enacted*, That a tax on all stud horses and jackasses within this State, of the full sum which the owner or keeper of such stud horse or jackass shall ask, demand or receive for the season of one mare, shall be levied and collected as above.

On stud horses & jackasson.

III. *Be it further enacted*, That all free males, between the ages of twenty-one and fifty, and all slaves between the ages of twelve and fifty years, shall be subject to a poll tax: *Provided*, that all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly.

Who shall be subject to the poll-tax.

1806.

Tax on ped-
dles.

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 of this State, under his seal of office; and the person so peddling and hawking shall pay to the clerk, before obtaining said licence, the sum of ten pounds, to the use of the State, to be accounted for by the clerk in the same manner as tax fees are accounted for; and any licence so obtained, shall authorize said pedlar to peddle and hawk goods in any and every 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 whole sale 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 is given in; which said tax shall be levied, collected and accounted for, in the same manner as other taxes.

Tax on ves-
sels 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 seven.

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 shall appoint three discreet persons, being freeholders within their respective counties, who shall be qualified before some justice of the peace to perform the duties of their appointment, any law to the contrary notwithstanding.

Property ap-
propriated to
divine wor-
ship, &c. ex-
empted from
tax.

X. *And be it further enacted*, That from and after the passing of this act, all houses and lots, or other estate real or personal appertaining thereto, set apart and appropriated to divine worship or for the education of youth, shall be and the same are hereby exempted from all taxes whatsoever, any law to the contrary notwithstanding.

CHAP. IV.

An Act to amend an act, entitled 'An act to amend an act passed in the year 1804, entitled 'An act appointing Commissioners to extend the boundary line of this State and the State of South-Carolina' passed at Raleigh in the year 1803.

Preamble.

WHEREAS by the above mentioned act, power and authority is given to the Governor to enter into any compact he may deem most advisable for the interest of the State, with the legislative or executive powers of the States of South Carolina and Georgia, relative to the extension and establishment of the boundary line between this State and the said States of South Carolina and Georgia, in which said act there is a proviso, That nothing therein contained should effect any part or clause of the act passed in the year one thousand eight hundred and three: And whereas doubts are entertained whether the provisionary clause in the act passed in the year one thousand eight hundred and three, is not by the proviso in the act of one thousand eight hundred and four made to have relation to the State of Georgia as well as to the State of South-Carolina:

And whereas such provisionary clause can answer no valuable purpose, so far as it respects the State of Georgia, and may be an impediment to an amicable and speedy adjustment and settlement of boundary between the two States:

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 proviso in the act passed in the year one thousand eight hundred and four, entitled "An act to amend an act, entitled An act appointing Commissioners to extend the boundary line of this State and the State of South Carolina," passed at Raleigh in the year one thousand eight hundred and three, shall not be construed to extend or have any relation to the State of Georgia, any thing therein contained to the contrary notwithstanding.

Proviso in the act of 1804 not to have any relation to the State of Georgia.

CHAP. V.

An Act to repeal an act passed last session of the General Assembly, entitled "An act for incorporating and establishing a Bank, by the name and title of The State Bank of North-Carolina."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the act passed at the last session of the General Assembly, entitled "An act for incorporating and establishing a Bank, by the name and title of The State Bank of North-Carolina," be and the same is hereby repealed and made void.

Act repealed.

II And be it further enacted, That all the monies subscribed and paid into the hands of any of the commissioners appointed by the aforesaid act, shall immediately after the passing of this act be refunded and paid back to the person or persons who have so subscribed and paid the same; any law to the contrary notwithstanding.

Money paid to commissioners to be returned.

CHAP. VI.

An Act to exclude from the benefit of Clergy, persons robbing houses in the day-time, and to extend the benefit of Clergy to women convicted of certain felonies

Preamble.

WHEREAS doubts are entertained whether any person convicted of robbing a house in the day time, although no person be therein, is entitled to the benefit of Clergy, to remove such doubts, and to provide an adequate punishment for such offences,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person or persons shall break any dwelling-house, shop, warehouse or other out house thereto belonging, or therewith used, in the day time, and feloniously take away any money, goods or chattels, of the value of twenty shillings or upwards, therein being, although no person shall be within such dwelling-house, shop, warehouse or other out-house, or shall comfort, aid, abet, assist, counsel, hire or command any person or persons to commit such offence, and being thereof lawfully convicted, or being indicted shall stand mute, or peremptorily challenge more than thirty-five jurors, shall suffer death without benefit of clergy. And whereas doubts are entertained, whether, by the law in use and force in this State, the benefit of clergy can be allowed and extended to women convicted of certain felonies; for the removal whereof,

Cases in which persons breaking houses, &c. shall be deprived of benefit of clergy.

II. Be it further enacted by the authority aforesaid, That in every case where a man being convicted of any felony, may demand the benefit of his clergy, if a woman be convicted of the same or like offence, upon her prayer, to have the benefit of this act, judgment of death shall not be given against her, but she shall suffer the same punishment as a man should suffer who has the benefit of his clergy all wed him in the like case.

Women entitled to benefit of clergy.

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

Former acts repealed.

IV. And be it further enacted, That this act shall commence and be in force from and after the passing thereof.

1805.

CHAP. VII.

An Act directing in what manner the Tax on Attorneys Licences shall be paid in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the tax on attorneys licences shall be paid to the clerk of the court where the attorney shall first exhibit his licence for admittance to practice; and no attorney shall be permitted to practice in any court of this State, until he shall produce the receipt of the clerk, shewing that he has paid the tax agreeable to the directions of this act.

II. *And be it further enacted,* That the clerks respectively shall account for the tax received by virtue of this act, with the public Treasurer, in the same manner and under the same rules, regulations and restrictions, as they are obliged to account for the taxes on suits, any law to the contrary notwithstanding.

CHAP. VIII.

An Act more effectually to compel the Clerks of Courts, the Clerks and Masters in Equity, and the Sheriffs in this State, to make the returns required of them by law, and duly to settle and balance their public accounts.

BE 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, before any of the clerks of the superior courts, clerks of the county courts, and clerks and masters in equity for this State, shall be permitted to renew their bonds, as required by an act of Assembly passed at Fayetteville in the year one thousand seven hundred and ninety-three, entitled "An act directing the manner of proceeding against the several officers therein mentioned," they shall produce from the public treasurer, county trustee and wardens of the poor, receipts in full of all monies by them received for the use of the state and county, and for which they shall have been accountable.

II. *And be it further enacted,* That in future no person shall be re-elected sheriff of any county in this State, who does not, at the time by law appointed for choosing a sheriff for his county and before the vote shall be taken, produce to the Court receipts from the public treasurer, county trustee and wardens of the poor for the time being, in full of all monies by him collected, or which ought to have been by him collected, for the use of the state and county, and for which he shall have become accountable; any usage or custom to the contrary notwithstanding.

III. *And be it further enacted,* That each and every of the clerks of the county courts in this State, who shall in any year fail to make and convey, or cause to be conveyed to the comptroller in due time and according to law, that is to say, on or before the first day of October annually, a list or certificate of the taxable property of his county for the preceding year, together with a certificate of the names of the sheriff and his securities; he or they so failing, shall for each and every offence or failure, forfeit and pay the sum of five hundred pounds, to be recovered to the use of the State, on motion of the attorney-general or solicitor for the State, in any of the county or superior courts thereof, on the certificate of the comptroller stating such failure; which certificate the comptroller is hereby required to furnish in every case of failure immediately after the first day of October, in each and every year: and the clerk so failing and forfeiting, shall be considered guilty of a misdemeanor in office, and on conviction shall be dismissed accordingly, and shall thereafter be held ineligible to the appointment of the clerkship of his county.

IV. *And be it further enacted by the authority aforesaid,* That on the first day of November next, and on the first day of November in each and every year thereafter, it shall be considered the duty of the public treasurer and comptroller for the time being, to make, certify and hand to the public printer, to be by him published for one month, a list containing the names of all the revenue officers in the State, who shall on that day have failed to account for the public taxes and other monies due by them for the last year, and which by law are made payable into the treasury on the first day of October preceding, stating in such list the sum due from each officer respectively for that year; and this they shall consider their indispensable duty to do yearly and every year.

CHAP. IX.

1805.

An Act to secure creditors against fraudulent and secret conveyances of property by insolvent debtors.

WHEREAS many frauds are committed by persons making conveyances upon some secret trust, and by persons concealing the property of insolvent debtors, so as to enable them to avoid or delay the payment of their just debts: 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 upon any judgment rendered, or which shall be hereafter rendered in any court of record in this State, if the plaintiff by himself, his agent or attorney in fact, will make an affidavit stating that the defendant has no visible property to satisfy the same, or on which an execution can be levied, and that he or she has good reason to believe that the defendant has fraudulently conveyed his or her property to avoid or delay the payment of his or her just debts, or that some other person or persons is or are in possession of property belonging to said defendant, and conceals the same, the court in which the said judgment hath been or shall be rendered, shall and may at any time while the said judgment is in force, order a scire facias, or scire faciases, as the case may be, to be issued against and served on the person or persons claiming any estate, real and personal, under any such conveyance; or any person or persons charged in the affidavit with concealing any money, goods or other estate, for the use of the defendant, or for the purpose of enabling him or her to avoid or delay the payment of his or her just debts, in which he, she or they shall be commanded to appear at the next succeeding term, and declare upon oath, and in writing, whether he or she holds, or is in possession of, or claims title to any money, goods or other estate, real or personal, under any conveyance made by the defendant upon any secret trust; and whether he or she holds or is in possession of any money, goods or other estate, or was at the time of rendering said judgment, or at any time since, in possession of any money, goods or other estate, under any secret delivery, to hold the same for the use of the defendant, or any other person, to enable him or her to avoid the payment of his or her just debts; and if the scire facias shall be returned, served by delivering a copy to the party against whom it issues, or by leaving a copy at his or her dwelling, and the party shall appear, the court shall proceed to require a declaration from him or her on oath, as aforesaid; and if the party so called into court shall acknowledge that he or she does hold or claim property of the defendant in manner aforesaid, the court shall and may order the same to be delivered up or made subject to the judgment of the plaintiff; or in case the same or any part thereof shall be money, or in case any part of the property shall have been used, wasted or destroyed by the party, the court may give judgment for the plaintiff against such party, for the amount and value of the money then held, or which has been used, as also for the value of any other property (to be ascertained by a jury) used, wasted or destroyed, and acknowledged as aforesaid to have been received in manner aforesaid, for the use of the defendant, or any other person as aforesaid; but in case any person called into court in manner aforesaid, shall deny that he or she holds or is in possession of, or claims title to any property, real or personal, conveyed or delivered for the purpose of enabling the defendant to avoid or delay the payment of his or her just debts, or that he has held any such property, and used or wasted the same, the plaintiff may, if he or she thinks proper, require an issue to be made up, and the facts tried by a jury, as in other cases, and judgment shall be given accordingly with costs; and in case any verdict and judgment shall be given in favour of any person called on under any scire facias, or in case he or she shall be discharged by his or her declaration on oath, without the trial of any issue, he or she shall be entitled to the same costs as if he or she had been originally sued in said action.

II. Be it further enacted, That in case any scire facias shall be returned served, in manner herein directed, and the party against whom the same issued shall fail to appear, the plaintiff may enter against him or her a judgment by default; but before executing any writ of enquiry, or entering up any final judgment, a second scire facias shall issue to the party requiring him or her to appear and shew cause why final judgment should not be entered up for the

Preamble.

Course to be taken where the property of a person is fraudulently conveyed to injure his creditors.

When the party fails to appear, judgment may be entered by default.

1806.

amount of the plaintiff's demand, or the amount which the plaintiff shall in his affidavit state to have been in the hands or possession of such party; for which amount, upon the service of said scire facias in manner herein directed, the plaintiff may enter up judgment against said party, with costs as aforesaid.

Mode of proceeding when judgment is given by a justice of peace.

II. *And be it further enacted*, That when any judgment shall be given by any justice of the peace out of court, the plaintiff may make an affidavit, in manner herein directed in courts of record, upon which he shall be entitled to carry up to the next succeeding court of pleas and quarter sessions to be held for the county in which said judgment is given, with the said affidavit, the warrant, judgment, and all papers relating thereto; and upon which the said court, upon motion made by the plaintiff, shall and may order a scire facias in manner herein directed, which shall be proceeded on in the same manner as if the suit had been originally instituted in said court.

Former acts repealed.

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

CHAP. X.

An Act to ascertain and fix the salary and fees of the Governor's private Secretary.

Preamble.

WHEREAS the present salary of the Governor's private Secretary, including his fees as allowed by law, are found to be inadequate to the services by him performed.

Salary & fees.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the private secretary of the Governor shall be allowed the sum of one hundred and fifty pounds, and the following fees, and no others whatever, viz. For a judge's commission, forty shillings; for an attorney general's ditto, twenty shillings; a solicitor's ditto, twenty shillings; senators in congress ditto, twenty shillings; representatives ditto, twenty shillings; notary public's ditto, twenty shillings; for any commission for a place of profit, twenty shillings; a testimonial, ten shillings; suspension of a grant, seven shillings and six pence; for affixing the seal to a grant, two shillings and six pence.

And whereas an act passed in the year one thousand seven hundred and eighty four, chapter ninth, directs that the letter books of the Governor should be carefully preserved in the offices of the clerks of the General Assembly; which law from experience has been found to be inconvenient: for remedy whereof,

The letter books of the Governor's private Secretary.

II. *Be it further enacted by the authority aforesaid*, That the clerks of the General Assembly shall, at the close of each and every session of the Legislature, deliver to the private secretary of the Governor the letter book, for the purpose of being deposited in the office of the Executive. And further, that the clerks of the General Assembly do deliver to the Governor's private secretary, all the letter books of the former Governors which are now remaining in their office since the fourth of July, one thousand seven hundred and seventy-six, to be likewise deposited in the executive office. *Provided always*, that it shall be the special duty of the Governor for the time being to have the said books, or any of them, produced before the General Assembly, whenever thereto requested.

Former laws repealed.

III. *And be it further enacted*, That all laws, and parts and clauses of laws, heretofore made, that come within the purview of this act, shall be and the same are hereby repealed.

CHAP. XI.

An Act to amend the several acts of Assembly now in force giving remedy by petition.

Shows by petition how to be managed.

BE 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 of suits by petition, in which a copy of the petition and a subpoena or capias shall have been served on one of the defendants, and it shall be shewn to the court by affidavit that the other defendant or defendants is or are not inhabitants of this State, or on diligent enquiry cannot be found, the court may make an order directing such defendant or defendants to appear to the said suit, and make his, her or their defence to the same, at the next or some after term or sessions of the said court, or that the petition will be taken *pro confesso* against him, her or them, and heard accordingly; and if it shall, at the term or session so appointed, be proved to the court that the said order was published five weeks successively in the paper nominated by the court, within fifty days after the said order was

made, the court may proceed to the trial of the cause, and to pass judgment, or to decree therein; which judgment or decree shall bind and conclude such defendant or defendants to the same extent, and under the same rules and regulations as defendants are now bound by like proceedings in the courts of equity.

1806.

II. *And be it further enacted*, That when any matter of account shall be involved in a suit by petition, the court may order their clerk to audit and settle the accounts involved in the cause, and to report the balance due thereon, in the same manner and under the same rules and regulations as references are made by the courts of equity to the clerks and masters thereof; and the clerk shall be entitled to the same compensation for such services as the clerks and masters are now allowed by law.

When an account is involved in a suit the clerk may audit and settle it.

III. *And be it further enacted*, That on affidavit of the petitioner or petitioners, or one of them, stating to the best of his, her or their knowledge and belief, the amount due from the defendant or defendants, the clerks may, under the direction and at the discretion of one of the judges of the superior courts of law or of the court of pleas and quarter sessions where the petition may be filed, issue a capias to hold the defendant or defendants, or any of them, to bail, in double the sum so claimed to be due; which bail shall be liable and may discharge themselves in the same manner as bails in suits at common law.

The clerk may issue capias &c.

IV. *And be it further enacted*, That any two justices of the peace may take depositions to be read as evidence in the trial of suits by petition, in the same manner and under the same rules and regulations as depositions are taken to be read on the trial of suits in equity.

Two Justices may take depositions to be read in evid.

V. *And be it further enacted*, That the clerk may take and receive the same fees for the copies and process in suits by petition as the clerks and masters are now entitled to for like services.

Clerks fees.

CHAP. XII.

An Act for the relief of Executors and Administrators in certain cases.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the provisions of an act passed at Fayetteville in the year one thousand seven hundred and eighty nine, entitled "An act directing the mode of proceeding against the real estate of deceased debtors, where the personal estate is insufficient for the payment of the debts," shall, and the same is hereby declared to extend to executors and administrators generally, under the same rules, regulations and restrictions as are by the said act required, any law, usage or custom to the contrary notwithstanding.

The provisions of the act of 1789 to extend to executors and administrators.

CHAP. XIII.

An Act giving further time for registering Grants, proving Deeds and Mesne Conveyances.

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

Deeds, &c. may be registered within 2 years from the passing of this act.

II. And whereas, from the frequent division of the counties within this State, it has happened, that many deeds, grants and mesne conveyances, have been registered in the register's office of other counties than those in which the lands conveyed in such deeds, grants or mesne conveyances are situated,

III. *Be it therefore further enacted*, That whenever any original grants from the late Earl Granville, or from the State of North-Carolina, or any mesne conveyance under such grants, may have been registered in other register's office than those of the counties in which the lands are not situated, it shall be lawful for the grantee or grantees, and those claiming under them, within one

Deeds registered in counties where, from division, the land does not lie, may be renewed,

1806.

year after the passing of this act, to have their deeds, grants and mesne conveyances registered over again in the register's office of the counties where the lands are now situated, on paying the register's fees for the same; and such deeds, grants and mesne conveyances, when so registered, shall be as good and valid to all intents and purposes, as if they had been registered in the first instance in the register's office of the counties where the land is situated.

CHAP. XIV.

An Act to encourage Owners of Ferries to build Bridges for the convenience of Travellers.

Preamble.

WHEREAS passing rivers and large water courses by bridges instead of ferry-boats, would tend much to dispatch, safety and convenience: For encouraging, therefore, owners of ferries to erect bridges in lieu thereof,

Proprietors of ferries may build bridges.

BE 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 the proprietor of any ferry shall prefer building a good and substantial bridge over any water course, instead of keeping ferry, he shall be at liberty to do so, under the same rights and in the same manner by which the ferry is claimed and held, and under the same rules, regulations and restrictions of other toll-bridges heretofore established by law: *Provided nevertheless,* that no more toll shall be demanded for passing any bridge erected in consequence of this act than is granted by law for the ferryage, unless by agreement with the county court, who are hereby authorized to grant and advance as far as twenty-five per cent. and not more: *And provided further,* that in all such bridges the proprietor shall erect a draw where any water course is frequently and commonly used by sea vessels or masted boats of considerable burthen.

Toll not to be higher than ferryage.

CHAP. XT.

An Act for the appointment of Auctioneers.

Auctioneers how to be appointed.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the city of Raleigh, and the towns of Salisbury Hillsborough, Halifax, Edenton, Washington, Newbern, Wilmington and Fayetteville, shall have power immediately after the next election after the passing of this act, and from time to time, to appoint one or more, not exceeding three persons, to act as auctioneers, who shall give bond with two securities in the sum of five thousand pounds, to be filed in the clerk's office of the county in which said city and each of said towns are respectively situated: and the auctioneers so appointed shall exclusively have the right of selling by auction property of every kind, which shall be exposed for sale at auction in said city and towns respectively, except as hereinafter excepted.

Their commissions, &c.

II. *And be it further enacted,* That said auctioneers shall be authorized to demand and receive from any person requiring their services, such commissions as they may mutually agree upon, and for want of such agreement not more than three and one half per centum; and they shall keep a correct account of all sales by them made, which shall at all times be subject to the inspection of said commissioners, or any person they may appoint; and also on the payment of one shilling for a search, to that of any other person interested therein, provided such interested person shall have no right to examine any part of such books except such as may relate to his or her own particular concern.

Auctioneers to pay one per cent. on the whole amt. of sales to said commissioners.

III. *And be it further enacted,* That said auctioneers shall yearly, on such day as may be appointed by said commissioners respectively, account for and pay to such commissioners one per cent. on the total amount of all sales made by them.

The remedy where auc'rs shall fail to account.

IV. *And be it further enacted,* That if any of said auctioneers shall fail or refuse to account for and pay the proceeds of any sale by them made, it shall and may be lawful for the person entitled thereto to enter up judgment in the county or superior court of the county in which each of said city and towns are respectively situated, ten days previous notice being given to the auctioneer. But if said auctioneer shall deny the whole or any part of the claim of the plaintiff, a jury shall be impannelled *instantly* to try any issue made up thereon; and the said auctioneers and plaintiffs respectively shall be entitled to summon witnesses.

to appear at the term or session in which notice of an intention to enter up judgment shall have been given. *Provided nevertheless*, that nothing herein contained shall extend or be construed to extend to any sale made by order of any court, or by any sheriff, coroner or constable, by virtue of his office, or of the goods and chattels of any deceased persons or minor, or the sale of any goods and chattels the property of the vender: *Provided always*, that this act shall not prevent any person from selling his own property at public auction.

1806.

CHAP. XVI.

An Act to amend an act, entitled "An act to prevent the selling of Spirituous Liquors and other articles at Church or Meeting-House yards on days of divine worship," passed in the year 1800.

WHEREAS no provision has been made in said act for persons who may, in a state of intoxication or otherwise, behave themselves in a riotous or disorderly manner at the places aforesaid,

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 if any person or persons shall hereafter be found at any church or meeting-house, or any other place where persons may be assembled for the purpose of divine worship, either in a state of intoxication or otherwise, behaving him or themselves in a riotous or disorderly manner, they shall, on conviction before any justice of the peace for the county where such offence may be committed, forfeit and pay the sum of fifty shillings, which monies shall be applied to the use of the poor of the county: *Provided always*, such conviction shall be at the time of such offence being committed, or within ten days thereafter; *And provided also*, that if either party shall think themselves aggrieved by the judgment of the justice before whom such trial shall be had, may have the right of appeal to the succeeding county court; and in all such cases it shall be the duty of the county attorney to appear and prosecute in behalf of the State.

Penalty on persons behaving disorderly at divine worship.

Persons aggrieved may appeal.

CHAP. XVII.

An Act to amend an act, entitled "An act for the better care of Orphans, and the security and management of their estates."

Be 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 superior or county courts shall and may appoint a fit and proper person to take the care and management of the estates real and personal, rights and credits, of any person under the age of twenty-one years, who shall be seized or possessed of any estate, real or personal, or entitled to any such estate, although the father of such minor may be living. And the person so appointed shall enter into bond with security, as required by the act aforesaid of guardians of orphans, and shall have the same authority as guardians, and be governed in all respects by the laws now in force concerning guardians and orphans, so far as respects the property and rights of orphans; but shall not have any care of, or authority over the person of such minor, by virtue of such appointment.

The Superior or County Court to appoint a fit person to take care of orphans estates.

The person to enter into bond.

CHAP. XVIII.

An Act to revise the Militia Laws of this State, relative to the Infantry.

BE 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 freemen and apprentices, citizens of this State or of the United States, residing in the State, who are or shall be of the age of eighteen years, and under forty-five years, shall, as soon as it is practicable, be severally and respectively enrolled in the Militia of this State, by the captain or commanding officer of the company within the bounds of whose district (to be allotted him by the court martial) such citizen shall reside: And it shall and at all times hereafter be the duty of every captain or commanding officer of any company to enrol every such citizen as aforesaid; and also those who shall from time to time arrive at the age of eighteen years, except as hereinafter excepted, or shall come to reside within his bounds and remain therein thirty days; and shall, without delay, notify such citizen of said enrolment by a proper non-commissioned officer of the company, by whom such notice may be proved: That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket, smooth-bored gun or firelock, or with a good rifle, shot-pouch, and powder-horn; and shall appear so armed, and accoutred, when called out to exercise, or in actual service. That the commissioned officers shall severally be armed with a sword or hanger or an esponton. And every citizen so en-

Who are to be enrolled.

How to be provided.

1806.

rolled and providing himself with arms and accoutrements as aforesaid, shall hold the same exempted and free from all suits, distresses, executions or sales for debt, and for the payment of taxes.

Persons ex-
empted from
militia duty.

II. *Be it further enacted*, That the Vice-President of the United States, the officers judicial and executive of the United States, the members of both houses of Congress and their respective officers, the judges of the supreme courts of law and courts of equity and justices of the peace, councillors of state, the secretary, treasurer, comptroller, attorney-general, solicitors, the clerks of the several courts of record, the state-printer, high sheriffs of the several counties in this State, physicians and surgeons, ministers of the gospel of every denomination that are properly and regularly ordained and have the cure of souls, quakers, moravians, dunkards or menonists, religiously scrupulous of bearing arms, who may produce a certificate of their being regular members of either of the said societies, all custom-house officers, postmasters and stage-drivers, who are employed in the care and conveyance of the mail to the post-offices of the United States, all continental officers who served with reputation three years, or until the end of the revolutionary war, unless sooner deranged by a reform of the army, all ferrymen employed on any ferry of any public road, provided the same shall not exceed the superintendant and one other to each ferry, all millers of public mills and inspectors of produce, all branch and licenced pilots, all mariners actually employed in the sea service of any State or merchant of the United States, all officers and students of the University and all other seminaries of learning within this State particularly established by law, shall be, and they are hereby exempted from militia duty: *Provided always*, that nothing herein contained shall be so construed as to exempt any person from performing duty in case of invasion or insurrection within this State.

Forfeitures
for not being
equipped.

Officers how
to take rank.

Militia how
to be divided
and officered.

III. *Be it further enacted*, That every person liable to do militia duty, who may by the commissioned officers of his company be deemed in circumstances sufficient to equip himself, and who shall fail to do the same as herein required, shall forfeit and pay for each deficiency, as follows: for the want of a good and serviceable musket, rifle or firelock, the sum of five shillings, a shot pouch and powder horn, the sum of two shillings and sixpence. And all parents, masters or guardians shall furnish those of the militia who shall be under their care or command with their arms and equipments above mentioned, under the like penalties for each neglect: *Provided*, that such guardian shall have property sufficient in his hand belonging to his ward to purchase said arms. That all commissioned officers of the same rank shall take precedence or command according to the date of their commission: and where two or more of the same grade bear an equal date, then their rank shall be determined by lot, to be drawn by them before the commanding officers of the division, brigade, regiment, battalion, company or detachment. That each superior court district shall form at least one brigade, and each county at least one regiment. That when the same shall be convenient, each regiment shall consist of at least two battalions, each battalion of five companies, and each company of sixty-four privates. That the militia shall be officered as follows, to each division one major-general, and two aids de camps, with the rank and pay of major, to be appointed by the major-general: to each brigade one brigadier-general, and one aid de camp, with the rank and pay of a major, to be appointed by the brigadier-general: To each regiment one lieutenant-colonel commandant and two majors. Which general and field officers shall be appointed by the Senate and House of Commons, and commissioned by the Governor for the time being. To each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer. That there shall be to each regiment one adjutant and one quarter-master, who shall be commissioned officers with the rank of lieutenant, to be appointed by the commanding officer of the regiment. And it shall be the duty of the adjutant in each regiment respectively to perform the duties heretofore assigned to the brigade inspector within their regiment, for which service he shall be allowed by the court-martial a reasonable compensation, if they think proper, to be paid out of the fines collected. There shall be also one paymaster, one surgeon and one surgeon's mate, to be appointed as aforesaid: also one sergeant-major, one drum major, one file-major, to each regiment, to be appointed by the commanding officer thereof. The non-commissioned officers, sergeants, corporals, drummers and fifers, shall be appointed by the captains of each company. The commissioned officers below the grade of a field officer, whenever a vacancy happens in the infantry, a recommendation shall be made by the field officers of the regiment, to the Governor, who is requested to issue commissions to fill all the said appointments and recommendations. The general and field officers, and all other commissioned officers, shall reside within the division, brigade, regiment, battalion, or company district, which they respectively command. *Provided*, that this arrangement shall not effect any appointment heretofore made.

Volunteer
companies.

IV. *Be it further enacted*, That any person who may enrol himself in any volunteer company, authorised by the militia laws of this State, shall be considered as belonging to the company to which he was attached before such enrolment, and shall continue to perform the duties of such company until he becomes fully equipped in the usual uniform of such volunteer company in which he is enrolled. That when such person becomes equipped, he shall then, and not until then, be considered as belonging to such volunteer company. That such person so becoming enrolled in any volunteer company, and considered as attached thereto, as directed by this act, shall not then be permitted to return

to the infantry, except by the consent of the field officers of the regiment to which such company may belong; or by removal out of the county, regiment or battalion where such person was enrolled. That it shall be sufficient for such person to be enrolled and approved by the captain of any volunteer company, without the intervention of any other officer whatever.

V. *Be it further enacted*, That the rules approved and established by Congress, in their resolution on the 29th day of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia of this State; except such alterations as may be rendered necessary by the requisitions of this act, or some unavoidable circumstance. It shall be the duty of the commanding officer at every muster, whether by regiment, battalion or company, to cause the militia to be exercised agreeable to the said rules of discipline, at least three hours in each day, at which they may muster.

To be governed by the rules adopted by Congress.

VI. *Be it further enacted*, That there shall be in every year, at least one regimental or battalion muster, at such place or places as have been, or shall be appointed by law for general musters, to be ordered by the commandant of such regiment or battalion, except when it is otherwise ordered by a general officer, who may order such musters at such time and place in the respective counties as may by him be thought proper and convenient.

To be one regimental or battalion muster every year.

VII. *Be it further enacted*, That the Governor be, and he is hereby authorised, within sixty days after the passing of this act, and as often thereafter as occasion may require, to designate one of the generals to act as adjutant-general, by granting to him a commission for that purpose; and it shall be the duty of the adjutant-general so to be appointed to distribute all orders from the commander in chief of the state to the several corps, to attend public reviews if required, when the commander in chief of the State shall review the militia of any part thereof: to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law, to furnish blank forms of different returns that may be required, and to explain the principles on which they shall be made. To demand and receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and their delinquencies, and every other thing which relates to the advancement of good order and discipline. All which the several officers of the divisions, brigades, regiments and battalions are hereby required to make, in the manner herein directed, that the adjutant-general may be duly furnished therewith previous to the annual meeting of the General Assembly. From all which returns he shall make proper abstracts, and lay the same, with a report of the general state of the militia, magazines and military stores, and such improvements as he may think necessary for the advancement of discipline and benefit of the militia, annually, to the General Assembly, or to the commander in chief of the State, who is requested to lay the same, without delay, before the said Assembly. And the adjutant-general shall also annually make a return of all the militia of this State to the President of the United States. That it shall be the duty of the adjutant-general to give information against, and prosecute in behalf of the State, all majors and brigadiers general who shall fail or neglect to review their respective divisions and brigades, agreeable to the directions of the militia law. And to the end that he may receive information whether the said duties have been performed, the commanding officer of each regiment, under the penalty of twenty-five pounds for each neglect, is hereby required to forward to the said adjutant-general a duplicate of the annual return made by him to the brigadier, at the bottom of which he shall report whether or not his regiment was reviewed by the major-general or brigadier-general, and at what time. In failure of which recited duties, he shall suffer the following fines and penalties: for not attending all public reviews when required by the Governor or commander in chief of the State, twenty five pounds for each neglect: for not furnishing blank forms as required by this act, the sum of five pounds for each neglect, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the State. For not distributing all orders from the commander in chief of the State, or for not making returns, informations and prosecutions as required by this act, upon conviction of either before a general court-martial to be ordered by the Governor, he shall be cashiered. That the said adjutant-general shall be compensated for the printing of all the blank forms of returns necessarily prescribed in his department, and the postage of all letters to and from him in his capacity as adjutant-general, to be paid to him by the Treasurer of this State, on the adjutant-general's producing a stated account of the same, and by him certified. That the adjutant-general shall keep a roster of the names and dates of the commissions of each major and brigadier-general in this State, likewise the counties under each of their command respectively, designating therein the numbers of each division and brigade, ready at all times for immediate inspection. That he shall at least once in every three years transmit a copy of this roster certified by him, to the President of the United States, to the Governor of this State, and to the General Assembly. That it shall be the duty of the adjutant-general to bring suits in the name of the Governor, in any of the courts of record within this State, against all and every field and general officer who may make default of return of him required by this act. And where any penalty whatever is imposed by law upon any field or general officer for any neglect or breach of duty whatever prescribed by military law, it shall be the duty of the adjutant-general to institute a suit or suits in the name of the Governor, in any court of record within this State, against

Governor to designate one of the generals to act as adjutant-general.

His duties?

186.

such officer; and a certificate of the adjutant-general, under his hand and seal, shall be conclusive evidence in any such court of record against such delinquent officer, provided such certificate contains such matter as would be sufficient evidence to convict such officer, if delivered by the rules of law in open court. And the judgment so obtained shall be carried into execution by the sheriff of any county, in the same manner, and under the same rules, regulations, restrictions and penalties, as are prescribed in cases at common and statute law. And he shall from time to time make report to the Legislature of what shall be done by him in virtue of his appointment, and accompany such report with such remarks as may by him be deemed necessary for the better regulation and improvement of the military discipline throughout the State. In consideration of all which services, the said adjutant-general shall be exempted in his capacity of a general officer from the duty of reviewing his division or brigade, as required of other general officers by this act, and from the penalties consequent upon the omission to perform that duty: *Provided nevertheless*, that this exemption shall not be understood to derogate from his right to attend in either or both capacities of adjutant-general and general in the line, any regimental, battalion or other muster, whenever and as often as he may think proper to do so.

Forfeitures for
not attending
reviews and
musters.

VIII. *Be it further enacted*, That if any officer shall fail to attend at any review, regimental or battalion muster, or attending, be not armed as required by this act, he or they shall, on conviction before a court-martial, forfeit and pay, if a field officer, the sum of ten pounds; if a commissioned officer under that grade, the sum of five pounds. And every non-commissioned officer or private who shall fail to attend such review or muster, shall, on conviction, pay such sum as shall be adjudged against him or them by the commissioned officers of the company to which he belongs, not exceeding two pounds, nor less than ten shillings, to be ascertained and determined at the next company muster, and when collected, to be accounted for with the court-martial; or if appearing, be not armed as by this act directed, shall for such default forfeit and pay a sum not exceeding fifteen shillings, nor less than five shillings, to be adjudged as aforesaid; which fines shall be collected and applied as hereinafter directed; that the company officers in each regiment or battalion of infantry shall incur the same penalty if they fail to attend the muster ground the day preceding each muster for the purposes herein mentioned. Every captain or commanding officer of a company shall, at least once in three months, at such place as he shall think most proper and expedient and agreeable to the order of the commanding officer, muster, train and exercise such company, and shall cause them to remain under arms at least three hours in each and every day, by himself, or his lieutenant or ensign, and then and there teach them the manual exercise and manœuvres directed in the book of discipline; at which muster the officers and privates shall appear armed as before required. If any captain or commanding officer of any company shall fail, or neglect to muster his company as herein directed, he shall forfeit and pay the sum of three pounds; and if he, or any commissioned officer of the company, shall fail to appear equipped as directed at the said muster, the officer so failing shall pay the sum of two pounds; and if a non-commissioned officer or private shall fail to attend at a company muster, he shall forfeit and pay a sum not exceeding twenty shillings, nor less than ten shillings; and if attending without being armed and accoutred, shall pay a sum not exceeding ten shillings, nor less than five shillings; which sum shall be adjudged in manner as hereinafter directed, according to the circumstances of the delinquent. *Provided*, that every absentee shall be allowed until the next succeeding company muster to make his excuse, which shall always, and without exception, be on oath; the officer highest in rank being hereby authorised to administer the same. If any officer shall suffer himself to be intoxicated, or behave in a riotous or disorderly manner when required to be on duty, or disobey the orders of his commanding officer, he shall either be fined and reprimanded by the court-martial, or at their discretion shall be absolutely cashiered.

Officers must
attend.

IX. *Be it further enacted*, That it shall be the duty of the commanding officer and the adjutant of each regiment to attend the day previous to each regimental and battalion review, in order to muster and train the different officers composing such regiment or battalion. And on failure or neglect, the commanding officer or adjutant, or either of them, shall forfeit and pay the sum of ten pounds.

Punishment
for resisting
commands.

X. *Be it further enacted*, That if any non-commissioned officer or private shall, during the time of muster, resist his commanding officer, or refuse to obey his lawful commands, if a non-commissioned officer, he shall be kept under guard during such muster, reduced to the ranks, and fined at the discretion of the court-martial, not exceeding three pounds; and if a private, shall be confined and kept under guard during such muster, and fined at the discretion of the court-martial, not exceeding twenty shillings. And if the court-martial, after examination on oath, shall adjudge any person or persons enrolled to be incapable of providing him or themselves with arms and accoutrements required by this act, they shall make report thereof to the next regimental or battalion court-martial, as the case may be; who may, if it shall appear necessary, exempt such persons from the fines or forfeitures by this act imposed, until such arms and accoutrements shall be provided and delivered to him or them by the court-martial; who shall take security for the safe-keeping of such arms and accoutrements to be returned when required.

Returns to be
made.

XI. *Be it further enacted*, That the several captains of infantry shall, at their several musters, make a return of their respective companies to the commanding officer of the regiment or battalion within thirty days after the same is required; or immediately, if required at a regimental or battalion muster, under the penalty of five pounds in the first

case; or disobedience of orders in the second case. That every officer commanding a regiment shall, at least once in every year, on or before the 25th day of October, make a return to the brigadier-general, to which such commandant of regiment belongs, under the penalty of twenty-five pounds. That the brigadier-general of each brigade shall make a return of his brigade to the major-general of the division, on or before the 10th day of November, in each and every year, under the penalty of fifty pounds. That the major-general of each division shall make a return of his division to the adjutant-general of this State on or before the annual meeting of the General Assembly, under a penalty of fifty pounds.

1806.

XII. *Be it further enacted*, That when any major-general shall be charged with malpractice or neglect of duty, the Governor for the time being shall order him to be arrested and furnished with a copy of his charge, and shall order a general court martial for his trial, to be composed of one major-general, two brigadiers-general and ten field officers, six of whom shall be of a different division. For the like charge against a brigadier-general any major-general or the adjutant-general, shall order him to be arrested and furnished with a copy of his charge, and shall order a court-martial for his trial, to be composed of a brigadier-general and twelve field officers, six of whom shall be of a different brigade. In like manner, the commanding officer of each brigade, or the adjutant-general, shall arrest the field officers under his command, and appoint courts martial for the trial of those against whom charges may be exhibited. Which courts shall be composed of thirteen officers, to be taken from the brigade in which such officer arrested belongs, none of whom shall be under the rank of captain, and a field officer shall preside. The commanding officer of each regiment or battalion shall order a court martial to be held at the place appointed for the musters of the same, on the day after the regimental or battalion muster, or on the same day if convenient; which court shall consist of a majority of the officers of the regiment or battalion, one of whom shall be a field officer, and two of the grade of captain, and the officer highest in rank present shall be President. The court shall be notified to their duty by the adjutant of the regiment or battalion, by a roster to be by him kept: And the said court when convened, shall appoint a judge-advocate, who shall himself, in the presence of the said court, take the following oath: "I A. B, do swear, that I will well and truly perform the duties of judge-advocate of this court, according to the best of my skill and ability. So help me God." And the judge-advocate shall administer the following oath to the members of the court-martial: "I A. B, do swear, that I will hear and determine all causes which may come before this court, and that I will faithfully report all delinquents that come within my knowledge. That I will account for all fines and forfeitures by me collected or received, and in all cases enforce a due execution of the militia laws of this State, to the best of my knowledge and ability. So help me God." That they shall enquire into the age and ability of all persons that come before them by appeal, and exempt such as may be judged incapable of service; also try and decide on all persons charged with omission or commission, as well by officers as by privates. The said regimental or battalion courts martial shall hear and determine all appeals from the company courts martial, and to order and dispose of all fines for buying drums, fives and other implements of war for the use of the company, from whence the same shall arise, and for supplying the militia with arms and accoutrements and other purposes, that will promote the good thereof. The judge-advocate shall be allowed a reasonable salary, to be paid out of the fines for his services. His duty shall be to write at length the proceedings of the said court. For all fines which may be imposed by the court-martial, he is hereby authorised and required to enter up judgment and issue execution, which if against commissioned officers, shall be directed to the adjutant or constable; if against non-commissioned officers or privates, shall be directed to a sergeant of the company, or constable of the county to which the delinquent belongs. The adjutant, sergeant or constable shall proceed to distress and sell, in the same manner, and under the same rules as are established by law for the government of constables in their duty in civil cases, and shall be allowed the same fees for their services. That the adjutant, sergeant or constable, shall in all cases make due returns to the next succeeding court-martial; and in case of failure of such adjutant, sergeant or constable to do the several duties as required of them by this act, in collecting and accounting for all fines, such adjutant, sergeant or constable, as the case may be, shall incur a penalty or fine of double the amount that such adjutant, sergeant or constable was so bound to collect and account for.

How courts martial shall be formed and conducted.

Judge-advocate to be allowed a reasonable salary.

His duties

XIII. *Be it further enacted*, That the commissioned officers of the company, or any two of them, after each and every muster of the company, shall on the same day meet in court-martial, and proceed to try and determine on all cases which may come before them; and on the conviction of any delinquents, the officer highest in rank present, shall enter up judgment and issue execution, directed to the sergeant or constable of that district, at his own discretion; which sergeant or constable, as the case may be, shall proceed as before directed, and shall make his return to the next company court-martial. That it shall be the duty of the paymaster to demand and receive of the adjutants, sergeants or constables, and others who may have collected fines and forfeitures, and distribute the same, agreeably to the directions of the court martial, and settle his accounts annually with the judge-advocate. And the paymasters respectively shall, before they enter on the duties of their office, give bond and sufficient security in the sum of one hundred pounds, payable to the commanding officer of the regiment and his successor in office, for the faithful accounting for, agreeable to law, of all sums of money which may come into his hands by vir-

Officers to meet in court martial.

Duty of the paymaster.

1805.

ive of his appointment: And it shall be the duty of the commanding officer aforesaid, under the penalty of one hundred pounds, to sue for and recover the same; and when the same is so received by him, apply it as is already by law directed. And the several paymasters shall be allowed a reasonable compensation for their services by the court-martial. In case there shall be no paymaster appointed by the commandant of any regiment, then and in that case each commandant shall perform and execute the duties of paymaster as above required.

Officers to take
an oath.

XIV. *Be it further enacted*, That every officer at the first meeting of the court-martial, after being commissioned, shall take and subscribe the following oath, to be administered in open court-martial by the judge-advocate: "I A. B. do solemnly swear, that I will execute the office of — according to the rules of military discipline and the laws of this State, to the best of my knowledge and ability; and that I will support the constitution of the United States, and of this State, so help me God." And also the following oath: "I A. B. do swear, that I will, at the court martial of the company to which I belong, duly administer justice, and apply fines and penalties according to law, and to the best of my ability, without favour, affection or partiality, so help me God." That no officer shall be entitled to sit in a regimental, battalion or company court-martial, unless he shall have taken and subscribed the oaths aforesaid.

Proclamation
to be made of
delinquents.

XV. *Be it further enacted*, That if at any regimental, battalion or company courts martial, or company of the officers, there shall be any delinquents, either for non-attendance, or not being properly armed and accoutred, or for disorderly conduct, proclamation shall be made by the captain or commanding officer, calling the names of all delinquents enrolled, that they attend the trial at the following company court martial, which shall be deemed a legal notice. If field officers, or officers of the regimental staff, such notice shall be given by the commanding officer or adjutant of the regiment or battalion, or to the officers assembled; and if any officer or private has an excuse to offer to the court martial, he may send his affidavit, taken before a civil magistrate, or produce a witness, or he may personally appear and make oath to the cause of his delinquency: and in all cases, whether for neglect or failure of the officers and privates of regimental or battalion musters, or appeals from the company courts martial, and all other cases of which the regimental courts martial have jurisdiction, their determination shall be final.

Appeals.

XVI. *Be it further enacted*, That the right of appeal shall be reserved from a company to a regimental court martial, and that the several courts martial shall in future have power and legal authority to adjourn from day to day, or to any future day, when it shall be the duty of the officers entitled to compose the same to attend, under the usual penalties by law established by this act in other like cases for non-attendance, and at which time the unfinished business of the court may be acted on: That if there should not meet a sufficient number at the place of adjournment to form a quorum, that the officer ordering the same shall have power to continue its adjournments. That when any original court martial shall be ordered and a sufficient number of officers do not attend to form the same, the business of the said court shall stand adjourned until the next court martial in course.

Officers to be
exercised by
the adjutant.

XVII. *Be it further enacted*, That every commissioned officer of the infantry, by appointment of the commanding officer of each regiment, shall meet the day before that on which the commanding officer of such regiment or battalion appointed for the holding reviews or regimental musters in their respective counties; where the said commissioned officers of infantry shall be exercised by the adjutant, or by the commanding officer of such regiment or battalion, at least three hours in each day, when and where they shall be instructed in all matters of field exercise and discipline, according to the system which now is or may hereafter be established by the Congress of the United States and of this State. And any commissioned officer who shall fail or neglect to appear at the time and place so appointed by the commandant of his regiment or battalion as required by this section, or if appearing be not armed and equipped as by this act directed when at any review or parade, such commissioned officer so failing and neglecting, shall forfeit and pay the same sum which such commissioned officer would be compelled to pay in cases of failure and neglect at any regimental or battalion reviews or parades, and shall be recovered in the same manner, and the monies applied as in other like cases directed by this act. And such commissioned officer shall in every instance whatever be subject to the same punishment for neglect of duty, or disobedience of his superior officers, as such commissioned officer would be subject to when in actual military service.

General officer
to be.

XVIII. *Be it further enacted*, That the general officers shall immediately after their appointment to office, notify the Governor for the time being, of their acceptance or non-acceptance of such appointment. That if any major-general or brigadier general shall think proper to resign his commission, he shall first notify the Governor for the time being, and other officers to whom it may be his duty to make returns, of such his resignation; also of the name of the next officer in command, and the Governor and such other officers to whom returns from such resigning officer is or may be due, shall thereon require the necessary returns and reports of the next officer in command of the division or brigade, until the vacancy occasioned by such resignation be filled: *Provided*, That such resignation doth actually take place three months previous to the meeting of the General Assembly, and if not, the officer so resigning shall be accountable for all returns due from his division or brigade for that year.

Absence of
commanding
officers to be
excused.

XIX. *Be it further enacted*, That when any officer commanding a division, brigade or regiment, shall have occasion to be absent from his usual residence two months or more,

it shall be the duty of such officer to notify the officer entitled to the command of such his intended absence, and also the next superior officer in command, under the penalty of twenty-five pounds if a general officer, and ten pounds if any other field officer, to be recovered and applied as other fines.

1806.

XX. *Be it further enacted*, That all officers who have in their hands either money or papers, received by virtue of their appointments, shall, when they leave their office, pay and deliver the same to their successor in office under the penalty of fifty pounds, to be recovered in the name of the Governor and applied in like manner as other fines. Money & papers to be delivered to successors.

XXI. *Be it further enacted*, That in case of any insurrection, it shall be the duty of the militia officer highest in command in the county wherein the same shall happen, immediately to take measures for suppressing said insurrection, and to give notice thereof to the nearest general officer, whose duty it shall be to send an express without delay to the commanding officer of the state, informing him of the same, and the nature and extent thereof. In the mean time the said general officer shall immediately pursue the most active measures for suppressing the said insurrection, and it is hereby directed that the said militia shall appear with arms, ammunition and accoutrements required by this act. Insurrections.

XXII. *Be it further enacted*, That every officer who shall neglect or refuse on call or alarm given, to appear at such times and places as shall be appointed by his commanding officer, he shall, on conviction before a court martial, be cashiered and rendered incapable of ever after holding a military appointment under the authority of this state, and be further liable to pay the sum of twenty pounds, to be collected as herein directed; and if a non-commissioned officer or private, he shall forfeit and pay the sum of five pounds. If any person do not march against the enemy when commanded, by himself or substitute, or refuse or neglect to do his duty, or perform the services he is requested to perform by his officer, or quit his post, desert or mutiny, it shall and may be lawful for the commanding officer of the regiment or corps, to order a court martial for the trial of such offenders. The members when met, shall individually, before they proceed take the following oath: "I swear well and truly to try and determine, according to the evidence of the matter before me, between this state and the person now to be tried, so help me God." And shall, on trial and conviction, order punishment on the offender according to the articles of war, established for the regulation of the army: *Provided*, such punishment shall not extend to sentence of death, except in cases of desertion to an enemy, or mutiny. Penalties for failing to appear when called on duty.

XXIII. *Be it further enacted*, That no officer or soldier directed by this act to appear and muster as aforesaid, shall be liable to be taken or arrested in any civil action or process whatever, on the day such person or persons is or are directed to appear, or in a reasonable time either in going to, continuing at, or returning from the place appointed to muster or appear, but every such arrest is hereby declared to be void. Every person required by this act to attend musters and reviews, going to or returning from the same, shall be suffered to pass over any toll bridge or toll causeway, and shall be put over any ferry without delay, free from any charge whatever. If any ferryman or proprietor of any toll bridge shall demand pay, or refuse to put over such person, they shall forfeit and pay for every such offence, forty shillings, to be recovered by warrant from any justice of the peace, to the sole use of the informant. Officers and soldiers on duty, not liable to arrest on civil actions.

XXIV. *Be it further enacted*, That the major-general of each division shall, when convenient to himself, but at least once in every four years, from the time of his last review, and once in every four years thereafter, order a review of the several corps composing said division, to meet by regiments in their respective counties, and he shall attend the said reviews under the penalty of one hundred pounds. The brigadier-general of each brigade shall in like manner, at least once in every three years, order a review of the several regiments or battalions under his command, under a penalty of fifty pounds; and such brigadier-general shall cause to be given to the commanding officers of regiments and corps under their command, at least thirty days previous notice of such reviews or general musters. And the brigadier-general shall make a duplicate return annually to the adjutant-general, at the bottom of which it shall be their special duty respectively to state when his brigade was last reviewed by the major-general commanding his division. General's to order reviews.

XXV. *Be it further enacted*, That all fines or forfeitures by this act directed and not herein particularly appropriated, shall be applied to the purpose of buying drums, fifes, colours, arms and accoutrements for the use of the corps from whence the same did arise; those paid by the major-general shall be equally divided among the brigades of his division; those paid by the brigadier-general, shall be equally divided among the regiments of his brigade: those paid by the field and staff officers and not before appropriated equally among the companies of the regiments or battalions to which they respectively belong; and those paid by the other commissioned officers, among their respective companies. Fines how applied.

XXVI. *Be it further enacted*, That when companies consist principally of persons residing within any town of this state, and the muster ground is at or within one mile of said town, that all fines herein imposed for not appearing at reviews or musters, or if appearing, not being properly armed and accoutred, shall be double. Persons in towns to pay double fines.

XXVII. *Be it further enacted*, That if any person liable to do duty shall appear at or near the parade or muster ground during the time of any review or muster, and shall not take his proper station and perform the duty required of him by law, or behave himself in a disorderly manner while on the parade, it shall be the duty of the commanding officer of the regiment or corps, to order the said person under guard, there to be detained during the Persons on muster ground not on duty may be arrested.

1806.

time of exercise, or the service then performing and until the militia are discharged, and such person shall further be fined at the discretion of the court martial.

XXVIII. *Be it further enacted,* That the respective officers, non-commissioned officers and privates, when in actual service in the defence of this state, shall, from the day they are ordered on duty, be paid according to the following rates: A major-general per day, twenty-five shillings and fifteen rations per day, or an equivalent in money; and when forage shall not be furnished by this state, the further sum of ten shillings per day; a brigadier-general per day, twenty shilling, twelve rations per day or an equivalent in money and eight shillings per day for forage when not furnished as aforesaid; a lieutenant-colonel commandant of infantry, fifteen shillings per day, six rations or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a major of infantry per day, ten shillings and four rations or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a captain of infantry, eight shillings and three rations per day or an equivalent in money; a lieutenant of ditto, six shillings and two rations per day or an equivalent in money; an ensign of ditto, five shillings and two rations per day or an equivalent in money; a surgeon of ditto, eight shillings and three rations per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a surgeon's mate, six shillings and two rations per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a regimental paymaster, quarter master and adjutant, in addition to their pay in the line, each six shillings and two rations per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a sergeant major and quarter master sergeant, each five shillings per day; a file major and drum major, each five shillings per day; a drummer and fife, each four shillings per day; a sergeant, four shillings per day; a corporal three shillings and six pence per day; and a private, three shillings per day: *Provided,* That the above mentioned pay shall not be construed to be due to any officer or soldier, called out at any time in pursuance of orders from the executive of the United States, or the laws thereof.

XXIX. *And be it further enacted,* That it shall be the duty of each captain in the state, to cause this law to be read to their respective companies at least twice in each year.

XXX. *And be it further enacted,* That all acts and clauses of acts which come within the meaning and purview of this act, are hereby declared to be repealed and made void; any thing to the contrary notwithstanding.

An Act to revise the Militia Laws of this State, relative to the Cavalry.

BE 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 in each brigade of militia in this State, one regiment of cavalry; that there shall be to each regiment of cavalry, one lieutenant-colonel commandant and two majors, to be appointed, in case of vacancy, by joint ballot of both houses of the General Assembly and commissioned by the Governor for the time being. And that out of the militia enrolled in this State, there may be formed out of each battalion that have a separate muster, at least one troop of cavalry, to be formed of volunteers and shall be uniformly clothed in regimentals at their own expence; the colour and fashion to be determined by the field-officers of cavalry of the regiment or battalion to which they belong; to each troop one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter, and not less than thirty-two dragoons. The commissioned officers to furnish themselves with good horses, at least fourteen and one-half hands high; to be armed with a sword and pair of pistols, the holsters of which shall be covered with bear skin; and each dragoon shall furnish himself with a serviceable horse, at least fourteen and a half hands high, a good saddle, bridle, breastplate, crupper and valise, a pair of boots and spurs, one pair of pistols and holsters, the holsters to be covered with bear-skin, a sword, and cartouch-box to hold twelve cartridges for pistols. And that the field officers and commissioned officers shall reside within the brigade, regimental or troop district in which they respectively command.

II. *Be it further enacted,* That no person who now is, or shall hereafter procure himself to be enrolled in any troop of cavalry, shall be permitted to return to the infantry, except as provided by the fourth section of an act passed in the present session relative to the Infantry. And it shall be sufficient for any person to be enrolled and approved by the captain of any troop of cavalry, without the intervention of any other officer whatever. *Provided always,* that each person enrolling himself shall have six months from the time of each enrolment to equip himself, and shall thereafter be subject to do duty in the cavalry only.

III. *Be it further enacted.* That the commanding officer of each and every regiment of cavalry, shall muster their regiments at the places where the late superior courts of the district to which said regiment belongs were held; except the cavalry of the counties of Buncombe, Anson and Richmond, which shall be mustered and reviewed at the places heretofore fixed on for that purpose in their respective counties, and except also such districts as have two regiments of cavalry, in which case it shall be at such places as the commanding officer shall direct at least once in every two years, under the penalty of fifty pounds; and such commanding officer shall once in each and every year, on or before the first day of October, make a just and full return after the term to be prescribed by the adjutant general of the State, of all officers and dragoons under his command, to the major-general, in whose dist-

such commanding officer of the regiment of cavalry belongs respectively, under a penalty of fifty pounds.

IV. *Be it further enacted*, That the troops of cavalry respectively, when attending the general muster or the regiment or battalion of infantry, shall be under the command of any field officer of cavalry if present on parade, except on review days when ordered by the major-general, adjutant-general or brigadier-general, and at the reviewing of the regiment of cavalry when ordered by the colonel thereof, the cavalry shall be under the command of the officers of cavalry only, except a general officer shall be present on the parade. That it shall be the duty of each colonel of cavalry in this State to review, or cause one of his majors to review, once in every year, each troop of cavalry under his command, within the counties respectively where such troop may reside, under a penalty of ten pounds, to be paid by the officer neglecting his duty. That each and every troop of cavalry shall muster, at least once in every three months, at such time and place as the captain or commanding officer of such troop shall direct. That the commissioned officers of each troop, or any two of them, shall be and they are hereby authorized and required, to hold courts martial on the day, or succeeding day of any company musters, in order to enforce the militia laws of this State so far as respects the cavalry department and shall proceed to try and determine all cases which may come before them, subject nevertheless, to an appeal to the regimental court martial; and on the conviction of any delinquent, the officer highest in rank present, shall enter up judgment and award process of execution directed to a sergeant of said troop, or constable of such county in which such troop may reside at the discretion of such commanding officer; and the sergeant or constable, as the case may be, shall immediately proceed in the same manner, or cause to be made the sum required in the same manner, and under the same rules, regulations and restrictions, as constables by law are required to do, and shall make a true return of such proceedings as may be thereon had, to the succeeding court martial of said troop; and the officer executing such process, shall receive the same fees as are by law established for constables in like cases. *Provided*, that every absentee shall be allowed until the next muster of his troop to make his excuse, which shall always and without exception be on oath; the officer highest in rank, present, shall administer the oath to such absentee.

V. *Be it further enacted*, That if any officer shall suffer himself to be intoxicated or behave in a riotous or disorderly manner, when required to be on duty, or disobey the orders of his commanding officer, he shall for the first offence be openly reprimanded by the president of the court martial before whom he is convicted, and fined at the discretion of said court, not exceeding two pounds, and for the second offence shall be absolutely cashiered. That if any non-commissioned officer or private shall, during the time of muster, resist his commanding officer, or refuse to obey his lawful commands; if a non-commissioned officer, he shall be confined and kept under guard during such muster, reduced to the ranks, and fined at the discretion of the court martial before whom he is tried, not exceeding one pound; if a private, shall be confined and kept under guard during such muster, and fined at the discretion of the court-martial, not exceeding ten shillings. And if any person liable to do duty shall be at or near the parade or muster ground, during the time of any review or muster, and shall not take his proper station, and perform the duties required of him by law, it shall be the duty of the commanding officer of the regiment or troop to order him under guard, there to be detained during the time of such exercise, and until the troop or regiment are discharged.

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

Who shall command.

Review.

Court martial.

Penalty for intoxication, &c.

Regimental court martial.

Judge-advocate.

1806.

or to a constable of the county in which the delinquent resides, at the option of the judge-advocate. That the said adjutant or sergeant shall take and subscribe the following oath: "I, A. B. do solemnly and sincerely swear, that I will use my best endeavours to collect all fines and forfeitures, agreeable to the precepts to me delivered, and duly account for the same according to law, to the best of my knowledge and abilities. So help me God." That the adjutant, sheriff, sergeant or constable, shall proceed to distress and sell, in the same manner, and receive the same fees, as constables by law are entitled to receive in civil cases. That the adjutant, sheriff, sergeant or constable, as the case may be, shall in all cases make due return to the next succeeding court-martial. And in case of failure to collect and account for all fines and forfeitures, shall incur a penalty of double the sum by them to be collected; and on proof of such failure, the regimental court-martial may enter up judgment therefor, and award process of execution by the judge-advocate as aforesaid, directed to any officer of the regiment whom the court may think proper.

Officers to
each regiment.

VII. *Be it further enacted*, That there shall be to each regiment of cavalry one adjutant, one quarter master, one paymaster, one surgeon and one surgeon's mate, each of the rank of lieutenant, to be appointed by the commanding officer of each regiment.

Paymasters
duties.

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

Duty of the
adjutant.

IX. *Be it further enacted*, That it shall be the duty of the adjutant of the regiment, to attend the regimental parade, and receive and execute such orders as the commanding officer may deem expedient; and the said adjutant shall take an oath of office in open court martial, and from time to time call upon, and bring suit against all delinquent captains and other commissioned officers below the grade of captain, for fines and penalties by them incurred, and which are not otherwise specially provided for in this act, and to receive and account for the same annually with the paymaster of the regiment: for which services the adjutant shall be allowed a reasonable compensation, to be paid out of the fines &c. collected by order of the court martial. And in case any adjutant shall fail to attend and perform his duty as required by this act, he shall forfeit and pay the sum of fifty pounds.

Officers to take
an oath.

X. *Be it further enacted*, That every commissioned officer of cavalry, at the first meeting of the court martial after being commissioned, shall take and subscribe the following oath, to be administered to him in open court martial by the judge-advocate, or before any justice of the peace of the county in which such officer may reside: "I, A. B. do solemnly swear, that I will execute the office of _____ according to the rules of military discipline and the laws of this State, to the best of my ability, and that I will support the constitution of the United States and of this State, and that I will at the court martial of the company to which I belong, duly administer justice, apply fines and penalties according to law, and to the best of my ability, without favour, affection or partiality. So help me God." And that no officer shall be entitled to sit in any court martial whatever, unless he shall have taken and subscribed the oaths aforesaid.

Reference to
the 18th sect.
of the infantry
act.

XI. *Be it further enacted*, That the eighteenth section of an act entitled "An act to revise the militia laws of this State, relative to the infantry," passed at the present session of the General Assembly, shall be and the same is hereby declared to be in force upon each and every commanding officer of any regiment of cavalry. That the seventh, twenty-second, and twenty third sections of the above mentioned act are hereby declared to be in full force and virtue in the cavalry department, in the same manner as if they were severally inserted in this act.

Officers how
appointed.

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

Forfeitures
for field officers
failing to
attend musters,
&c.

XIII. *Be it further enacted*, That if any field officer of cavalry shall fail to attend at any regimental muster of cavalry, or if attending, be not properly equipped as required by this act, he shall forfeit and pay the sum of ten pounds. If a captain, he shall forfeit and pay the sum of five pounds; and each commissioned officer under that grade, the sum of three pounds; if a non-commissioned officer or dragoon, the sum of two pounds. And for any failure to attend at any company muster, or if attending be not properly equipped as required by this act, the officers and dragoons shall forfeit and pay one half of the above sums, to be recovered as other fines imposed by this act.

Forfeitures
for captains.

XIV. *Be it further enacted*, That every captain of cavalry who shall fail or neglect to muster his troops by himself or lieutenant as herein directed, and to exercise and manoeuvre them agreeable to the system of military discipline which has been, or may be hereafter established, shall forfeit and pay for each and every neglect, the sum of five pounds. That

It shall be the duty of each and every captain of cavalry to make a true return of their troops respectively, to the commanding officer of the regiment to which he may belong, on or before the first day of September in each and every year, under the penalty of fifteen pounds for each neglect.

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

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

XVII. *Be it further enacted*, That all fines and forfeitures by this act incurred, and not herein particularly appropriated, shall be applied to the purposes of first buying trumpets, and then at the disposal of the regimental court martial, to the use and benefit of the troop from whence the same arose. Those fines paid by the field and staff officers and not particularly appropriated, shall be equally divided among the troops composing the regiment to which they respectively belong. All other fines and forfeitures arising by virtue of this act, shall be appropriated and divided at the discretion of the regimental court martial for the promotion and advancement of the military discipline.

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

XIX. *Be it further enacted*, That when any penalty whatever is imposed by this act upon any field officer of cavalry, for any neglect or breach of duty whatever, and no remedy is prescribed how the same shall be sued for and recovered, then and in that case it shall be the duty of the adjutant-general of this State to commence suit for the same in the name of the Governor, before any jurisdiction having cognizance thereof; and a certificate of the adjutant-general under his hand and seal, shall be conclusive evidence against such delinquent officer: *Provided*, That such certificate contains such matter as would be sufficient to convict such officer if delivered by the rules of law in any court of record. And the judgment so obtained shall be carried into execution by the sheriff or constable of any county as the case may be, in the same manner, and under the same rules, regulations, restrictions and penalties, as are prescribed in cases at common and statute law.

XX. *Be it further enacted*, That the officers, non-commissioned officers and dragoons hereinafter mentioned, when in actual service in defence of this State, shall from the day they may be ordered on duty, be paid according to the following rates: a lieutenant-colonel commandant of cavalry, twenty shillings and six pence per day or an equivalent in money, and when forage shall not be furnished, the further sum of six shillings per day; a major of cavalry, fifteen shillings and four pence per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a captain of cavalry twelve shillings and six pence and three pence per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a lieutenant of cavalry, ten shillings and two pence per day or an equivalent in money, and five shillings per day for forage when not furnished as aforesaid; a cornet, seven shillings and six pence, and two pence per day or an equivalent in money, and five shillings per day for forage when not furnished as aforesaid; a surgeon, ten shillings and two pence per day or an equivalent in money, and five shillings per day for forage when not furnished as aforesaid; a surgeon's mate, seven shillings and six pence and two pence per day or an equivalent in money, and five shillings per day for forage when not furnished as aforesaid; a sergeant of cavalry, six shillings per day and five shillings per day for forage when not furnished as aforesaid; a corporal of cavalry, five shillings per day, and five shillings per day for forage when not furnished as aforesaid; an adjutant of cavalry, the same pay as that of a lieutenant; a quartermaster and paymaster of cavalry, the same pay each as that of a lieutenant; a saddler, a farrier, a boot maker and trumpeter, each five shillings per day, and four shillings for forage per day when not furnished as aforesaid; a dragoon, four shillings per day, and four shillings for forage per day when not furnished as aforesaid: *Provided*, That the above mentioned pay shall not be continued to be due to any officer or dragoon called out at any time in pursuance of orders from the executive of the United States, or the laws thereof.

LAWS OF NORTH-CAROLINA.

1806.

XXI. And be it further enacted, That all acts and clauses of acts which come within the meaning and purview of this act, be, and the same are hereby declared to be repealed and made void, any thing to the contrary notwithstanding.

CHAP. XX.

An Act to revise the Militia Laws of this State, relative to the Artillery, Companies of Light Infantry, Grenadiers and Riflemen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That out of the militia enrolled in this state, there may be formed for each regiment, one company of grenadiers, light infantry or riflemen, and to each division at least one company of artillery; which companies shall be formed of volunteers from the regiment or brigade, and shall be uniformly clothed in regimentals, to be furnished at their own expence, the colour and fashion to be determined by the brigadier-general commanding the brigade to which they belong; the field officers of artillery to furnish themselves with good horses at least fifteen hands high, and they, as well as the commissioned officers of artillery, light infantry, grenadiers and riflemen, to arm themselves with swords.

II. Be it further enacted, That to each company of artillery there shall be one captain, two lieutenants, one cadet, four sergeants, four corporals, six gunners, six bombardiers, one drummer, one fifer, and fifty two matrosses: that each matross shall furnish him self with all the equipments of a private in the infantry, until proper ordinance and field artillery shall be provided. That to each company of light infantry, grenadiers and riflemen there shall be one captain, two lieutenants, one cadet, four sergeants, four corporals, one drummer, one fifer and sixty four privates.

III. Be it further enacted, That the field officers of artillery shall, whenever a vacancy occurs, be appointed by joint ballot of both houses of the General Assembly; that the commissioned officers of artillery shall be recommended by the field officers of artillery to the governor, who is authorized to appoint and commission them; That the non-commissioned officers of artillery shall be appointed by the captain of the company to which they respectively belong. That the commissioned officers of light infantry, grenadiers and riflemen shall be recommended by the brigadier-general commanding the brigade to which they may be attached, to the Governor, who is authorized to appoint and commission them. That the non-commissioned officers of light infantry, grenadiers and riflemen shall be appointed by the captain of the company respectively, to which such non-commissioned officers belong.

IV. Be it further enacted, That the captain or commanding officer of each company of artillery, light infantry, grenadiers or riflemen, shall once in three months muster their men at such time as such captain may direct, and at such place as may be agreed on by a majority of the company: if any commissioned officer of artillery, light infantry, grenadiers or riflemen shall fail to appear, or if appearing and be not equipped in manner as shall be directed by the laws and regulations adopted by such company, he shall forfeit and pay the sum of five pounds; if a non commissioned officer or private, two pounds, to be sued for and recovered in the same manner as prescribed in the act of this General Assembly passed relative to the infantry. That the commanding officer of the regiment of artillery shall, under the penalty of fifty pounds, once in every year transmit a return of his regiment to the adjutant general of the state, on or before the first day of the sitting of the General Assembly.

V. Be it further enacted, That the companies of artillery, when attending the general musters of the regiment or battalion of infantry in the county in which they reside, shall be under the command of the commanding officer of the battalion or regiment, except when a field officer of the artillery be then present on the parade. That the officers of the light infantry, grenadiers and riflemen shall be commanded by the field officers of the regiment of infantry, in which they reside. That the companies of artillery, light infantry, grenadiers or riflemen shall hold company courts martial, hear and determine all cases arising within their companies, award execution, and to distribute and appropriate the monies arising from all fines or forfeitures, in the same manner, and under the same rules, regulations and restrictions as prescribed by the militia laws relative to the infantry.

VI. Be it further enacted That each company of artillery, light infantry, grenadiers or riflemen may form such rules and regulations for their own government as they may think proper, which rules and regulations, when formed, shall be binding on such company to all intents and purposes, and in the same manner as if they had been particularly mentioned within this act: *Provided,* That such rules and regulations, when formed, be not inconsistent with the laws of this state, or of the United States.

VII. Be it further enacted, That each captain of the light infantry, grenadiers or riflemen, shall annually, on or before the first day of August, make a return of their companies to the commanding officer of the regiment in which such captain respectively resides, under a penalty of twenty five pounds.

VIII. Be it further enacted, That no person who now is, or shall hereafter procure himself to be enrolled in any company of artillery, light infantry, grenadiers or riflemen, shall be permitted to return to the infantry, except by the consent of the field officers of the regiment, or by removal out of the county, regiment or battalion wherein such person

One company of grenadiers &c. for each regiment.

Formation of companies.

Officers how appointed.

Musters.

Who shall command.

Rules and regulations.

Returns.

Persons enrolled not to return to the infantry.

was enrolled, and it shall be sufficient for any person to be enrolled and approved by the captain of artillery, light infantry, grenadiers or riflemen respectively, without the intervention of any other officer: *Provided nevertheless*, That any person enrolling himself with any captain of artillery, light infantry, grenadiers or riflemen, shall be subject to perform all the duties and exercises in the infantry, and under the officers thereof, until such person so enrolling himself shall fully and completely equip himself with clothing and arms required and settled on for such company of artillery, light infantry, grenadiers or riflemen, and a certificate to that effect procured from the captain with whom he has enrolled, of the company of artillery, light infantry, grenadiers or riflemen, as the case may be, and by him produced to the captain of infantry, under whom such person served before such enrollment.

IX. *Be it further enacted*, That each and every section of an act of this present session of the General Assembly passed, entitled "An act to revise the militia laws of this state relative to infantry," which can be applied to the government and disciplining the artillery, light infantry, grenadiers or riflemen, or which can by construction be applied to them or either of them, each and every such section of said act is hereby declared to be enforced for the government and disciplining of the artillery, light infantry, grenadiers or riflemen respectively, in the same manner and to all intents and purposes whatsoever, as if each section or sections of the act aforesaid had been particularly and at full length set forth in this act; any thing in any law, usage, or custom to the contrary notwithstanding.

Reference to
the Infantry
act.

X. *Be it further enacted*, That the pay of the respective officers, non-commissioned officers and privates of artillery, light infantry, grenadiers or riflemen, when in actual service in the defence of this state, shall, from the day they are ordered on duty, be according to the following rates: A lieutenant-colonel commandant of artillery, twenty shillings and twelve rations per day or an equivalent in money, and eight shilling per day for forage when not furnished by the state; a major of artillery, fifteen shillings and six rations per day or an equivalent in money, and six shillings per day for forage when not furnished as aforesaid; a captain of artillery, light infantry, grenadiers or riflemen, each the sum of eight shillings and three rations per day, or an equivalent in money; a lieutenant of ditto, six shillings and two rations per day or an equivalent in money; a cadet of ditto, five shillings and two rations per day or an equivalent in money; a sergeant of ditto, four shillings per day; a corporal of ditto, three shillings and six pence per day; a private of ditto, three shillings per day: *Provided*, That the above mentioned pay shall not be construed to be due to any officer or soldier, called out at any time in pursuance of orders from the executive of the United States, or the laws thereof.

Pay when in
service.

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

Former acts
repealed.

CHAP. XXII.

An Act to amend an act passed at Raleigh, in the year of our Lord one thousand eight hundred and four, entitled "An act to incorporate two companies for the purpose of cutting a Navigable Canal from Roanoke river to Meherrin river, and another Navigable Canal from Bennet's creek, in this State, to Nansemond river, in the State of Virginia."

WHEREAS representations have been made to this General Assembly, that the important objects of the said recited act cannot be effected without the most liberal encouragement given to those who would embark in the undertaking, and particularly that men of sufficient capital will not subscribe their money without an assurance of having a permanent interest in the result of their enterprise:

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 for and in consideration of the expences the proprietors of shares subscribed, or which may be hereafter subscribed according to the provisions of the said recited act, may incur, not only in cutting the said canals, erecting locks, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canals, locks and other works, with all their profits and appurtenances, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, for and during the term of nine hundred and ninety-nine years, as tenants in common, in proportion to their respective shares: *Provided*, that the said company shall commence their work within five years from the passing of this act, and shall complete the same within twenty years thereafter.

Property vested
for 999
years.

II. *And be it further enacted by the authority aforesaid*, That all such parts of the said recited act, all clauses and sections and parts of clauses and sections of the said recited act, as by their own limitations and provisions may now have become void or be expired, shall be, and they are hereby re-enacted and enforced, as fully, and in like manner and effect, as if they were herein particularly set forth and repeated, substituting nevertheless for the first Monday in May next, mentioned in the second section of said recited act, the first Monday in May now next; for the first Monday in May, in the year one thousand eight hundred and six, the first Monday in May, in the year one thousand eight hundred and eight; for the first Monday of May next, mentioned in the ninth section of the said recited act, the first Monday of May now next; and for the first Monday of November following, mentioned in the said ninth section, the first Monday of November now next; and excepting also the first clause of the eleventh section of the said recited act, which shall be, and it is hereby repealed.

Parts of former act re-enacted.

1806.

III. And he it further enacted and provided, That this act shall commence and be in force from and after the passing of a like act by the General Assembly of Virginia.

CHAP. XXII.

An Act to facilitate the Navigation of the Waggamaw river, from the Waggamaw lake to Joel Hill's landing.

Preamble.

WHEREAS the opening and clearing out the Waggamaw river, from the Waggamaw lake to Joel Hill's landing, would be of great utility to all the inhabitants up said river, and would promote and encourage merchandize, and result a general benefit to the community at large :

A company formed.

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 Major Isaac Poweill, Briton Hargrove, Peter Alston, William Burney and Samuel Smith, Esquire, be, and they are hereby appointed, incorporated and stiled, *The Waggamaw Company*, with full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such laudable undertaking, and dispose thereof as they may think best, for the purposes aforesaid ; and that they by the said name and stile, may sue and be sued, plead and be impleaded, in any court in this State, and make such rules for their own government as they shall think proper, not inconsistent with the constitution or laws of this State.

When & where to meet.

II. Be it further enacted, That the said company shall meet at the house of William Burney, in the county of Bladen, on the first day of February next, or any time within forty days thereafter, to devise or form such regulations as to them may seem convenient for the speedy effecting the said work, and to point out some mode for receiving and appropriating all subscription and donation monies for that purpose ; and in case of refusal to act, death or removal of any one of the said company, the majority of them when convened, are hereby, in all cases whatsoever, constituted a quorum, and shall appoint such person or persons to fill all such vacancies, and the commissioners, or the persons so appointed, shall have the same power, and exercise the same authorities, as the others may or can exercise by this act.

Power to remove obstructions.

III. And be it further enacted, That the said company shall have full power to remove all dams, wears, or other obstructions, that they, or a majority of them, may deem necessary for the safe and easy passage of boats ; and if any person or persons shall wilfully cut, break down, damage or destroy, any bank or other work by this company erected, for the purpose of clearing out and making said river navigable, or do any act or thing designedly to injure the said navigation, such person shall be answerable to the said company, for double the damage thereby sustained.

The river to be laid off in two districts.

IV. Be it further enacted, That the said company shall lay off the said Waggamaw river, from the Waggamaw lake to Joel Hill's landing, into two districts, as will appear just to the said company, according to the different obstructions, as soon as they shall have received subscriptions and donations sufficient, in their opinion, to clear out any one of the districts, they shall immediately proceed by advertising the same twenty days, at the court-houses of the counties of Bladen, Brunswick and New-Hanover, and at such other places as they may deem necessary, and on said day so advertised, shall proceed to let out the first district to the lowest bidder, and shall take bond and such security from said undertaker as they may deem sufficient for the completing the said district, and making it a safe and easy passage for boats drawing at least two feet water, and shall not be less than twenty feet in width

The river to be a public highway clear of toll.

V. Be it further enacted, That the same company shall continue their books of subscriptions and donations open, and shall, when they may judge they have a sufficiency subscribed, proceed to the second district, agreeable to the before recited clause, and when the same is completed, the same Waggamaw river, from the Waggamaw lake to Joel Hill's landing, shall be and remain a public highway for the transportation of all goods, wares and merchandize, free and clear of toll.

Commissioners to be allowed 5 per ct.

VI. And be it further enacted, That the said commissioners, for the trouble and expenditures they may incur by carrying this act into effect, shall be allowed five per cent. out of all monies by them collected and appropriated, agreeable to the tenor of this act.

CHAP. XXIII.

An Act to regulate and ascertain the Pilotage which shall be allowed to the Pilots at Ocock Inlet & Swashes.

Rate of Pilotage.

BE 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 branch pilots legally authorised by the commissioners of either of the ports of Washington, Edenton or Newbern, to take charge of vessels to bring in over Ocock bar, and over either of the Swashes, shall be entitled to demand and receive of the commander of such vessel or vessels as they may have charge of, the following pilotage, to-wit : for every vessel or vessels of sixty 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, six dollars ; and for all vessels drawing eight feet water and less than twelve feet, one dollar per foot ; and for all vessels drawing twelve feet or upwards, one dollar and twenty-five cents per foot, and two dollars for each vessel over either of the Swashes. And in all other cases, the pilotage to remain the same as established by an act of the General Assembly passed in the year 1794, any law, usage or custom to the contrary notwithstanding : Provided always, that no vessel less than sixty tons burthen shall be compelled to take a pilot.

Former acts repealed.

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

Read three times and ratified in General Assembly, December 20, 1806.

Copy, WM. WHITE, Secy

JO. RIDDICK, S. S.
JOHN MOORE, Sp. H. S.

CHAP. XXIV.

1806

An Act to incorporate a Company for the improvement of the Navigation of Trent river in the county of Jones.

WHEREAS it is represented to this General Assembly, that the opening and improving the navigation of the river Trent, will be of general utility to the said county of Jones and the adjacent counties; and whereas Edmund Hatch, Richard West, John Becton, Simmons Harrison, Edward Bryan, and their associates, have entered into an agreement for establishing a company for that purpose, and have prayed to be incorporated by law for the purpose aforesaid.

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 Edmund Hatch, Richard West, John Becton, Simmons Harrison and Edward Bryan, and their associates, shall be, and they are hereby incorporated by the name and title of *The Trenton Navigation Company*, and by that name and title shall and may sue and be sued, plead and be impleaded, in any court within this State, and shall have full power and authority to elect and appoint all necessary officers, agents and assistants, and from time to time may make such regulations and by-laws, as they shall think proper for their own government: *Provided*, the same shall not be repugnant to, or inconsistent with the Laws of this State.

II. And be it further enacted by the authority aforesaid, That the said company shall and may cause a navigation to be made on the said river, from Colvit's ford inclusive, and upwards so far as they may find the same practicable and convenient, by means of such gates or improvements within the stipulations aforesaid, and in such other manner as to them may seem fit; and they and their successors, for thirty-five years, shall and may fix and establish, and be entitled to take and receive by way of toll, for all goods and merchandize carried on or through the said works, provided 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, 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 hogshead of rum, molasses or sugar, 30 cents, for every bushel of grain or salt 3 cents, for every barrel of pork, beef or flour 15 cents, for every barrel of tar, turpentine, pitch, rosin, spirits or varnish 10 cents, for every hundred weight of clean cotton 15 cents, for every thousand hogshead staves and heading 25 cents, for every thousand barrel staves 15 cents, for every thousand hogshead hoops 25 cents, for every hundred weight of coffee 25 cents, all barrels or casks not enumerated, shall be in proportion to barrels of pork or flour, for every thousand feet of plank or scantling 15 cents, for every thousand feet of square timber 30 cents, and all other articles in proportion to the above rates.

III. And be it further enacted, That if any person shall wilfully, maliciously, or negligently cut, break down, damage or destroy any gate, pier, bank or other work, erected or to be erected for the purpose of said navigation; or shall so cut down, fall or throw into the said river, or in the said intended or described works, any trees, logs, dirt or other rubbish, so as to injure the said navigation or interest of the said company, such person or persons shall be answerable to said company for double the damages sustained thereby.

IV. And be it further enacted, That no person or persons shall erect or build a bridge or bridges over or across the said river, on no pretence whatever, from Newbern up as far as vessels of forty tons burthen can go, unless the said bridge or bridges have a good and sufficient draw or draws, so constructed as to let any vessel or vessels through, the same within one hour after the said vessel's arrival at the aforesaid bridge or bridges, under the penalty of ten pounds, to be recovered by the person suing for the same, before any jurisdiction having cognizance thereof, one half of said fine to the person so injured, and the other half for the use of the poor of said county, any law, usage or custom to the contrary notwithstanding.

CHAP. XXV.

An Act to revive and continue in force an act, entitled "An act to make Cross creek navigable," passed at a General Assembly begun and held at Fayetteville, on the first day of November, 1790.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the aforesaid act, and all the clauses thereof, be revived and continued in force for the space of ten years from and after the passing of this act, and until the sitting of the then next General Assembly, and no longer.

CHAP. XXVI.

An Act to amend an act, entitled "An act for improving the navigation of Rockfish creek and Little river, in Cumberland county," passed in the year eighteen hundred and five.

BE it enacted by the General Assembly of the State of North-Carolina, That all bridges which are, or hereby may be erected upon such part of Rockfish creek as comes within the meaning of the above-rected act, shall have in each one arch at least twenty-eight feet wide, for the purpose of admitting all rafts and saw-mill logs to pass without obstruction, which may be conveyed through the middle of said stream: *Provided*, that this act shall not affect any bridges already built, until the first day of May next.

II. Be it further enacted, That any person or persons who shall violate this act, or by falling trees or any other means, obstruct the free passage of rafts as aforesaid, shall for each and every offence be liable to the penalty of ten pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, to be applied to the use of the county, and shall also be liable to the action of the party injured; any law or usage to the contrary notwithstanding.

CHAP. XXVII.

An Act to regulate the river Yeopim, as far as respects Fisheries, and to prevent impositions.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the county court of Perquimons shall be authorised to direct the surveyor of said county, with the county surveyor of Chowan county, to stake off the middle of the channel of the said river Yeopim for the passage of fish up said river.

1805 II. *And be it further enacted*, That no person shall be at liberty to hawl a sein on Perquimons side, at or within two miles of the mouth of said river, so as to injure the running of fish up the said river, under the penalty of five hundred pounds, to be recovered in any court of law having jurisdiction thereof, one-half to the persons injured, and the other half to the State: *Provided nevertheless*, that nothing contained in this act, shall be construed so as to prevent owners of fisheries at or near the mouth of said river from fishing from hawling small seines as they have heretofore been accustomed to do.

CHAP. XXVIII.

An Act to amend the several laws heretofore passed relative to the moving obstructions to the passage of Fish up the several rivers in this State, so far as respects the river Peedee.

BE 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 Anson county, Thomas Threadgill, Munford Degerner and Morris Blewitt; for Montgomery county, Captain James Turner, John Lilley, jun. and Major John Randie, and for Richmond county, Philip Mask, Thomas Blewitt and Peter H. Cole, be, and they are hereby appointed commissioners, and they, or a majority of each county, shall have full power and authority to remove all dams or other obstructions to the free passage of fish up the river Peedee, allowing three-fourths of said river, of the most shallow part, to the owner or owners of the same, and more if a majority of said commissioners deem it proper, for their own use and benefit, and shall extend the same from the South-Carolina line to the line of Montgomery county, who shall meet together and perform this service on or before the first day of March next, and shall, previous to their entering on this duty, take the following oath: "I, A. B., do solemnly swear, that I will neither remove any obstruction, nor suffer any to continue, from favour or affection, and that I will impartially discharge the duty enjoined on me by law." And when the services by this act enjoined shall be performed, each commissioner hereby appointed shall be allowed by the court of the county in which they reside, the sum of ten shillings for each and every day they are necessarily employed in performing the same, which shall be paid in the same manner as all other county claims.

II. *And be it further enacted*, That if any person should continue any stop-dam or other obstruction, after the same has been removed by a majority of the commissioners, he shall forfeit and pay to any person who may warrant for the same, the sum of ten dollars for every day he or she shall suffer the said obstruction to be continued, to be recovered before any Justice of the Peace.

III. *And be it further enacted*, That if the commissioners hereby appointed should refuse to act by the time herein specified, and the obstructions be not by them removed by that time, it is hereby declared to be the duty of the owner or owners of any dam, wear, hedge or obstruction, which may be in the fourth part of said river, or the fourth-part of its thoroughfares, including its deepest water and main channel, to remove the same on or before the fourth day of March next, and on failure thereof, shall forfeit and pay to any person who may warrant for the same, the sum of five pounds for every twenty-four hours he, she or they shall continue the same, to be recovered before any Justice of the Peace. *Provided nevertheless*, that where any person has erected, or shall hereafter erect, any mill-dam across any thoroughfare of said river, the owner or owners of said dam or dams shall have the liberty of erecting a slope, of such width as the commissioners hereby appointed shall deem expedient and necessary.

CHAP. XXIX.

An Act to establish an Academy in 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 James M'Queen, Murdoch M'Innis, Daniel M'Kay, Malcom M'Innis, Alexander Little and Zechariah Jordan, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of Mount Clio Academy*, and by that name shall have perpetual succession, and shall have the same powers and authorities to ask, demand and receive, and to do and act in all things which may tend to its promotion, in as full and ample manner as the trustees of all other academies in this State, and shall have power to make any by-laws for the good government thereof, which may not be repugnant to the laws or constitution of this State.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have full power and authority to appoint other trustees in the place of those who may die, remove or refuse to act.

CHAP. XXX.

An Act to amend an act, entitled "An act to establish a Seminary of Learning in the town of Fayetteville, and to amend the law for the regulation of the towns of Fayetteville and Hillsborough."

BE it enacted, That the trustees of the Fayetteville Academy, or a majority of them, when met, may, in the absence of the President of the said trustees, appoint one of their body to act in his place pro tempore. And the acts of the board of trustees aforesaid, with such President pro tempore, shall have all the force and validity of their acts when the President himself shall be present.

CHAP. XXXI.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That Jonathan Hampton, William Porter, David Reaves, Richard Lewis, Ambrose Mills, James Erwin, Jesse Morrow, Joseph Hamilton, James Terrel and George Camp Esquires, be, and they are hereby constituted and appointed trustees and a body politic, to procure by purchase or otherwise, a suitable tract or parcel of land for the establishing of an Academy in said county.

II. *And be it further enacted*, That the trustees above named are hereby vested with full power and authority to receive all gifts and donations or gratuities that may be given them for the use of said institution; and it is hereby constituted and established by the name of *Rutherford Academy*, and the said trustees and their successors in office, shall be able and capable to ask for, demand and receive, likewise to sue for and recover from any person or persons, any sum or sums of money or property of any kind whatsoever which may be coming to them by subscription or otherwise; and in their capacities as such,

they may sue and be sued, plead and be impleaded, in any court of record within this State. And the monies when received shall be applied by the said trustees, or at least a majority of them, towards defraying the expence of building, and employing a tutor or tutors, and procuring a library and other necessary apparatus for the use of said Seminary, and such other purposes as the trustees think proper, for the advancement of said Seminary.

III. *And be it further enacted*, That the trustees herein named, and their successors in office, shall be vested with all powers and authorities 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 constitution and laws of this State.

IV. *And be it further enacted*, That the trustees by this act provided, or a majority of them, shall convene at any time or place that they may think proper for 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 to the contrary notwithstanding.

CHAP. XXXII.

An Act to lay off a Town and establish an Academy on the lands of Robert Fields, in Rowan county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Fields, Wilson Russum, Ebenezer Jones and Samuel Austin, be, and they are hereby appointed commissioners for the purpose of laying off a Town on the lands of the said Robert Fields in Rowan county, which town when laid off by the said commissioners, shall be called and known by the name of *Oxford*, and the lots thereof shall be for the sole benefit and free disposal of the said Robert Fields.

II. *And be it further enacted*. That the commissioners hereby appointed for the purpose of laying off the aforesaid town, be, and they are hereby appointed trustees and a body politic for the purpose of establishing an Academy in the town aforesaid; and in case of any vacancy happening either by death, resignation, removal or otherwise, the remaining trustees are hereby authorised to fill such vacancy by their own appointments. And the said board of trustees, or a majority of them, shall have full authority to receive all gifts and donations that may be given them as such for the use of said institution, which shall be called and known by the name of *The Oxford Academy*. And the said trustees, and their successors in office legally appointed, shall be able and capable to ask, demand and receive, likewise to sue for and recover, from any person or persons, any sum or sums of money, or other property which may be coming to them by subscription or otherwise; and in their capacity as such, they may sue and be sued, plead and be impleaded, in any court of record within this State. And the monies when received, to be applied by the said trustees, or at least a majority of them, towards defraying the expence of building, employing of a tutor or tutors, and procuring a library and other necessary apparatus for the use of said Academy. And the said trustees are hereby empowered to make any by-laws for the advancement of said seminary, which may not be repugnant to the laws or constitution of this State.

CHAP. XXXIII.

An Act for the promotion of Learning and scientific Knowledge in the county of Perquimons.

WHEREAS the encouragement of Seminaries of Learning for the proper education of youth, is essential to the happiness and prosperity of the community, and therefore highly worthy the attention of legislative bodies; and it being represented to this General Assembly, that there is a seminary of learning in the county of Perquimons, near the Old Nicks, if encouraged, will be of particular advantage to the inhabitants of said county, and that the citizens of that place have a desire to have the said institution 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 Francis Newby, Gabriel White, William Jones, Joseph Moore and Zechariah Copeland, be, and they are hereby declared to be a body corporate, to be known by the name of *The Trustees of the Union Hall School*, and by that name shall have perpetual succession; and they or their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels, that shall be given for the use of said school, 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 inclosing said school.

II. *And be it further enacted by the authority aforesaid*, That the said trustees, or a majority of them, shall have power to make such laws and regulations for the government of said school, and the preservation of order and good morals therein, as are usually made in seminaries of learning, and as to them may appear necessary.

III. *And be it further enacted by the authority aforesaid*, 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. XXXIV.

An Act to establish an Academy in Bertie county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Burlingham, Jonathan Jacobs, David Stone, William L. Gray, Simon Turner, Joseph H. Bryan, Whitmill H. Pugh, Aaron Spivey, Edward C. Watson, Jeremiah Devan, William Cherry and George Outlaw, shall, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Windsor Academy*, and by that name shall have perpetual succession; and that they the trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies and chattels that shall be given for the use of the said academy, and the same apply as they, or a ma-

majority of them, may deem most advantageous to the said academy; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents, tenements and hereditaments, of what kind or nature so ever, in special trust and confidence, that the same, or profits thereof be applied to and for the use of the said academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have full power and authority 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; and also to nominate and appoint (when a majority of them may deem it necessary) other trustees, whose power and authority shall be equal in all respects to those herein appointed.

CHAP. XXXV.

An Act relative to the Raleigh 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 Reverend William L. Turner be, and he is hereby added to the board of trustees of the Raleigh Academy, to be possessed of all the powers, authorities and privileges as such, in the same manner, and as fully and completely as any of the trustees of the said academy heretofore appointed.

CHAP. XXXVI.

An Act dividing the city of Raleigh into three wards, and to amend an act, entitled "An act for the government of the city of Raleigh, and for repealing all former acts passed for this purpose."

WHEREAS many of the inhabitants of the city of Raleigh have petitioned this General Assembly to amend the above mentioned act, by dividing the city into wards, and providing for the appointment of commissioners from each and every of such wards respectively, in order that the whole of the inhabitants may be equally represented, and the monies levied and collected from them applied accordingly:

Be 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 city of Raleigh shall be divided into three separate wards, to-wit: all that part of the said city lying east of Wilmington and Halifax streets, shall compose one ward, to be stiled the Eastern Ward; all that part thereof which lies west of Salisbury and Halifax streets, shall compose a ward, to be stiled the Western Ward, and the remaining part of the said city shall compose one other ward, to be stiled the Middle Ward. And the sheriff of the county of Wake shall hold an election annually, at the place and on the day heretofore appointed by law, to elect five commissioners for the Middle Ward, three for the Eastern Ward, and one for the Western Ward, to be chosen by and from the inhabitants residing within their wards; and to that end, the Sheriff shall have three boxes, one to receive the tickets of each ward separately. And when the election is closed, the tickets shall be counted out of each box by the Sheriff, or his deputy, and the persons having the greatest number of votes in each of the boxes, shall be declared duly elected commissioners for the current year, and shall, within their wards respectively, be vested with all the powers and authorities which the commissioners of the city of Raleigh may now lawfully exercise. And in the same manner commissioners shall be elected for each succeeding year; and the Intendant of Police shall be elected as heretofore by the whole of the electors of the city.

II. *And be it further enacted*, That the taxes which shall hereafter be levied and collected in each ward, shall be laid out by the commissioners thereof for the improvement and benefit of their wards respectively, and not otherwise.

III. *Be it further enacted by the authority aforesaid*, That in all cases where the owner or owners of any lot or lots, or part of lots, in the said city, or the occupants thereof, shall fail to pay the taxes which may become due on any lot or lots, or part or parts of lots, the commissioners of the said city shall cause to be sold so much of such lot, or parts of lots, as shall be sufficient to pay the taxes due thereon and the costs of advertising, and no more, any law to the contrary notwithstanding.

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

CHAP. XXXVII.

An Act for the further regulation of the towns of Wilmington and Newbern.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the towns of Wilmington and Newbern, respectively, at some one of their meetings previous to the first day of May next, shall and may appoint such number of persons as they deem necessary, to be fire wardens of the said towns; and the persons so appointed shall be notified, and within ten days thereafter signify in writing to the town-clerk his or their acceptance or refusal of such appointment. And any person failing to signify his acceptance or refusal as aforesaid, shall, unless excused by the commissioners of said towns, forfeit and pay ten pounds, to be recovered by and in the name of said commissioners, to and for the use of said town. And in case of neglect or refusal of any person so appointed, the said commissioners shall and may appoint some other person in the room and stead of the person so neglecting or refusing.

II. *And be it further enacted*, That the commissioners of said towns respectively shall have, and are hereby declared to have full power and authority, from time to time, to make such rules and regulations for the division of the towns into wards, and the government of said wardens in cases of fire happening in said towns, as they shall judge proper; and shall and may authorise and empower the said wardens under such rules as they may establish, to direct the pulling down, demolishing, or blowing up any house or building which they the said wardens (or such number of them as the said commissioners may authorise) shall judge necessary to pull down, demolish or blow up, for the purpose of preventing the further spreading of any fire which may happen in said towns. And during the continuance of any fire, the said fire-wardens, or in their absence, the commissioners of the towns, or any one of them, shall have power to acquire assistance for extinguishing the same, or for demolishing, pulling down or blowing up any build-

ing, or for removing any goods, wares and merchandize from any building on fire or in danger, to some place of safety, and to appoint guards to secure the same. And any and every person failing to obey any command or direction of any of the said commissioners or fire wardens, given for the purpose aforesaid, shall, if a free white man, forfeit and pay the sum of twenty-five pounds, to be recovered in the name of the commissioners of the said town, respectively, before any jurisdiction having cognizance thereof to the use of said town; and the wardens or commissioners giving such command or direction, shall be deemed a competent witness to prove the same, in any trial to be had for the recovery of the penalty for disobeying such command or direction. And in case the person so disobeying shall be a person of colour, he shall, on complaint and conviction before any Justice of the Peace, receive such number of lashes not exceeding thirty-nine, as the said Justice shall direct.

III. *And be it further enacted*, That it shall and may be lawful for any number of persons in said towns respectively, exceeding twenty-five, to form themselves into a company for the purpose of extinguishing fire, or saving property endangered by fire, who, on having their names recorded in the records of the towns respectively, kept by the clerks of said towns, shall be considered a body politic and corporate, under the name of *The Fire Company* of the town of Wilmington, or the town of Newbern, as the case may be, and by that name shall and may sue and be sued, plead and be impleaded, before any jurisdiction in this State; and shall and may have power and authority to make such rules and regulations for their government as a majority shall deem proper, and to impose and to enforce penalties not exceeding ten pounds for any one offence, on and against any person or persons failing to comply with any rule or regulation which the said companies shall from time to time establish.

IV. *And be it further enacted*, That the commissioners of the towns of Wilmington and Newbern aforesaid, may, if they deem the same necessary, have power annually to lay a tax for the use of said towns, not exceeding five pounds upon all retailers of spirits in said town in smaller measures than a quart; and a tax not exceeding ten pounds on each and every transient trader and shopkeeper, who shall retail goods, wares and merchandize in said towns; but no person shall be deemed a transient trader or shopkeeper, who shall appear returned on the list of taxables furnished by the clerk of New-Hanover county or Craven, to the clerk of the town, and who shall also, at the time when the said tax is demanded of him, make an affidavit that he has come into the said town for the purpose of carrying on a permanent trade therein, and that the said affidavit is not made to avoid the payment of said tax. And the said taxes shall be levied, collected and accounted for by the Sheriffs of New-Hanover and Craven counties, under the rules, regulations and penalties prescribed for the levying, collecting and accounting for other town taxes.

CHAP. XXXVIII.

An Act to exempt from the payment of taxes all lots in the town of Wilmington, on which the buildings were destroyed by a fire in the month of February last.

WHEREAS it has been represented to this General Assembly, that a great part of the town of Wilmington was destroyed by a fire which happened in said town in the month of February last, whereby considerable loss has been sustained by individuals, inhabitants and owners of property in said town; and whereas it is but just and right that the Legislature should extend every proper relief to such as have been so injured:

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 no public, county, town or parish tax, shall be laid or collected for the year 1806, on or from any owner of town property in said town, for or on account of any lot in the town of Wilmington, or any buildings thereon, which said buildings were destroyed by the fire which happened in said town in the month of February last.

CHAP. XXXIX.

An Act concerning the town of Fayetteville.

WHEREAS it is desirable for the convenience of the inhabitants of said town, and the safety of travellers and other passengers, that a Stone Bridge should be erected over Cross creek in the centre of said town, near the mill formerly Cochran's: To raise a fund for which purpose.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Hogg, John M'Millan, John Eccles, David Anderson and Robert Cochran, Esquires, be, and they are hereby appointed managers of a lottery to be called *The Stone Bridge Lottery of the town of Fayetteville*, and as such managers, they, or a majority of them, shall be, and they are hereby empowered to raise the sum of two thousand four hundred dollars by lottery, under such scheme and regulations as they shall approve. And for the security of adventurers in said lottery, the said managers are hereby required to lodge in the Bank of Cape Fear, the monies arising from the sale of tickets in said lottery, as the same shall come into their hands, there to await the event of the drawing of said lottery; and after it is drawn, to be appropriated in the first place to the payment of the prizes, and in the next to erecting a Stone Bridge as aforesaid.

II. *And be it further enacted*, That the aforesaid John Hogg, John M'Millan, John Eccles, David Anderson and Robert Cochran, Esquires, be, and they are hereby appointed commissioners for superintending the building of a Stone Bridge in the town of Fayetteville, at the place before described, with full powers to carry the same into execution, and to appropriate the profits arising from said lottery towards erecting said bridge, in such manner as they in their discretion shall think meet: *Provided*, that the said commissioners, either collectively or individually, shall not be entitled to any compensation for their trouble as commissioners: *Provided also*, that the said Bridge when erected, shall be held and deemed the property of the town of Fayetteville, and shall be kept in due repair by the commissioners of said town.

VI. *And be it further enacted*, That no person in the town of Fayetteville shall be entitled to a vote for Town Commissioner, or for Magistrate of Police thereof, unless such person shall have paid all public, county and town taxes due from him within three years immediately preceding the election of such officer.

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

1853

CHAP. XL.

An Act concerning Drysborough.

WHEREAS General Benjamin Smith and Sarah Dry Smith, his wife, lately laid out into lots and streets, a certain tract of land adjoining the town of Newbern, called Drysborough, the lots whereof were purchased under the assurances of the proprietors that so much of said tract as was laid out into streets would forever be and remain appropriated to the use of the people of this State, as roads, ways or streets, and the said Benjamin Smith and Sarah Dry Smith, his wife, have consented that the assurances held out to the present owners of said lots be now finally carried into effect, and confirmed and ratified by this Legislature:

Be it enacted by the General Assembly of the State of North-Carolina, That so much of the tract of land aforesaid called Drysborough, as is laid out into streets, be, and shall forever hereafter be and remain absolutely and exclusively forever, appropriated to the sole use and benefit of the people of this State, as public roads or streets now are: *Provided nevertheless,* that the said Benjamin Smith shall or may, within six months after the rise of the present General Assembly, file the plan of Drysborough under which the said lots were sold, a true copy thereof: And that the said Sarah Dry Smith, his wife, shall or may (on being privily examined apart from her husband by one of the Judges of the superior court of law, or any two of the Justices of the Peace of Brunswick county) admit and acknowledge her free consent to the within appropriation; and the return of said Judge or Justices, subscribed by said Sarah Dry Smith, shall be filed with said plan into the clerk's office of Craven county, and registered by the register thereof: *Provided also,* that no person shall be compelled to work on said streets, unless he be an inhabitant of Drysborough.

CHAP. XLI.

An Act to empower the commissioners of the town of Warrenton to sell certain parts of the public ground, or parts of streets which have been encroached upon by improvements.

BE 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, or a majority of them, be, and they are hereby empowered to sell such parts of the public ground, or parts of streets in said town, which have been encroached upon by improvements, to the person or persons who are proprietors of the same, and the monies arising therefrom be applied in such manner, and for such purposes, as a majority of such commissioners may think proper.

CHAP. XLII.

An Act to appoint commissioners for the town of Kinston, in Lenoir county, and for other purposes therein mentioned.

WHEREAS it is represented to this General Assembly, that all, or a greater part of the commissioners belonging to the town of Kinston, are either dead or removed out of the county, and it being uncertain whether those remaining have power to supply the vacancies by appointing others:

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 Bryan Whitfield, John Gatlin, Jesse Cobb, sen. John Washington, Jesse Cobb, jun. and Ambrose Jones, shall be, and they are hereby appointed commissioners of the said town, with all the powers, privileges and authorities as those heretofore appointed. And whereas there is a wash or gully in one of the streets of said town which is likely to prove injurious to the same:

II. Be it therefore enacted by the authority aforesaid, that the commissioners appointed by this act shall have full power and authority to sell and dispose of the same, and perfect a title thereto, under such rules, regulations and restrictions as they may deem necessary for the benefit and advantage of the said town.

CHAP. XLIII.

An Act to incorporate the town of Concord, in the county of Cabarrus.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the freeholders in the town of Concord, in the county of Cabarrus, shall meet together at the court-house in said town, on the first Monday in February in each and every year, and elect as many commissioners, who shall be residents in said town, as they may deem expedient for the good government thereof; and the commissioners so appointed are hereby authorised to make all by-laws, and adopt such rules for the regulation and good government of said town, as may appear to them necessary from time to time: *Provided,* such by laws are not repugnant to the laws or constitution of this State.

CHAP. XLIV.

An Act to repeal the fourth section of an act, passed in the year of our Lord one thousand seven hundred and seventy-three, and for the better regulation of Elizabeth Town, in Bladen county.

WHEREAS it is found inconvenient for the grantees or owners of lots in Elizabeth Town, to comply with the fourth section of the aforesaid act:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said fourth section of the before-recited act, is hereby repealed and made void.

II. And be it further enacted by the authority aforesaid, That if any person or persons, licenced to keep tavern or ordinary, or retail spirituous liquors within said town, shall, on trial before any Justice of the Peace for the county aforesaid, be convicted of retailing spirituous or other liquors on the Lord's Day, commonly called Sunday, or in the nights of any days after the hour of ten o'clock, to the end of entertaining slaves or negroes, shall, on every conviction as aforesaid, forfeit and pay the sum of five pounds, one half for the use of the prosecutor, the other half for the benefit of the poor of said county.

III. And be it further enacted, That if any merchant or retailer of any goods, wares or merchandize, be convicted, on a summary trial, for selling or bartering any of his or their said merchandize, on the Lord's Day, called Sunday, or to any slave or negro at night, after the hour of ten o'clock, shall forfeit and pay five pounds for every offence, one half for the benefit of the poor, the other half for the use of the informer; any law or custom to the contrary notwithstanding.

CHAP. XLV.

1806.

An Act for the better regulation of the town of Averasborough, in the county 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 on the first Monday of January next, and on the first Monday of January annually thereafter, the inhabitants of said town shall meet at some convenient place in said town, and elect a Magistrate of Police and three commissioners, who shall be empowered to pass, and to carry into execution, such laws as may be necessary for the good order and police of said town, not inconsistent with the laws and constitution of this State.

CHAP. XLVI.

An Act to establish a town at Northampton 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 James Ezum, William Amis, Lawrence Smith and Turner Bynum, be, and they are hereby appointed commissioners to lay off at the court-house aforesaid, thirty acres of land for a town, or as much as they may deem necessary, into half-acre lots and streets at least sixty feet wide, and when so laid off, the said town shall be called and known by the name of *Atherton*.

II. *And be it further enacted,* That when the said commissioners shall have laid off the said town as aforesaid, they shall sell and dispose of the lots at public sale, giving at least thirty days previous notice of such sale: And the money arising from the sale of such lots, after defraying all incident expenses, shall be paid unto the proprietor or proprietors of said land, who are by this act invested with the sole power of executing conveyances for said lots. And in all other matters and things relative to the said town, a majority of the said commissioners shall constitute a quorum, with power to make and establish all such rules and regulations as to them may appear most conducive to the interest of said town.

III. *And be it further enacted,* That this act shall not be construed so as to interfere with the land now laid off for the use of the said court house and other public buildings, except as to a street or streets.

CHAP. XLVII.

An Act for the better regulation of the town of Swansborough, in the county of Onslow.
BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Eden Bell, Thomas Dudley and Amos Perry, shall be, and are hereby appointed commissioners for the town of Swansborough, in the county of Onslow, with full power to act and direct all such matters and things relative to the police and good government of said town, and to enact at any time all such by-laws for the regulation of the same, as they, or any two of them, may from time to time think proper: *Provided,* they shall always give ten days notice at two of the most public places in said town of such regulations, previous to the enforcing the same.

II. *And be it further enacted,* That in case of the death or refusal to act of any of the aforesaid commissioners, then and in that case, the freeholders in said town shall convene at the appointment of any one of the before mentioned acting commissioners, who shall by ballot supply any such vacancy, and the person or persons so elected, shall be vested with the same powers and authority as those appointed by this act.

III. *And be it further enacted,* That the freeholders in said town shall, on the first day of January in each and every year after the year one thousand eight hundred and seven convene at some convenient place in said town to elect, by ballot, three commissioners to act for one year, who shall, when so elected, be vested with the same powers and authority as those appointed by this act; any law, custom or usage to the contrary notwithstanding.

CHAP. XLVIII.

An Act to alter the name of the town of Carthage, in Moore county, to that of Fagansville.
BE 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 town of Carthage, in Moore county, shall be called and known by the name of the town of Fagansville; any law to the contrary notwithstanding.

CHAP. XLIX.

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 the commissioners heretofore appointed by law, 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 not exceeding three acres, that are assigned for the use and benefit of said town of Lincolnton, and for such number of years as they or a majority of them may think proper, for the purpose of erecting a distillery, and the money arising therefrom to be appropriated as heretofore directed by law: any thing to the contrary notwithstanding.

CHAP. L.

An Act directing the sale of public lands adjoining the town of Smithville.
BE 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 lands belonging to the State adjoining the town of Smithville, shall be sold under the direction of three commissioners, to wit: John Conniers, Benjamin Blaney and Samuel Potter, who shall give bond and security for their faithful performances as such, made payable to the Governor, which bond shall by the said commissioners be by them transmitted to the Public Treasurer of this State; and the said commissioners shall cause an accurate survey of the said land to be made, and that it be laid off in such convenient lots or parcels as will enhance the value thereof. And after giving sixty days notice in the *Wilmington Gazette*, and at three of the most public places in Brunswick county, including the court-house and Smithville, shall sell the same at public auction, giving six months credit, and on receipt of the money or approved security therefor, shall execute good and sufficient titles for the respective lots or parcels of lands so sold, which titles are hereby declared good and valid to all intents and purposes to convey the said lots or parcels of lands to the purchasers, their heirs and assigns for ever, or either of them. And the acts, deeds or proceedings of a majority of said commissioners shall be considered as of equal validity to that of the whole.

1806 II. *And be it further enacted*, That the said commissioners shall pay to the Treasurer the amount of such sale, who is hereby authorised to allow thereout all such deduction for surveying or other charges, which to him shall seem fair and equitable.

CHAP. LI.

An Act to appoint commissioners to lay off and establish the dividing lines between the counties of Carteret and Craven.

WHEREAS the dividing lines between the counties of Carteret and Craven 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 actually 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 Nathaniel Pinkham and Joseph Borden, Esquires, of the county of Carteret; and John S. Nelson and William Holland, Esquires, of the county of Craven, be and they are hereby appointed commissioners, with full power and authority to lay off, extend and mark the dividing lines between the said counties.

II. *And be it further enacted*, That the said commissioners shall nominate and appoint such surveyors and chain-carriers, and other attendants, as shall be necessary for the running, marking, extending and establishing the said lines; and that they shall begin the dividing lines between the counties of Carteret and Craven, at or near Long or Turnagin Bay, near Neuse river, at such place as may be agreed on between the said commissioners, and shall run thence the middle of the open grounds between Carteret and Craven, such lines as may be agreed on between said commissioners unto, or near the marked lines at John Lovet's, and from thence by the best information, unto the head of Hunter's creek on White Oak river, and shall make, or cause to be made, returns of their proceedings to each of the courts of said counties, to be deposited and recorded by the register of each county. And the said lines, when so established and laid off, shall forever thereafter be established and confirmed as the dividing lines between the said counties of Carteret and Craven.

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

CHAP. LII.

An Act appointing commissioners to run out and establish the boundary line between Duplin and Wayne 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 Basil Kornegay, surveyor of the county of Duplin, and Briton Hood, surveyor for the county of Wayne, together with Daniel Glisson, William Beck, sen. Ezekiel Stocumb and Needham Whitfield, be, and they are hereby appointed commissioners, with power to employ such chain-carriers and attendants as they may deem necessary to enable them to run, ascertain and mark the boundary-line between said counties of Duplin and Wayne, agreeable to the acts by which said counties were established; 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 of Duplin and Wayne. And the said commissioners, within six months after running the dividing-line, shall make out two fair plats thereof, and return one to the county court of Duplin, and one to the county court of Wayne, which plats so returned, shall be recorded in each court.

II. *And be it further enacted*, That the commissioners and chain-carriers, for their trouble in superintending, running and marking said dividing-line, shall be entitled to such pay as their county courts respectively shall allow them, to be paid out of the county tax: *Provided always*, that the ascertaining the dividing-line and boundary aforesaid, shall not affect any title or titles to the land in either of the counties.

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

CHAP. LIII.

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 Lewis Webb, John Hunt, Philip Southerland, Edward Pride and Thomas Person, 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 after running the said line, shall make out two plats thereof, and return one to each of the courts of Wake and Franklin, which shall be recorded.

II. *And be it further enacted*, That the commissioners aforesaid, for their trouble in superintending and running of the line aforesaid, shall be entitled to the sum of thirty shillings for every day they shall be necessarily engaged in the said business; and the artists, chain-carrier and attendants, shall be respectively 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: *Provided*, that the ascertaining the lines and boundaries aforesaid, shall not affect the titles of any person holding lands in either of the counties aforesaid.

III. *And be it further enacted*, That all laws, or parts of laws, coming within the meaning or purview of this act, are hereby repealed.

CHAP. LIV.

An Act to incorporate a company for the purpose of draining and improving an extensive body of Swamp Lands belonging to John Gray Blount and others, lying and being in the county of Hyde

WHEREAS John Gray Blount and others are seized and possessed of sundry large tracts of swamp land, lying and about Matamuskeet Lake and Pamlico Sound, the improving of which would prove beneficial to the community at large, as well as the owners thereof; and experience has proved that it cannot be improved to the extent proper, and to which it is capable, without the collected funds of a company, which they are desirous of forming:

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 John Gray Blount, and such persons as shall hereafter become stockholders of said company, shall and are hereby constituted and made a body politic and corporate, by the name of *Matamuskeet Company*, and by that name shall have perpetual succession, and be capable of suing and being sued, impeaded and defended in any court whatsoever, and may have a common seal, and alter and change the same at pleasure, shall also be capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation.

II. *And be it further enacted by the authority aforesaid,* That the said John Gray Blount shall give six weeks notice in some newspaper published in this State, of the time and places for opening books of subscription for any number of shares he may deem necessary, each share to consist of one hundred dollars, to be paid as the said corporation shall direct; and when one hundred shares or more shall be subscribed, the said John Gray Blount shall call a meeting of the subscribers at some convenient time and place, by publicly advertising the same in one of the Newbern papers, when and where there shall be a meeting of the subscribers, and continued from day to day, until a majority of the said subscribers shall appear, by themselves or proxies appointed by writing, attested by one subscribing witness at least. And when a majority shall so appear, they shall have power and authority to appoint their meetings, chuse their officers, define their powers, fix their salaries, and direct the manner in which they shall afterwards be chosen, and shall, from time to time, make all such laws and regulations (not inconsistent with the laws and constitution of this State) as to them may seem necessary and proper for the purchase and sale of property: *Provided always,* that nothing in this act contained shall authorise or empower the said company at any time to make any loans of money, or to issue any bond, bill or note, payable to bearer, or any bond, bill or note, except for the purchase of lands, the wages of their officers, or the persons employed in draining lands, nor to trade in any goods, wares or merchandize, or purchase any lands, except those through which canals or drains are to be made, under the penalty of forfeiting the privileges by this act given, or intended to be given, to the said company.

III. *And be it further enacted by the authority aforesaid,* That at the first meeting of the subscribers as aforesaid, the books of subscription shall be delivered by the said John Gray Blount to the subscribers, who shall have power, if they think it necessary, then or at any time afterwards, to continue or open the books for receiving the subscriptions for any further number of shares they may deem expedient or necessary for effecting the purposes of the said corporation, and the objects thereby intended.

IV. *And be it further enacted by the authority aforesaid,* That the shares, profits, proceeds and dividends of the said corporation, shall be held and deemed personal property, and transferable as such by any writing duly attested and authenticated, under such rules and regulations as the corporation shall direct, and on the death of any stockholder, shall vest in his representatives, in like manner as other property.

V. *And be it further enacted by the authority aforesaid,* That all contracts made by the officers or agents of the corporation, pursuant to the powers vested in them, and the laws and regulations thereof, shall be valid and binding on the said corporation.

VI. *And be it further enacted by the authority aforesaid,* That any share or shares subscribed, and not paid for pursuant to the laws and regulations of the corporation, shall be forfeited to the corporation: *Provided nevertheless,* that this act shall continue in force for thirty-five years, and no longer.

CHAP. LV.

An Act to authorise sundry persons therein named to raise by way of lottery the sum of one thousand dollars, for the purpose of finishing and completing the road from Matamuskeet Lake to the court-house in Germanton.

WHEREAS the completing the road from Matamuskeet Lake, in Hyde county, to the court-house in Germanton, would be highly advantageous to the inhabitants of Matamuskeet, and of general utility to the citizens 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 Joseph Masters, Hugh Jones, Edward Harris, Benjamin Saunderson, Seldon Jasper, James Watson and David Carter, be, and are hereby appointed commissioners of said lottery, who shall have power and authority, under such rules and regulations as to them, or a majority of them, may deem proper, to open a scheme of lottery or lotteries, for the purpose of raising the sum of one thousand dollars, to be appropriated towards finishing and completing the road that leads from Matamuskeet Lake to Germanton, in Hyde county, at the discretion of the said commissioners, or a majority of them.

II. *And be it further enacted* That the said commissioners be, and are hereby authorised to appoint three persons of their body to act as managers of the said lottery or lotteries, whose duty it shall be to make sale of the tickets, to receive payment for the same, and to pay over the prizes to the persons who may draw the same; which said managers shall, before they enter on said business, enter into bond with sufficient security, payable to the chairman of the court of said county, for the faithful performance of their duty, which bond shall be lodged in the clerk's office of said county, subject to be sued by any person who may be injured thereby.

1806

CHAP. LXVI.

An Act to establish two Turnpike Roads in the western part of this State.

WHEREAS the establishing a turnpike road from Wilkesborough to the Three Forks of New river, and from thence across the Stone Mountain to the Tennessee line, and also from the head of Buffalo creek in Ashe county, to the top of the Stone Mountain at the Tennessee line, would be of great benefit to travellers of every description:

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 Wilkes and Ashe shall severally appoint three commissioners each; and it shall be the duty of those appointed in Wilkes, to let out the first mentioned road, and those appointed in Ashe county to let out the other, to the persons who will take them for the shortest term of time, and give bond with approved security to keep said roads in proper order and good repair for the passage of travellers and carriages of every description. And as soon as the said commissioners shall report to the said county courts, that one half of said roads are in good order for the passage of waggons and other carriages, that the undertakers shall be, and they are authorised and empowered to fix toll gates thereon; and when so established and fixed, shall be entitled to the following toll (to wit.) for each waggon and team, fifty cents, for each man and horse, twelve and a half cents; for each foot passenger, two cents; for each horse, six cents; for each and every cow, sheep and hog, two and an half cents; for each cart with one or two horses, twenty five cents; for every chair or other carriage of pleasure, thirty-seven and an half cents, during the time they shall undertake and keep said roads in good and sufficient order.

II. And be it further enacted, That as soon as the said commissioners shall report said roads are in good order as aforesaid, the undertakers shall renew their bonds with good security to keep the said roads in good repair, and shall be liable for all damages that may happen in consequence of failure or neglect, and shall also be liable for the sum of two pounds for every two weeks they shall knowingly suffer any obstruction that may happen to remain in or on said roads, to be recovered before any jurisdiction having cognizance thereof, one half to the informer, and the other half to the use of the poor of the county in which such recovery shall happen.

III. And be it further enacted, That the said county courts shall appoint three commissioners each, who shall examine said roads and repairs and report the situation of the same to the court, at least once in each and every year.

IV. And be it further enacted, That the said undertakers of the road leading from Wilkesborough to the three forks of New River, and from thence to the Stone Mountain near the Steer Gap, shall work on that part of the road, beginning at the foot of Laurel Hill on Lewis' Fork, and from thence to the top of the Stone Mountain.

V. And be it further enacted, That the said undertakers shall fix their toll-gate between Cove Creek and the top of the Stone Mountain: Also on the lower road the toll-gate shall be established between the mouth of the Roundabout and the top of the Stone Mountain at the Tennessee line.

CHAP. LXVII.

An Act to authorise certain commissioners therein named to raise, by way of lottery, a sum of money to build a bridge across Pasquotank River.

WHEREAS the bridge across Pasquotank river has been carried away by the late rains, and the road companies attached thereto are inadequate to re-build the same,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Verebee, Newton Ederry, Hallowell Old, of Camden county, and William M. Hervey, Abner Whitney, Isaac Stokely and Frederick B. Sawyer of Pasquotank county, are hereby authorised and empowered to raise by way of one or more lottery or lotteries, a sum of money not exceeding five hundred dollars, in order to build a bridge across Pasquotank river where the old bridge formerly stood.

II. And be it further enacted, That the commissioners aforesaid, before they enter on the duties of their office shall give bond in the sum of one thousand dollars, payable to the chairman of the county court of Camden, for the due and faithful performance of the same, and for the effectual payment of the prizes thereof according to the scheme or schemes which may be adopted or established by said commissioners.

III. And be it further enacted, That the acting commissioners aforesaid, or a majority of them, are hereby authorised and empowered to contract with some proper person or persons to build and complete the said bridge: *Provided always,* That the said bridge when built shall be deemed a public highway, and free for all persons whatsoever to pass the same.

CHAP. LXVIII.

An Act to amend the first section of an act passed at Raleigh in the year 1805, which makes provision for the payment of witnesses attending the county court of Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, each person lawfully summoned and who shall attend the county court of Carteret as a witness, shall be allowed for every day's attendance when at court, the sum of ten shillings per day, to be paid by the party cast, and inserted by the clerk of said court in the bill of costs: *Provided always,* That the party cast shall not be obliged to pay for more than two witnesses to prove any single fact, and the attendance of such witnesses shall be proved when the cause is determined, or within five days after, before the clerk of said court, any law to the contrary notwithstanding.

CHAP. LIX.

An Act to amend an act passed in the year 1799, entitled "An act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison and stocks, and for other purposes relative to the said county of Wilkes."

WHEREAS it is found that the place fixed on by the commissioners appointed in the before recited act is inconvenient;

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 C. O'Riley, Jesse Robinett, William Waugh, John Brown, Esqr. and George Jones be, and they are hereby appointed commissioners, and they or a majority of them if they think proper and advisable, are hereby vested with full power and authority to remove the said court house and prison from the place where they now stand, not exceeding three hundred feet, in any direction they think proper, within the public square, and the expences attending the same shall be paid by the county trustee out of any monies in his possession, or that may come into his hands for the use of said county; and whereas great trouble and inconvenience has been experienced in consequence of the plat of the town of Wilkesborough not being recorded in the clerk's office of said county, for remedy whereof,

II. Be it further enacted by the authority aforesaid, That Robert Martin, Esq. be and he is hereby authorised and required to re-survey and number each and every lot in said town, and make thereof an accurate plat, and deliver the same or a true copy thereof to the clerk of said court, who is hereby required to record the same in his office, for all which services the court of said county shall make a reasonable allowance, which shall be paid out of the county treasury as aforesaid.

III. And be it further enacted, That the said commissioners or a majority of them be, and they are hereby authorised and empowered, if they deem it proper, to sell and dispose of a small piece of ground within the public square, not exceeding one quarter of an acre adjoining to J. C. O'Riley's lots on the south east side, so as to range with the back street running by the said O'Riley's lot, and the proceeds of said piece of ground shall be appropriated towards defraying the expence of removing said court-house and jail, and paying of said surveyor.

CHAP. LX.

An Act providing for the relief, support and employment of the poor of New Hanover county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of New-Hanover, for the time being and their successors, shall be, and are hereby declared to be a body politic and corporate, by the name and stile of the wardens of the poor of the county of New-Hanover, and by that name shall have succession, and a common seal, and are hereby made able and capable in law, to have, take, purchase, possess and enjoy lands, tenements, hereditaments, stocks, goods and chattels of what kind or quantity soever, by gift, grant, demise, devise, bequest, bargain and sale or any other mode of conveyance whatever, to the use and purpose hereinafter mentioned, and the same to sell, alien or dispose of, augment or improve, in such manner as the said wardens, by their bye laws and regulations, shall order and direct for effectuating the objects of their institution. And the said wardens by the name and stile aforesaid, shall and may sue and be sued, plead and be impleaded in all jurisdictions in this State, and ordain, establish and put in execution such bye laws, regulations and ordinances as shall to them or a majority of them seem meet for the government of the said corporation, and the poor, indigent and disorderly persons in said county, who shall be committed to their government, not inconsistent with the constitution of this State or of the United States; and whereas the erecting of a house or houses for the employment of the poor in said county, and such idle persons as refuse to exercise any lawful calling for their support, would be the means of relieving the inhabitants of said county from a considerable part of the expence of their maintenance;

II. Be it enacted, That the said wardens shall be and are hereby authorised to erect within the town of Wilmington, or within one mile of its vicinity, a house or houses for the residence and employment of persons of the above description, in which there shall be two separate apartments, one for the employment of such persons as shall be able to contribute towards their own support by their labor, and shall be called the house of employment, and another for the reception and lodging of such poor as shall be unable to labour, to be denominated the alms house; and the said wardens shall appoint managers or overseers of the said houses, and purchase and procure such furniture, implements and materials for work as they from time to time shall deem requisite, and shall and may remove to and distribute in such house or houses, all the poor of said county, which shall at the time of erecting of the same, be chargeable on said county, and shall and may from time to time, under such rules and regulations as they may establish, commit to said house or houses, any person or persons residing within the said county that are by this act liable to be sent thither, and direct and enforce by such rules and regulations as they may establish, the labour and employment of all persons who shall be committed to the house of employment: And in order to enable the said wardens to erect the necessary buildings:

III. Be it enacted, That they shall and may, in addition to the taxes which the wardens of said county have by law, authority to lay and collect, and which the corporation created by this act, are hereby authorised to lay and collect, if and whenever they shall deem the same necessary, lay and collect a tax of one shilling on every hundred pounds value of town property, one shilling on each poll, and four pence on each hundred acres of land in said county, to be levied and collected by the sheriff of said county and accounted for to and with said wardens, under the same regulations and penalties as the said sheriff is authorised and bound to levy, collect and account for the town taxes; and if the said wardens shall think any part of a public lot in the town of Wilmington a proper place to erect any building which they have hereby authority to erect, they, with the consent and approbation of the commissioners of said town, may for that purpose appropriate such part thereof, as they and the said commissioners shall agree on and lay off.

IV. And be it further enacted, That a book or books shall be kept of the earnings of each person committed to the house of employment, and the net amount of the earnings of each individual, shall be ap-

applied to and for the support of said house, and the use of such individuals, or his or her family, as he said wardens by some general regulation shall order.

V. *And be it further enacted*, That upon complaint made by any warden of the poor of said county to any justice of the peace, that any person is loitering about the county, following no visible trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly persons have been seen eating, drinking and keeping company with slaves; or that any person has been sauntering about and endeavouring to maintain themselves by gambling or other undue and unlawful means; or that any person keeps a house of ill fame, resorted to for the purpose of prostitution and lewdness, it shall and may be lawful for said justice of the peace, to issue his warrant against any person so complained against, directed to any lawful officer in said county, to bring him or her before some two justices of the peace of said county, and if upon hearing the party, they the said justices shall judge the complaint well founded, they shall and are hereby authorised to commit such person to the house of employment for any time not exceeding six months, to be kept at hard labor, unless he or she shall find security at the discretion of said justices, in any sum not exceeding two hundred pounds, for his or her good behaviour; and in case of conviction for keeping a lewd or disorderly house, such person shall not be authorised afterwards to keep any house for boarders and lodgers in said county without the consent of the wardens of the poor, and if in the town of Wilmington, the consent of the commissioners of said town. And whereas many disorderly persons by their idleness, may fall sick and become chargeable to the parish in New-Hanover, and may be unwilling or unable to reimburse the expences which may have been incurred in their cure and recovery;

VI. *Be it enacted*, That in case any such person shall incur any expence in manner aforesaid, and be unable or unwilling to pay such expence, said wardens shall and may detain such person in the house of employment, until the earnings of his or her labor shall have reimbursed the expence incurred, or until he or she shall consent to be bound out to some service, in which case the wardens are hereby authorised to bind by indenture or deed poll every such person to some master or mistress, who for the shortest term of time will pay the said expence, or to any other person to whom any person liable to be put out as aforesaid shall be desirous of being bound.

VII. *And be it further enacted*, That the corporation established by this act, shall have power to collect by warrant, all taxes which by an act of Assembly, passed in the year 1790, entitled an "Act to amend an act entitled an 'Act directing the mode of raising a fund for the support of sick seamen, and the manner of appropriating the same,'" passed at Fayetteville, 1789, and appropriate the same towards the establishment of the houses herein directed, and the support of sick marines; and the said corporation shall have all and singular the powers and authorities vested in the wardens of the poor of New-Hanover county, by virtue of any act or acts of the Legislature heretofore passed: *Provided*, That the said corporation shall not collect any tax from any vessel bound to pay hospital money under the laws of the United States.

CHAP. LXI.

An Act to provide for the building a new court house, prison and stocks in the county of Lincoln.

BE 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 Eulenwider, John Stake, Joseph Morris, John Ramsour, sen. and John Morris, be, and they are hereby appointed commissioners to contract with a person or persons for supplying materials and building a court-house, prison and stocks, in the said county in the town of Lincolnton, of such dimensions and in such manner as they or a majority of them may think proper: And when the expences thereof are ascertained, they shall certify the same to the first court of said county that may happen after the first day of March next.

II. *And be it further enacted*, That it shall be the duty of the said county court (a majority of them being present) immediately to proceed to lay a tax for the purpose of defraying said expence, not exceeding two shillings on each and every poll, and not exceeding eight pence on each and every hundred acres of land, and two shillings on every hundred pounds value of town property, forty shilling on every tavern licence, fifty shillings for every store, and the price of the season of one mare for all stud horses, to be collected and accounted for at the same time, in the same manner and by the same persons that collect the public taxes of said county.

III. *And be it further enacted*, That the commissioners aforesaid are hereby authorised and empowered to sell the present court house and jail at auction, on a credit of twelve months, and the money arising therefrom to be appropriated towards paying for the new.

IV. *And be it further enacted*, That the said county court is hereby authorised to lay a tax annually, not exceeding the sum aforesaid, for the purpose of completing the said court-house, prison and stocks: *Provided*, 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 of said county may direct.

VI. *And be it further enacted*, That the commissioners aforesaid, when the business is completed, shall lay a full statement of their trouble and expences before the said county court, who are hereby authorised to allow them a reasonable compensation for their trouble, to be paid them out of the monies arising from said tax.

CHAP. LXII.

An Act to empower the county court of Tyrrel to lay a tax for the purpose of building a bridge across Scuppernon river.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Tyrrel is hereby authorised and empowered, at the first court to be holden for the said county after the first day of April next, to lay a sufficient tax to defray the expences of building a bridge across Scuppernon river, from the town of Columbia to the point of marsh opposite to the said town; which said tax shall be levied, collected and accounted for, in the same manner, and at the same time as other county taxes are collected and accounted for.

II. *And be it further enacted*, That Charles Spruill, Jesse Alexander, Elijah Warrenton, are hereby ¹⁸⁰⁶ appointed commissioners, and they, or a majority of them, are hereby empowered to contract with certain persons to build the said bridge, who shall give bond with sufficient security for the due and faithful performance, previous to their beginning to build said bridge.

III. *And be it further enacted*, That in the building and construction of said bridge, there shall be a draw in the same twenty-five feet wide, for the purpose of vessels passing up and down said river.

IV. *And be it further enacted*, That the commissioners shall, after the said bridge is finished, make a full statement of the amount of all costs and charges thereof, and settle the same with the said court, who shall allow to the said commissioners such reasonable compensation as to them may seem just, and if any of the commissioners hereby appointed should die, remove or refuse to act, the county court shall appoint others in their place or places.

CHAP. LXIII.

An Act to empower the Wardens of the Poor for the counties of Gates and Currituck to lay an additional tax for the support of the Poor of said counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor for the county of Gates to lay a further tax, not exceeding one shilling on each and every poll, and four pence on every hundred acres of land, to be levied, collected and accounted for as the law in such cases directs. And whereas the laws authorising the wardens of the poor of Currituck county to lay their poor tax, are contained in several acts of Assembly, which renders it uncertain to find them: For remedy whereof,

II. *Be it further enacted by the authority aforesaid*, That the wardens of the poor for the county of Currituck, or their successors, are invested with full power and authority, from time to time as they may deem it necessary, to lay a tax not exceeding five shillings on each poll, and so in proportion on land, for the purpose of paying the expences of, maintaining the poor of said county.

CHAP. LXIV.

An Act to establish the mode of Elections in the county of Carteret.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future all elections for members of the General Assembly of this State shall be held in the county of Carteret, 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 court of said county, 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 voters names, shall be by them returned, at or before twelve o'clock on the Monday next proceeding said Thursday, 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, on the Monday following the second Thursday in August, to receive the returns so made by the inspectors. On their being made to the sheriff, he shall, in presence of the inspectors, proceed to add the number of votes to him returned together, and the persons having the greatest number of votes shall be deemed lawfully 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 and may be lawful for any one justice of the peace and two freeholders to appoint them, and when so appointed, they shall have the same powers, and be subject to the same restrictions, as if they had been appointed by the court.

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointments of said justices and inspectors to the sheriff, whose duty it shall be to notify them as soon as possible. And it shall be the duty of the sheriff of said county to advertise said elections in every captain's district and at the court-house door, at least thirty days previous to said election.

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 single justice of 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 the use of the poor of said county.

VII. *And be it further enacted*, That for members of Congress and the electors to vote for a President and Vice-President of the United States, shall be held in said county, and 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 and clauses of acts that come within the meaning and purview of this act, and contrary thereto, are hereby repealed and made void.

CHAP. LXV.

An Act to establish the mode of Elections in future 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 in future, all elections for members of the General Assembly, representatives to Congress, electors to vote for a President and Vice-President of the United States, to be held in

1836 and for the county of Guilford, in each and every year, on the second Friday in August, at the following places, viz. at the court-house in said county, in Jamestown in the south-west corner of said county, at the house of Finlay Stewart, and at such other place in the north-east corner of said county as the commissioners hereinafter named shall establish.

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 of election 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 for the same purposes, and subject to 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 voters names, shall be by one or both of them returned, at or before two o'clock next day, to the sheriff of said county, or his legal deputy, at the court-house. And it is hereby declared to be the duty of the said sheriff, or his 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 or his deputy, he shall, in the presence of the inspectors, proceed to add together the number of votes thus to him returned, with those taken 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 elections at the different places which they are to be held, 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, or vote more than once at any one election, he shall, on conviction before any justice of the peace for said county, forfeit and pay the sum of five pounds, one half to the person suing for the same, and the other half to the use of the poor of said county.

VII. *And be it further enacted*, That Alexander Gray, John Starratt, James S. Gillaspie, Peter Summers and Charles Gillam, or a majority of them, be appointed commissioners for fixing on a proper place for holding a separate election in the north-east corner of Guilford county, which election when established, shall be held for the same purposes, and subject to the same rules, regulations and restrictions as are observed in other cases of elections in this State.

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

CHAP. LXVI.

An Act to regulate the Elections in future in Wayne county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all the elections held in and for the county of Wayne, at the court-house of said county, at the plantation of James Rhodes on Brooks Swamp, where the elections are now held, and at Joseph Martin's, shall be held on the second Thursday in the month of August in each and every year, for all the purposes, and under all the rules, regulations and restrictions as elections are now held, except it shall be the duty of the county court to appoint, at the court preceding the day of any election, two proper persons for each election as inspectors of the polls to be taken at the places aforesaid, which polls shall be taken by the sheriff or his lawful deputies, in the same manner and under the same rules, regulations and restrictions as heretofore: *Provided*, the sheriff of said county shall summon the inspectors appointed as aforesaid, who shall attend on the days mentioned aforesaid for holding such elections, meet at the places aforesaid, and after being duly qualified for that purpose, proceed to open the polls and conduct the elections in usual form, and at the close of the polls count out the scrolls or tickets, add them together, and return a statement of such election or elections, with the names of the voters, under their hands and seals, to the sheriff of said county, or his deputy, at the court-house in Waynesborough, on or before two o'clock of the next day, whose duty it shall be to attend at the court-house for that purpose; and on receiving such returns, he shall proceed to add the whole number together, and the person who obtains the greatest number of votes, shall be by the sheriff or his deputy declared duly elected, who shall immediately make proclamation, and in the usual time make his return as heretofore.

II. *And be it further enacted*, That if the court shall fail in the appointments aforesaid, or any shall die or refuse to act, the sheriff or his deputy and two justices of the peace shall proceed to make such appointments, in which case, their powers, authorities and duties shall be the same as if they had been appointed by the court.

III. *And be it further enacted*, That if any person shall vote at two election grounds on the same day, or vote not being legally entitled to do so, he shall forfeit and pay, on due conviction thereof before a justice of the peace (in all which cases the polls shall be evidence against him) the sum of ten pounds, one half to the use of the county, the other to him who may sue for the same.

IV. *And be it further enacted*, That any law, or part thereof, that comes within the meaning of this act, is hereby repealed.

CHAP. LXVII.

1806

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a separate election shall be opened and held at the house of Gerard Banks, in the south part of the county of Wake, on the second Thursday in August in each and every year, for the purpose of receiving votes for members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States.

II. *And be it further enacted,* That the elections at the court-house of said county, which have heretofore been held on the second Thursday and Friday in August, shall hereafter be held on the second Thursday of August only, and on which day all the separate elections established in said county shall be held.

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

IV. *And be it further enacted,* That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them, or either of them, returned to the sheriff of the county at the court-house, under their hands and seals, at or before two o'clock in the afternoon of the day following. And it is hereby declared to be the duty of the sheriff, or his legal deputy, to attend at the court-house on Friday, the day following, for the purpose of receiving their respective returns; and on the returns being made, he shall, in presence of one or more 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 make proclamation accordingly.

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

VI. *And be it further enacted,* That it shall be the duty of the clerk of the said court to deliver copies of the appointments of said inspectors to the sheriff, whose duty it shall be to notice them as soon as may be of their appointments. And the sheriff is hereby required to advertise the said elections at public places near that at which the respective elections are intended to be holden, and also at the court-house door, at least twenty days previous thereto.

VII. *And be it further enacted,* That every person who shall give an illegal vote at any election, shall forfeit the sum of ten pounds, to be recovered by a warrant before any justice of the peace, one half to be applied to the use of the persons suing for the same; and the other half to the use of the county.

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. LXVIII

An Act to establish the mode of Elections in the county of Onslow.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, all elections for members of the General Assembly of this State, shall be held in the county of Onslow, in every year, on the second Thursday in August in every captain's district, at the places fixed upon by them for holding their petit musters.

II. *And be it further enacted,* That it shall hereafter be the duty of the court of said county, at the court next preceding the day of 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 said inspectors shall be sworn to keep the poll of said elections in a just and fair manner, and without partiality.

IV. *Be it further enacted,* That the inspectors shall immediately after the close of the poll of said elections, in presence of each other, seal up the boxes which contain the tickets by them taken, after which it shall be given up to the justice or any one of the inspectors who held the poll aforesaid, whose duty it shall be to convey the said boxes, together with the lists of the persons names who voted, signed by the inspectors, to the court-house in said county, the succeeding day by one o'clock in the afternoon, and deliver said boxes and lists to the sheriff or his deputy.

V. *And be it further enacted,* That it shall be the duty of the sheriff or deputy, on the day succeeding the election aforesaid, to attend at the court-house in said county, and at eleven o'clock to open a poll of election for the reception of votes, which said poll shall be kept open until three o'clock in the afternoon, when the same shall be closed, after which time he shall proceed to count out the votes by him and the inspectors and justices taken, and the persons having the greatest number of votes shall be deemed duly elected, and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

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

1816 VII. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointments of said inspectors to the sheriff, whose duty it shall be to 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, at least fifteen days previous thereto.

VIII. *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 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.

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

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

CHAP. LXIX.

An Act to amend an act passed in the year one thousand eight hundred and four, entitled "An act to establish the mode of Elections in future in the county of Sampson."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, it shall be lawful for the justice of peace, or either of the freeholders, appointed to conduct the respective separate elections in the county of Sampson, to make return of a statement of votes in favour of each candidate, together with a list of the polls by them kept, to the sheriff of the county at the court-house, on the day following at or before two o'clock in the afternoon: *Provided*, such statement be from under the hand and seal of each inspector.

CHAP. LXX.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all elections for members of the General Assembly for the county of Johnston, shall be held in each and every year on the second Thursday in August, in every captain's district in said county, at the places fixed on by them for holding their petit musters.

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

III. *And be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, under their hands and seals, together with a list of the voters names, shall be by them, or either 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 in Smithfield. And it is hereby declared to be the duty of the said sheriff, or his deputy, to attend at the said court-house, the day succeeding the day of election to receive the returns so made by the inspectors, who 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 of votes 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 shall so happen that the court of said county should neglect to appoint the inspectors aforesaid, or any of them should die or refuse to act, that then and in that case, it shall and may be lawful for any one justice of the peace and two freeholders to appoint them, and when so appointed, they shall have the same powers, and be subject to the same restrictions as if they had been appointed by the court.

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

VI. *And be it further enacted*, That if any person should give an illegal vote at any of the aforesaid elections, he shall, on conviction before any justice of the peace for 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 county at the aforementioned places, on the days appointed for that purpose, in the same manner and subject to the foregoing rules.

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

CHAP. LXXI.

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

BE 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, to be held in the county of Rockingham, shall be holden in each and every year on the second Thursday in August, at the following places, to wit: at the house of Robert Joyce, at the house of Joseph Ladd, Esq. at the Rocky Spring, at the house of William Wright (Cross Roads) at the house of Hugh Mills on the main road leading to Danville, now occupied by Daniel Foster, and at the court-house of said county.

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 in other cases of elections in this State.

III. *Be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by 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 elections, to receive the returns so made by the inspectors. On the returns being made by the sheriff, he shall, in 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 inspectors to the sheriff, whose duty it shall be to notice them of the same as soon as possible. And the said sheriff is hereby directed to advertise said election in every district, and at the court-house door of said county, at least twenty days previous thereto.

VI. *And be it further enacted*, That if any person should vote at more than one election in said county, he shall, on conviction before any justice of the peace, forfeit and pay the sum of ten pounds, one half to the use of the person suing for the same, and the other half to the use of the 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 at the same places, under the same rules as have heretofore been observed in similar cases.

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

CHAP. LXXII.

An Act directing the mode of conducting Elections in future in the county of Edgecomb.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the sheriff of the county aforesaid, or his lawful deputy, to count the votes at each separate election in the county aforesaid, on the day on which they are received, under the regulations and restrictions which now govern elections in the county aforesaid; any law to the contrary notwithstanding.

CHAP. LXXIII.

An Act to amend the acts of the General Assembly heretofore passed, granting to the inhabitants of the county of Lincoln, the privilege of a separate Election and general Master.

BE 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 election heretofore held at the school-house in the first regiment of militia in said county, shall in future be holden at the dwelling-house of James Beard in said regiment, on the second Thursday in each and every year, under the same rules, regulations, restrictions and penalties as are already prescribed by law for holding elections in this State, and in the county of Lincoln.

II. *Be it further enacted*. That the first regiment of militia in the county of Lincoln, when reviewed in regimental order, shall be convened for that purpose at the dwelling-house and plantation of Thomas Rhine in said county, under the same rules, regulations and restrictions as are prescribed by military law; and that the regimental reviews of said regiment shall not, in future, be holden at the school-house in said regiment as heretofore used.

III. *And be it further enacted*, That all acts and clauses of acts, coming within the meaning and purview of this act, are hereby declared to be repealed and made void; any thing to the contrary notwithstanding.

CHAP. LXXIV.

An Act to amend an act, entitled "An act granting to the inhabitants of Wilkes 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 from and after the passing of this act, the several separate elections in said county, shall be held on the second Thursday in August in each and every year, at the places by an act of Assembly established, to which this act is amendatory, for the purpose of electing members of the General Assembly.

II. *And be it further enacted*, That it shall be the duty of the county court of said county, at the court preceding each annual election, to appoint inspectors of the polls, whose duty it shall be to attend at the several places of election for which they were appointed. And in case the court should neglect to make such appointment, or either of those appointed should be absent or refuse to act, then and in that case, it shall be lawful for any justice of the peace and two freeholders to make such appointment. And the inspectors so lastly appointed, shall have the same power, and be subject to the same rules, regulations and restrictions, as if they had been duly appointed by the court. And the said inspectors shall, after the polls

1805. are closed at the several places of election, proceed to count out the votes by them taken, and shall make out a fair statement thereof, signed and subscribed by them, and shall transmit the same, together with a list of voters names, to the sheriff at the court-house on the succeeding day of election, by two o'clock, P. M. whose duty it shall be to attend at the court-house for that purpose. And after the sheriff shall have received the whole of the returns from each separate election, he shall proceed to add the different statements of votes for each person voted for together, and the persons having the greatest number of votes, shall be deemed duly elected, and the sheriff shall make proclamation thereof at the court-house door accordingly.

III. *And be it further enacted*, That if any person shall presume to vote twice at the said elections, or vote at two separate elections, shall, upon conviction thereof before any justice of the peace for said county, pay the sum of five pounds for each and every such offence, one half to the prosecutor, and the other half to the use of the poor of said county.

IV. *And be it further enacted*, That it shall be the duty of the clerk of said county court to deliver to the sheriff, copies of the appointments of all such inspectors to be appointed by the court, and the sheriff shall notice such inspectors of their appointments as soon as convenient.

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

CHAP. LXXV.

An Act to establish two separate Elections in the county of Hyde, and to remove the election now held at Pantego creek, to the Log-house landing.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of Hyde county, or his deputy, shall open and hold his election for members of the General Assembly, representatives to Congress, and electors for a President and Vice-President of the United States, at the house of John Jordan, Esq. on the north side of Mattamuskeet lake, on the Monday preceding the day of election, at the lake landing in said county, and at the house of Sarah Condry in the district of Woodstock, on the Monday preceding the days of annual elections at the court-house of said county.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, the election heretofore held at the house of Jacob Durden on Pantego creek, shall be removed and held in future at the house of William Rhodes, deceased, at the Log house landing, on the same day, and under the same rules and regulations as are prescribed by law.

CHAP. LXXVI.

An Act to establish a separate Election in the town of Allenton, in the county of Montgomery.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edmond Lilly, jun. John Kendall and Thomas Tomlinson, sen. be, and they are hereby appointed commissioners for the purpose of fixing on a place for holding a separate election in the town of Allenton, in the county of Montgomery. And when a place shall be so ascertained for that purpose by the said commissioners, or a majority of them, the sheriff of said county, or his legal deputy, shall open and hold an election at the said place, for the purpose of receiving votes for the members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States, which shall be opened and held on the Tuesday next preceding the second Thursday and Friday in August in each and every year, which shall be opened on or before twelve o'clock of that day, and closed at four in the afternoon. And the votes taken at that election shall be immediately counted out, in the presence of the inspectors, and a true statement of which election shall be transmitted by the person who conducts the same to the court-house, on or before twelve o'clock of the succeeding Thursday. And it is hereby declared to be the duty of the sheriff of said county to receive the same, and add the votes in favour of each candidate to those taken at the other elections in said county. And the election hereby established, shall be conducted under the same rules, regulations and restrictions as other elections in this State.

CHAP. LXXVII.

An Act to amend the several acts of the General Assembly granting to the inhabitants of Stokes 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 from and after the passing of this act, the several separate elections in the county of Stokes, now held at Germanton, Salem, Thomas Ship's and Snow creek, shall be held on the second Thursday in August in each and every year, for the purpose of electing members of the General Assembly.

II. *And be it further enacted*, That the county court of Stokes shall, at the court preceding each day of election, appoint one justice of the peace and two freeholders to be inspectors of the polls, who shall attend the several separate places of elections for which they were appointed. And it shall be the duty of the clerk of said court to deliver to the sheriff a copy or copies from the minutes of said court of such appointments, and the sheriff shall notify the inspectors as aforesaid, as soon as possible of such their appointments. *Provided always*, that if, from accident or otherwise, the persons so appointed shall fail to attend at such election, it shall be lawful for any justice of the peace and two freeholders to appoint other proper persons to conduct said election, who shall be governed by the same rules and regulations as are prescribed by law. And the said inspectors shall, after the close of the polls at each separate place of election, proceed to count out the votes taken by them, a fair statement of which, together with a list of the voters names, shall be made out and subscribed by the inspectors, and delivered to the sheriff on the succeeding day of election at the court-house on or before two o'clock. And it shall be the duty of the sheriff to attend at the court-house for that purpose, and shall add the number of votes for each person voted

for on the different statements together, and the person having the greatest number of votes, shall be deemed duly elected, and the sheriff shall make proclamation thereof accordingly at the court-house door.

III. *And be it further enacted,* That if any person shall presume to vote twice at the elections in said county, or vote at any two separate places of election, shall, upon conviction thereof before any justice of the peace for said county, pay the sum of five pounds for each and every such offence, one half to the use of the prosecutor, and the other half to the use of the poor of said county.

IV. *And be it further enacted,* That the election for representatives to Congress, and electors to vote for a President and Vice-President of the United States, shall be held on the same days, and at the same places as other elections in said county are held, and be subject to the same rules, regulations and restrictions as all other elections in this State; and that all acts and clauses of acts, which come within the purview and meaning of this act, be, and the same are hereby repealed; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXVIII.

An Act establishing a separate Election at the house of Christian Luther, in the county of Randolph.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an election shall be opened and held at the house of Christian Luther, in the fork of Little river, on the same day, and subject to the same regulations and restrictions that other separate elections now are in the county of Randolph.

CHAP. LXXIX.

An Act granting to the inhabitants of the north-west corner of Stokes county the privilege of a separate Election.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, an election shall be held in the north-west corner of Stokes county, at or near the dwelling-place of Thomas Ship, on the north Double creek, on the same day on which elections are now holden in said county, under the same rules, regulations and restrictions that the other separate elections in said county are held.

CHAP. LXXX.

An Act to establish a separate Election in the county of Bladen, and for other purposes therein mentioned, and to amend the act respecting Elections in the county of Brunswick.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a separate election shall hereafter be held at the house of Mrs. Nancy Andrews, on South river, on the second Thursday in August in each and every year, under the same rules, regulations and restrictions that other elections are held in said county.

II. *And be it further enacted,* That the entry-taker of said county shall, after the first Monday in March next, keep his office at or within four miles of the court-house of said county, on the south-west side of Cape Fear river.

III. *And be it further enacted,* That if the said entry-taker shall refuse or neglect to keep his office as said law directs, either by himself or lawful deputy, shall forfeit for each and every month he shall fail to comply with the requisites of this act, the sum of ten pounds, to be recovered before any justice of the peace of said county, one half to be applied to the use of said county, and the other half to the use of the person suing for the same; any law to the contrary notwithstanding.

And whereas the inspectors appointed by the act respecting elections in the county of Brunswick, are required to return a correct statement of the poll, together with a list of voters names, at the court-house, the next day by twelve o'clock, which time is found too short,

IV. *Be it therefore enacted by the authority aforesaid,* That the said inspectors shall be allowed till three o'clock the day after the election to make such return.

CHAP. LXXXI.

An Act to alter the time of holding the separate Elections in the county of Moore, 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 there shall in future be held a separate election at the house of Willis Dickinson, in the county of Moore, under the same rules and regulations that the other separate elections heretofore established are directed to be held; and that said separate election, and each of those heretofore established in said county, shall be held on the second Thursday in August in each and every year, instead of the Wednesday preceding the second Thursday & Friday, any law to the contrary notwithstanding.

CHAP. LXXXII.

An Act to hold a separate Election in Burke county.

WAEREAS the citizens of the lower Little river in Burke county, have a considerable distance to travel to the nearest election, and their passage to said election is materially obstructed by some water courses, that it is sometimes very difficult to go 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 between Green's mill, on the head of upper Little river and John Connelly's, on the Catawba river, in said county, for the purpose of electing members of the General Assembly, members of Congress, and electors to vote for a President and Vice-President of the United States, and that the said separate election shall be held on the same day, and under the same rules, regulations and restrictions as other separate elections are held in said county.

II. *And be it further enacted,* That Henry Reed, Andrew Beard and Charles Duncan, be appointed commissioners to appoint the place within the limits prescribed to hold said election.

CHAP. LXXXIII.

An Act altering the place of holding the Election for a Representative in the town of Fayetteville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the elections to be held for a person to represent the town of Fayetteville in the Legislature of this State, shall, instead of being held as heretofore in the court-house of said town, be held in the State-house thereof, at the time and in the manner heretofore prescribed by law.

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

CHAP. LXXXIV.

An Act to alter the time of holding the separate Elections heretofore established in the county of Buncombe, and granting one other separate Election to the inhabitants of said county, also to alter the times of holding the Courts of Pleas and Quarter Sessions in the counties therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the sheriff, or his deputy, to open and hold a separate election at Benjamin Park's house, on Soco, in the county of Buncombe, for the purpose of electing members to the General Assembly, members of Congress, and electors to vote for a President and Vice President of the United States; and that the said separate elections shall be held under the same rules, regulations and restrictions as other separate elections in the said county are held.

II. And be it further enacted, That the separate election heretofore held at the house of James Chambers, deceased, shall hereafter be held at Mount Prospect, under the same rules, regulations and restrictions as all other separate elections are held in said county of Buncombe.

III. And be it further enacted, That all the separate elections in the county of Buncombe aforesaid, shall be held on the second Thursday in August in each and every year, by the sheriff or his deputy, and two freeholders at each of the separate elections to hold the polls and keep them open from ten o'clock in the forenoon until 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 to be added to the number of votes taken for each candidate at the court-house.

IV. And be it further enacted, That the election at the court-house shall be held as heretofore on the second Thursday and Friday in August in each and every year; and all acts and clauses of acts that come within the meaning and purview of this act, be; and the same are hereby repealed and made void, as far respects the county of Buncombe.

V. And be it further enacted, That the courts of pleas and quarter sessions for the several counties herein mentioned, shall hereafter be held at the following periods, to-wit, the county court of Brunswick, after the fourth Monday in January next, on the first Monday in May, August, November and February, thence next following, and on the first Monday in February, May, August and November in each and every year thereafter; the county court of Bladen, after the first Monday in March next, on the second Monday in May, August, November and February then next following, and on the second Monday in February, May, August and November in each and every year thereafter; the county court of New-Hanover, after the first Monday in January next, on the third Monday of May, August, November and February, then next following, and on the third Monday of February, May, August and November, in each and every year thereafter; and the county court of Onslow, after the second Monday in April next, on the second Monday in March, June, September and December then next following, and on the second Monday of March, June, September and December in each and every year thereafter. And all matters and things depending in said courts respectively, shall, from the periods when they shall be first held after the passing of this act, be continued & stand adjourned to the time herein fixed for holding said courts respectively.

VI. And be it further enacted, That the county court of Richmond shall hereafter be held on the third Monday of January, April, July and October in each and every year; and all matters and things depending in said court shall be continued and adjourned, from the court which shall be held in said county after the second Monday of March next, until the third Monday of April.

VII. And be it further enacted, That the county courts of pleas and quarter sessions for and in the county of Person, after the first Monday in March next, shall be held at the following times, to-wit: on the second Monday in May, August and November, in the year one thousand eight hundred and seven, and on the second Monday in February, May, August and November in each and every year thereafter. And all matters and things pending and undetermined in said court, which shall happen on the first Monday in March next, shall be continued and adjourned until the second Monday in May then next following.

CHAP. LXXXV.

An Act to alter the place of holding a separate Election in the county of Duplin.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the election established to be held at the house of David Williams, shall in future be held at the house of Shadrach Stallings, on the same day, and under the same rules, regulations and restrictions as other separate elections established by law are held in said county; any law to the contrary notwithstanding.

CHAP. LXXXVI.

An Act to alter the places of holding two separate Elections in the county of Tyrrell.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the two separate elections which have been heretofore established and held

at William Clayton's and Isaac Patrick's, in the county of Tyrrell, be, and they are hereby removed¹⁸⁰⁶ from the places aforesaid, and the election which has heretofore been held at the house of William Clayton, shall hereafter be held at the house of Joseph White; and the election which has heretofore been held at the house of Isaac Patrick, shall hereafter be held at Samuel Megit's; which separate elections removed and established as herein specified, shall be conducted under the same rules, regulations and restrictions as the said separate elections have heretofore been conducted, any law to the contrary notwithstanding.

CHAP. LXXXVII.

An Act to alter the time of holding the lower separate Election in the county of Orange.
BE 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 elections now held at George Carrington's on Eno, shall in future be held at the same place on the second Thursday in August in each and every year, under the same rules and regulations as by law now prescribed for holding elections at that place, any law to the contrary notwithstanding.

CHAP. LXXXVIII.

An Act to alter the place of holding one of the separate Elections in the county of Currituck, and to establish two other separate Elections in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the separate election heretofore held at the house of Ezekiel Hooper, on the Kenchut, shall be held at the house of Captain Joseph Farrows, on Cape Hatteras, on the same day, and under the same rules, regulations and restrictions that it has heretofore been held at the first mentioned place.

II. *And be it further enacted,* That if the county court of Currituck shall deem it necessary, there shall in future be two other separate elections in said county, one at the dwelling-house of Samuel Jarvis, on Powell's Point, and the other at the house of Joseph Ballentine in Mayock, on the second Thursday in August in each and every year: and it shall be the duty of the county court next preceding the day of election to appoint proper persons as inspectors of the poll at each of the two last mentioned places, whose duty it shall be to attend and open the poll at ten o'clock in the morning, and keep it open until five o'clock in the evening, then they shall proceed to count out the votes and make a fair statement of the number of votes for each person voted for, under their hands and seals; which statement they shall deliver to the sheriff of the county at the court-house, on the day following by three o'clock in the afternoon, whose duty it shall be, under oath, to add the votes contained in each statement to his own statement then made, and the persons having the greatest number of votes, he shall declare duly elected.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons shall give an illegal vote at either of the elections in said county, on being thereof convicted before any one justice of the peace of said county, he shall forfeit and pay the sum of ten pounds, to be recovered before any justice of the peace in said county, one half to the prosecutor, and the other half to the use of the poor of said county.

IV. *And be it further enacted,* That all elections by this act established, shall be conducted in the same manner for members of Assembly, representatives to Congress, and for an elector to vote for a President and Vice-President of the United States, as other elections in said county.

CHAP. LXXXIX.

An Act directing where the lower separate Election in the county of Ashe shall be holden in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the sheriff of Ashe county, by himself or deputy, shall open and hold the election on the second Thursday in August in each and every year, at the dwelling house of William Harris, where all persons in said county entitled to vote for the members of the General Assembly, representatives to Congress, and electors to vote for a President and Vice-President of the United States may attend and give their suffrages.

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

CHAP. XC.

An Act to alter the place of holding one of the separate Elections in the county of Chatham.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the election heretofore held at the former dwelling house of the late William Brantley, on the south side of Rocky river, in said county, shall be, and hereby is discontinued and entirely done away; and in lieu thereof, there shall and may be established in the vicinity thereof, another election at such suitable and convenient place as may be fixed and concluded upon by the following commissioners, or a majority of them, who are hereby appointed for that purpose, to-wit; Thomas Waddle, Eli Lawler, Henry Bray, sen. Micajah McGee and Richard Jones, Esquires. And said separate election hereby established, shall be held on the same day, and under the same rules, regulations and restrictions, and for the same purposes, as the other separate elections for said county.

CHAP. XCI.

An Act to alter the place of holding the upper Election in the county of Burke, and for other purposes.

WHEREAS there is no house of accommodation kept where the upper election is now held in Burke county, which makes it inconvenient for those who attend the same:

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Hodge Rabourne, Benjamin Burgin, John Mackey, Joseph Dobson, James

1806 *NEIL* and Daniel Brown be, and they are hereby appointed commissioners to lay off and appoint a suitable and convenient place at which the said upper election in Burke county shall hereafter be held, on the same day, under the same rules, regulations and restrictions that other separate elections now are held in the county of Burke.

II. *And be it further enacted*, That a certain act entitled "An act to alter the time for appointing sheriffs and laying the county taxes for the county of Buncombe," passed in the year 1804, that the provision of the said act be, and is hereby extended to the county of Burke, and no further.

CHAP. XCII.

An Act for the relief of sundry inhabitants of the county of Rowan, residing within the limits of Captain Tacker's militia district.

BE it enacted by the General Assembly of the State of North-Carolina, That Captain Tacker's militia company, in the county of Rowan, be, and they are hereby added to the fourth regiment of said county, any law to the contrary notwithstanding.

CHAP. XCIII.

An Act to alter one of the places of holding separate Elections and Battalion Musters in the county of Craven.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the battalion musters which were heretofore held at Cox's Ferry, and the elections held at West's, in the county of Craven, shall, from and after the passing of this act, be held at the house of George Lape, in said county, any law, usage or custom to the contrary notwithstanding.

CHAP. XCIV.

An Act to amend an act passed in the year 1805, establishing three Regiments in the county of Buncombe.

WHEREAS the great extent of the county of Buncombe, and the many mountains and water-courses which divide the same, render it necessary that the militia of said county should be divided into four regiments:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the militia of said county be, and is hereby divided into four regiments, to-wit: the companies of infantry composing the Captains Merrill, Myers, Butler, Rhodes, Graham, Clayton and Raxter, shall compose the first regiment; the companies of Erwin, Blakely, Davidson, Moore, Henry, Ingram and Hughey, shall compose the second regiment; the companies of Deaver, Gillaspie, M'Henry, Wolf, Young, M'Kee and Battles, shall compose the third regiment; and the companies of Bailey, Shields, Rogers, Edwards, Sevier & M'Mahon, shall compose the fourth regiment.

II. *And be it further enacted*, That the second regimental musters shall be held in the town of Ashville, and the other regiments hereby established shall be held at such places as a majority of the commissioned officers of the several regiments shall appoint. And the officers shall be governed, and the musters conducted, by the same rules, regulations and restrictions as heretofore prescribed by law.

CHAP. XCV.

An Act to authorise Francis Briels, of the Island of Guadeloupe, to bring into this State certain Negroes 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 Francis Briels (late resident and planter of the county of Chowan) now of the island of Guadeloupe, be, and he is hereby empowered and authorised to bring into this State, the following negroes belonging to the said Francis, viz. Lubin, Mathias, Moses, Morris, Charles, Hector, Alice, Dada and her child, Bagett and two other children; any law, usage or custom to the contrary notwithstanding.

CHAP. XCVI.

An Act to authorise Richard Boyd, of the County of Mecklenburg and State of Virginia, to bring into this State a certain number of Negroes.

WHEREAS it is represented to this General Assembly, that Richard Boyd, of the county of Mecklenburg and State of Virginia, is possessed of some valuable land in this State, and that he will be able to derive but little profit therefrom unless he shall be permitted by law to remove some of his negroes from the State of Virginia into this State, to settle and cultivate said land:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Richard Boyd, of the county of Mecklenburg and State of Virginia, is hereby authorised to bring into this State any number of negroes not exceeding fifteen: *Provided*, that the said Boyd, previous thereto, shall make oath before some justice of the peace for the county where the said negroes are intended to be brought, that he designs them for his own use, and not for the purpose of sale or speculation.

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

CHAP. XCVII.

An Act to repeal an act passed the last session of Assembly, entitled "An act to compel the 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 the before recited act be, and is hereby repealed and made void.

CHAP. XCVIII.

An Act to prevent the hawling of Seins over thirty five meshes deep below Sneed's Ferry on New River.

WHEREAS the hawling of large seins in the lower part of New river, is injurious to the greater part of the inhabitants of Onslow county, by obstructing the passage of fish up said 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 no person, after the first day of August next, shall hawl in New river, below Sneed's ferry, in the county of Onslow, any sein over thirty-five meshes deep, under the penalty of one hundred pounds for each and every offence, recoverable by any person suing for the same, before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of said county.

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

CHAP. XCIX.

An Act declaring what penalty shall be inflicted against those who shall hereafter damage or leave open the Float Bridge on Rider's Creek, in the county of Tyrrell.

BE 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, any person who shall damage or leave open the float bridge on Rider's creek, in the county of Tyrrell, shall forfeit and pay the sum of five pounds for each and every offence, 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: *Provided,* the same shall be sued for in twenty days from the perpetration of such crime or crimes

CHAP. C.

An Act to authorise Ebenezer Pettigrew to erect a draw-bridge across Scuppernon River, on the new road leading to the mill on Lake Phelps, at the landing of Dempsey Spruill in Washington county.

WHEREAS it is represented to this General Assembly, that a draw-bridge across Scuppernon river, on the new road leading to the mill on Lake Phelps, at the landing of Dempsey Spruill, would be of public utility and convenience:

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 Ebenezer Pettigrew be authorised to erect a draw-bridge across the river Scuppernon, on the new road leading to the mill on Lake Phelps, at the landing of Dempsey Spruill, in the county of Washington, and that the draw of said bridge shall be eighteen feet at least in width. And for the purpose of defraying the expence of building the said bridge, the said Ebenezer Pettigrew shall open a subscription.

II. *And be it further enacted,* That the said bridge, after the erecting thereof, shall be considered as free, and no toll shall be received for passing or going over on the same.

CHAP. CI.

An Act granting to James Davis, of Stokes county, the privilege of extending his mill-dam across Dan River.

WHEREAS a great number of respectable citizens of Stokes county have petitioned this General Assembly to grant James Davis, of said county, the privilege of extending his mill-dam across Dan river:

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 Davis, of the county of Stokes, be, and he is hereby authorised to extend his mill-dam across Dan river, under the following rules and restrictions, viz. the said dam shall not be built more than one foot higher than the surface of the common water at the place now open, and a slope shall be erected in the same at least eight feet in width and eight feet in length, and so constructed that the water running over the same shall be at least six inches deep in common time; and there shall also be a gate erected in the dam at the most convenient place for the passage of fish, at least eight feet in width, to be kept open from the first day of March until the first day of May, in each and every year; and shall also be opened at all times on application of any person wishing to pass with any thing up or down said river. And no person shall be at liberty to set or fix a fish-trap at or within one hundred feet of said dam.

II. *And be it further enacted,* That if the said James Davis, his heirs or successors, or any person or persons whatsoever, shall violate in any respect the regulations in this act prescribed, relative to building said dam, slope and gate, and keeping said gate open, he or they shall forfeit the sum of thirty pounds for every such offence, to be recovered before any jurisdiction having cognizance thereof, by any person suing for the same, the one half to the use of the person suing, the other half to go to the use of the poor of said county; any Law, usage or custom to the contrary notwithstanding.

CHAP. CII.

An Act to compel the owners of Public Mills in the counties of Onslow and Carteret to keep standard measures.

WHEREAS the law which directs that there shall be a standard measure kept in only one place in the counties, is found to be attended with great inconvenience, and is too little attended to:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of April next, all owners of public mills in the counties of Onslow and Carteret, shall furnish themselves with one half bushel measure, which shall hold eighteen quarts, and one peck measure holding nine quarts, to be kept at their respective mills, and shall also keep a branding-iron with the initials of their name.

II. *And be it further enacted,* That from and after the aforesaid first day of April, all persons having half bushels or peck measures within said counties, by which they sell or receive any salt, grain or other article, shall apply to a standard and have them tried and branded, under the penalty of forty shillings for every such failure or neglect, to be recovered by any person suing for the same by warrant before any justice of the peace of said county, with cost of suit, the one half to the person suing for the same, and the other half to the poor of the county.

III. *And be it further enacted,* That all persons applying as above directed, shall pay the owner of the standard to which he shall apply one shilling for every such measure so tried and branded.

1836

CHAP. CIII.

An Act to prevent frauds and impositions of Millers in the district of Edenton.

WHEREAS the acts of Assembly passed in the years one thousand eight hundred and four and one thousand eight hundred and five, relative to millers in the district aforesaid, have not had the desired effect:

BE 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 not be lawful for the owner of any mill or mills in the district of Edenton aforesaid, or the miller attending the same, to take or receive more toll for grinding than one-eighth of Indian corn and one-eighth of wheat, under the penalty of five pounds for each offence, to be recovered before any jurisdiction having cognizance thereof, one half to the use of any person suing for the same, and the other half to the use of the State; any law, usage or custom to the contrary notwithstanding: *Provided,* that this act shall continue in force until the end of the next General Assembly, and no longer.

CHAP. CIV.

An Act to divorce Elizabeth Fabre from her husband Peter Fabre, junior.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Elizabeth Fabre, of the town of Newbern, be, and she is hereby divorced from her husband Peter Fabre, junior; and that the marriage tie between said Elizabeth and Peter be annulled and dissolved, as fully, completely and entirely, as if the said Elizabeth and Peter had never been married.

CHAP. CV.

An Act to divorce Winifred Manning from her husband Eli Manning.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Winifred Manning, of the county of Martin, be, and she is hereby divorced from her husband Eli Manning, and that the marriage tie between the said Winifred and Eli be annulled and dissolved, as fully, completely and entirely, as if the said Winifred and Eli had never been married.

CHAP. CVI.

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 David Johnston and Henry Johnston, of the county of Moore, be, and they are hereby altered to the names of David Gastor and Henry Gastor; the name of James Williford, of Edgecombe county, to that of James Gray; the name of Mary Barnes, of Robeson county, to that of Mary Bledsoe; the name of Sandford Damuel, of the county of Halifax, to that of Sandford Wilson; the name of Sally Evers, of Robeson county, to that of Sally Newsom; the name of Shadrach Hinton, of the county of Sampson, and his children James Hinton, John Hinton, Thomas Hinton, William Hinton, Elizabeth Hinton, Sarah Hinton, Matty Hinton, Penny Hinton, Milly Hinton, Cassy Hinton, Susanna Hinton, Barbara Hinton, and Ferebee Hinton, be altered to the names of Shadrach Pugh, James Pugh, John Pugh, Thomas Pugh, William Pugh, Elizabeth Pugh, Sarah Pugh, Matty Pugh, Penny Pugh, Milly Pugh, Cassy Pugh, Susanna Pugh, Barbara Pugh and Ferebee Pugh; the name of Halcot P. Jones, of Halifax county, to that of Halcot Jones Pride; the name of Benjamin Kemp, of Baden county, to that of Benjamin Fitzrandolph; the names of Eliza and Lucy Stephens, of Chatham county, to those of Eliza and Lucy Branch; the name of Willis Boddie, of Nash county, to that of William Willis Boddie; the name of Frederic Eason, of Gates county, to that of Frederic Field; the name of Elizabeth Ricks, of Nash county, to that of Elizabeth Crowell; the name of Hilam Brooks, of the county of Beaufort, to that of Hilam Gaddy; the name of Holton Hagan, of Beaufort county, to that of Holton Bright; the names of Mary Slade and Massey Slade, of Hyde county, to those of Mary Mandecil and Massey Mandecil; the names of Polly Eason, Zilphia Eason, Nathan Eason and Christopher Eason, to those of Polly Fuller, Zilphia Fuller, Nathan Fuller and Christopher Fuller; the names of William Snedden and John Corey, of Randolph county, to those of William Chandler and John Morris; the name of David Gist, of Ashe county, to that of David Smith; the name of Evelina Williams, of Rutherford county, to that of Evelina Terrill; William Packnet, of Carteret county, to that of William Dumis. And the names of the aforesaid persons shall be called and known by the names as above altered, and shall be able respectively, 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.

It is further enacted, That the following persons, who are mentioned in the first section of this act, viz. David Johnston, Henry Johnston, Mary Barnes, Sally Evers, Eliza Stephens, Lucy Stephens, Frederic Eason, Elizabeth Ricks, Mary Slade, Massey Slade, Polly Eason, Zilphia Eason, Nathan Eason and Christopher Eason, be, and their names are hereby altered as aforesaid, and they shall for ever hereafter be legitimated and made capable to possess, inherit and enjoy, by descent or otherwise, any estate either real or personal, to all intents and purposes, as if they had been born in actual wedlock.

CHAP. CVII.

An Act to secure to the Persons therein mentioned such Property as they now have, or 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 from and after the passing of this act, Molly Chevers of Rowan county, wife of Andrew Chevers; Esther Freedle of said county, wife of John Freedle; Rebecca Duty of Chatham county, wife of Russel Duty; Sophia Lewis of Guilford county, wife of Aaron Lewis; Sarah M'Kinley of Guilford county, wife of James M'Kinley; Jemima Bond of Greene county, wife of Thomas Bond; Euphan Alston Rhodes, wife of Arnold Rhodes, late of the county of Beaufort, and Elizabeth Collins, wife of Isaac Collins of Rutherford county, be, and they are hereby declared severally to be entitled to have, hold, occupy, possess and enjoy all such estate, either real or personal, that they now have, or may hereafter acquire, by their own industry, gift, descent, purchase or otherwise, free and clear of any and all claims of their said husbands, or any of their husbands' creditors; and shall in future, be entitled to sue for and recover any property to them belonging, in any court of record having cognizance thereof, of their several husbands, or any other person or persons whatsoever, in the same manner as though they had never been married; any law to the contrary notwithstanding.

CHAP. CVIII.

An Act to secure to the Persons therein mentioned 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 Nancy Beedle of the city of Raleigh, wife of John Beedle; Sally Martin, of Ed-

therford county, wife of Jesse Martin: Nancy Grissum, wife of Thomas Grissum of Orange county, 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 said husbands, and shall have full power to sue for and recover, before any jurisdiction having cognizance thereof, from their said husbands or any other person or 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 they, or either of them, may devise the same to such person or persons as they see cause.

CHAP. CIX.

An Act to secure to Mary Eller, of Buncombe county, wife of Jacob Eller, such property as she now has, or hereafter may 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 Mary Eller, of the county of Buncombe, shall, from and after the passing of this act, be entitled to and possess, in her sole right, all such property, either real or personal, as she now has, or hereafter may acquire, by purchase, devise, industry or otherwise, in as full and ample manner, as if she never had been married to the said Jacob Eller, and shall have full power to sue for and recover, in any court of record having cognizance thereof, all debts which are or may be due; any law to the contrary notwithstanding.

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

CHAP. CX.

An Act to secure to Jane Redding of Bladen county, and Mary Seats of Iredell county, 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 Jane Redding of Bladen county, and Mary Seats of Iredell county, shall be entitled to and possess, in their sole right, all such estate as they may hereafter acquire, either real or personal, in as full and ample a manner as if they had never been married, clear from the claim or claims of their husbands, or any of the creditors of their said husbands, and shall have full power to sue for and recover, in any court of record having cognizance thereof, from their husbands or any other person or persons, any property they may be entitled to, in the same manner as if they had never been married; any law to the contrary notwithstanding.

CHAP. CXI.

An Act to secure to Lucretia Davis such property as she shall hereafter acquire, and for other purposes therein mentioned.

WHEREAS Baxter Davis and his wife Lucretia have lived separate from each other for the space of twelve years, and without any prospect of their ever living together:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same: That from and after the passing of this act, the said Lucretia Davis shall have, hold, possess and enjoy all such property as she is now in possession of, and such as she shall hereafter acquire, both real and personal, free from the demand, control or direction of her said husband Baxter Davis, nor shall the same be liable or subject to any debt or demand of him the said Baxter Davis, either in law or equity.

II And be it further enacted, That the said Baxter Davis shall not be liable, in law or equity, to pay any of the debts of the said Lucretia his wife, whether the same be for necessities or otherwise, nor shall he the said Baxter Davis be liable to any demand of the said Lucretia his wife for alimony; nor shall she the said Lucretia be entitled to any dower in the lands, or distributive share of the personal estate of the said Baxter Davis: *Provided,* that nothing herein contained shall be construed to bar any person or persons who are at this time creditors of the said Baxter from making their recovery in the same manner as if this act had never been passed.

CHAP. CXII.

An Act to secure to Delilah Murray of Greene county, and Lydia Dodd of Raleigh, such property as they now have or 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 Delilah Murray, wife of Archibald Murray of Greene county, and Lydia Dodd, wife of Robert Dodd, of the city of Raleigh, shall be, and they are hereby entitled to hold, occupy, possess and enjoy, in their sole right, all such estate, either real or personal, as they now have or 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 said husbands, and shall have full power to sue for and recover, before any jurisdiction having cognizance thereof, from their said husbands or any other person or persons, any property they may hereafter acquire or be entitled to, in the same manner as though they had never been married.

CHAP. CXIII.

An Act to secure Lydia Hughes in the right and possession of certain property, and also such as she may hereafter acquire.

WHEREAS the said Lydia Hughes and Francis Hughes, her husband, by mutual consent, about ten years ago, did agree to live separate and apart from each other forever: And whereas the said Francis in consequence of said agreement, did divide his property with his said wife Lydia, she giving security to pay certain debts of him the said Francis, and which she did pay: And whereas the said Francis, in a few years returned to his said wife Lydia, and took from her the said property, and continues occasionally to return and take from her other property which she occasionally acquires, and then leaves her: For remedy whereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same: That from and after the passing of this act, the said Lydia Hughes shall have a full, perfect and absolute title to all such property which has not been sold by her said husband Francis Hughes, and shall be entitled to recover the same; and also, that the property she may hereafter acquire, both real and personal, shall be, and the same is hereby secured to her, free from the debts, claims or demands of her said husband Francis Hughes, forever.

CHAP. CXIV.

An Act to secure to Elizabeth Murry all such property as she may hereafter acquire, and also to secure her husband Samuel Murry, jun. against all future demands of her the said Elizabeth.

WHEREAS the said Samuel Murry, junior, and Elizabeth Murry, his wife, from the most imperious necessity, in its nature insurmountable and irremediable, have mutually agreed to live separate and apart from each other forever: And whereas the said Samuel Murry, jun. has made a fair and equitable division of his estate with the said Elizabeth, to her entire satisfaction, which she now possesses and enjoys separate and apart from her said husband; and whereas the said Samuel and Elizabeth have mutually agreed to relinquish all claims upon each other of every kind and nature whatsoever:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said Elizabeth Murry shall have, hold, possess and enjoy, all such property as she now possesses, or as she may hereafter acquire, both real and personal, free from, and not subject to the control of, disposal or direction of her said husband, nor liable to any of his debts or contracts.

II. And be it further enacted, That from and after the passing of this act, the said Samuel Murry, jun. shall not, at any time hereafter, be liable or subject to pay any of the debts of his said wife Elizabeth Murry, whether the same be for necessities or otherwise; nor shall he the said Samuel be liable or subject to any demand of the said Elizabeth for alimony or other thing, either in law or equity; nor shall the said Elizabeth hereafter claim or have dower of the lands of the said Samuel, or be entitled to any distributive share of the said Samuel Murry's estate.

CHAP. CXV.

An Act to legitimate Evelina Williams, of Rutherford county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Evelina Williams, daughter of Joel Tutell and Mariba Tutell, shall forever hereafter be legitimated and made capable of possessing, inheriting and enjoying, by descent or otherwise, any estate real or personal, to all intents and purposes, as if the said Evelina had been born in lawful wedlock.

CHAP. CXVI.

An Act to restore to credit William Cox of the county of Moore, Hugh Kerr of the county of Rutherford, and Absalom Ford of 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 William Cox of the county of Moore, Hugh Kerr of the county of Rutherford, and Absalom Ford of the county of Granville, be, and they are hereby restored to credit and the rights and privileges of citizens, in as full and ample a manner, to all intents and purposes, as if they had never forfeited their rights by a conviction of crimes; and they are hereby declared able and capable to depose and testify in all cases where the same may be necessary.

CHAP. CXVII.

An Act to restore to credit Zachens Boothe of Anson county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Zachens Boothe of the county of Anson, be, and he is hereby restored to credit, in as full and ample a manner as if he the said Zachens Boothe had never forfeited his right as a citizen by 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. CXVIII.

An Act to restore to credit Jacob Tice of Martin 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, Jacob Tice, of the county of Martin, be, and he is hereby restored to credit, and made capable to enjoy, depose, inherit and testify, and enjoy the privileges of a citizen in every respect, in as full and ample a manner as if he the said Jacob had never forfeited such privileges by conviction of a crime, any law to the contrary notwithstanding.

Read three times in General Assembly and ratified, December 19, 1806.

Copy, WILL. WHITE, Sec.

JO. RIDDICK, Sp. Senate.

JOHN MOORE, Sp. H. Common.

Contents.

	Page		Page
AN Act for the more uniform and convenient administration of Justice within this State,	1	To lay off a town and establish an academy in Rowan county,	31
Amendatory and supplemental of ditto,	4	For the promotion of learning in the county of Perquimans,	ib.
To raise a Revenue for the support of Government for 1807	4	To establish an academy in Hertie county,	ib.
To amend an act respecting our boundary line with S. Carolina and Georgia,	8	Relative to the Raleigh academy,	32
To repeal an act establishing a State Bank,	8	Dividing the city of Raleigh into three wards, &c.	ib.
To exclude from the benefit of clergy persons robbing houses in the day-time, and to extend the benefit to women,	9	To regulate the regulation of the towns of Wilmington & Newbern,	36
Directing in what manner the tax on Attorneys Licences shall be paid in future,	10	To exempt from the payment of taxes all lots in the town of Wilmington, on which the buildings were destroyed by fire,	36
More effectually to compel clerks, sheriffs, &c. to settlement,	10	Concerning the town of Fayetteville,	ib.
To secure creditors against fraudulent and secret conveyances of property by insolvent debtors,	11	Concerning Drysborough,	34
To ascertain & fix the salary & fees of the Governor's Priv. Sec'y,	12	To empower the commissioners of Warrenton to sell certain parts of the public ground, &c.	ib.
To amend the several acts giving remedy by petition,	12	To appoint commissioners for the town of Kinston, &c.	ib.
For the relief of Executors and Administrators,	13	To incorporate the town of Concord, in Cabarrus county,	ib.
Giving further time for registering Grants, Deeds, &c.	13	To repeal the fourth section of an act, passed in 1773, for the better regulation of Elizabeth Town,	ib.
To encourage owners of Ferries to build Bridges,	14	For the better regulation of the town of Averaasborough,	33
For the appointment of Auctioneers,	15	To establish a town at Northampton court House,	ib.
To amend an act to prevent the selling of spirituous liquors, &c. at church or meeting house yards,	15	For the better regulation of the town of Swansborough,	ib.
To amend an act for the better care of orphans, &c.	15	To alter the name of Carthage in Moore county, to Faganville,	ib.
To revise the Militia Laws relative to the Infantry,	15	To amend the several laws for the regulation of Lincoln,	ib.
To revise do. relative to the Cavalry,	22	Directing the sale of public lands adjoining town of Smithville,	ib.
To revise do. relative to the Artillery, Light Infantry, &c.	26	To appoint commissioners to establish the dividing lines between the counties of Carteret and Craven,	36
To amend an act concerning the Roanoke and Meherrin, Beaufort's creek and Nansimond river navigable canals,	37	Appointing do. to establish do. between Duplin and Wayne,	ib.
To facilitate the navigation of the Waccamaw river,	38	Appointing do. to establish do. between Wake and Franklin,	ib.
To regulate the Pilotage at Ocracoke Inlet, &c.	ib.	To incorporate a company for draining and improving an extensive body of swamp lands in Hyde county,	37
To form a company or improving the navigation of Trent river,	39	To authorise a lottery for raising money to finish the road from Mattamuskeet Lake to the court-house in Germantown,	ib.
To revise an act for making Cross creek navigable, passed in 1790	ib.	To establish two turnpike roads in the western part of the state,	38
To amend an act for improving the navigation of Rockfish creek and Little river, passed in 1805,	ib.	To authorise a lottery for building a bridge across Pasquot, &c.	ib.
To regulate the river Yopim, as far as respects Fisheries,	ib.	To amend an act providing for witnesses attending Carteret court,	ib.
To amend the several laws relative to the moving obstructions to the passage of fish up the rivers, so far as respects Peebles	39	To amend an act for erecting Wilkes court-house, &c.	39
To establish an academy in Robeson county,	ib.	Providing for the relief, &c. of the poor of New-Haven,	ib.
To amend an act to establish a seminary of learning at Fayetteville, and to amend the law for regulating Fayetteville, &c.	ib.	To provide for building a new court-house, &c. in Lincoln county,	40
To establish an academy in the county of Rutherford,	ib.	To empower Tyrrel court to lay a tax for a bridge over Scuppernon,	41
		To empower the wardens of the poor of Gates and Currituck to lay an additional tax for the support of their poor,	41
		To establish the mode of elections in the county of Carteret,	ib.
		To establish do. in the county of Guilford,	ib.

A STATEMENT

Of the nett amount of the branch of the Revenue of the State of North-Carolina, which is receivable by the Sheriffs, for the year 1805.

COUNTIES.	Amount of Land Tax.	Amount of the Poll Tax.	Amount of the stud horse tax.	Amount of town property tax.	Amount of tavern licence tax.	Amount of cotton machine tax.	Amount of farrow Tax.	Billiard Table Tax.	Amt. of vessel tax.	Amount due from Sheriffs.	Amount paid by Sheriffs.
Ashe,	56 12 11	42 7 11	5 5 9	11 7	4 10 3					109 8 5	109 8 5
Anson,	92 2 10	140 8 9	11 8	8 17 8	17 13 0	39 4 11	31 3			330 18 8	331 6
Beaufort,	84 7 11	127 4 7	3 15 3	23 1 0	28 10 1	1 3 6	35 5			303 17 1	
Bladen,	138 6 4	190 8 11	11 5 8	3 2 11	34 11 11	10 2 2	9 8			417 5 1	417 5 11
Bertie,	103 7 5	333 4 8	17 3 2	13 0 7	27 1 6	20 4 3	23 10			565 16 7	555 17 6
Brunswick,	124 6 6	102 12 1	3 5 10	7 14 4	5 12 10		14 2			264 13 7	264 13 7
Burke,	212 2 4	136 19 2	15 14 11	6 5 10	6 13 5		14 2	23 10		415 9 6	415 9 8
Buncombe,	244 10 7	124 7 3	17 17 3	3 19 1	63 3 5		4 14			458 11 7	458 11 7
Craven,	145 8 8	264 1	5 17 6	129 15 6	59 8 2		131 12		21 3	757 5 10	757 5 10
Carteret,	44 5 1	73 10 2	1 3 6	6 2 1	42 2 3		21 3			188 6 1	188 6 1
Chatham,	138 13 10	250 19 8	27 14 8	4 19 6	38 13 2	37 19 1	42 6 17			608 5 11	608 4
Caswell,	78 10 8	234 14 5	28 10 4		40 12 2	27 7 7	32 18			442 13 2	444 13 2
Chowan,	30 10 4	171 6		23 10 10		6 5	72 10 50			354 2 3	166 17 6
Cambden,	34 0 6	106 12	6 16 4		15 15 11		23 10			186 14 9	186 14 9
Currituck,	42 10 4	142 4 6	7 5 9		35 14 5		21 3			248 18	248 18
Cumberland,	210 2 2	245 10 7	16 9	95 4 6	62 8 4	39 9 6	94 23 10			786 14 3	396 8 8
Cabarrus,	37 0 6	93 14 5	11	6 2 3	11 5 8	43 18 11	9 6			232 9 9	232 9 9
Duplin,	126 1 5	165 7	9 8		13 10 9	20 4 3	12 15			346 6 5	315 16 6
Edgecomb,	121 14 9	304 18 9	39 9 8	18 0 3	16 18 5	23 12 4	58 13			585 9 2	585 9 2
Franklin,	86 19 6	234 6	21 1		2 8	43 2 6	17 10			429 7	71 4 2
Granville,	130 14 9	467 8	33 7 5	3 8 9	37 12	22 6 6	30 11			665 8 5	565 8 5
Gates,	49 19 10	172 19 3	2 7		20 6 1	7 1 1	11 13			264 8 2	264 8 2
Greene,	45 13 1	113 16 9	12 13 10		19 0 6	2 9 5	9 8			193 1 7	193 1 7
Gulford,	117 19 10	177 11 4	25 12 4	4 4 6	20 0 6	127 2 11	49 7			419 4	419 4
Halifax,	118 3 2	434 7 6	69 2 7	8 5 1	36 9 6	48 2 6	37 12	23 10		771 12 4	771 12 4
Hertford,	54 19 8	180 11 6	11 10 4	10 2	29 6 7	4 14 35	3			326 9 1	326 9 1
Hyde,	83 1 4	100 18 6			22 11 3	1 5 11	11 13			219 7	219 7
Iredell,	122 19 7	192 15 11	28 4	5 4 1	44 14 11	79 6 9	21 3			494 7 8	494 7 8
Johnston,	141 8 10	171 16 8	30 15 9	6 16 7	24 16 4	25 14 8	16 9			417 17 10	417 17 10
Jones,	65 8 2	151 0 9	10 11 6	2 3 11	18 16 5	3 5 11	13			244 18 9	244 18 9
Lincoln,	158 2 10	185 5 6	21 3	5 16 3	36 2 68	17 225	17			501 3 9	501 3 9
Lenoir,	62 6 3	125 6 1	10 6 10	3 10 6	20 6 14	13 6 14	2			230 16 3	230 16 3
Martin,	51 14 2	137 6 9	7 10 5	7 3 8	13 10 9	1 15 3	16 9			235 10	159 18 9
Mecklenburg,	116 1 4	219 9 10	31 9 10	3 12 1	19 18 7	213 14 8	28 4			632 10 4	632 10 4
Montgomery,	119 11 10	149 8 9	14 2	3 6 6	37 1 6	55 1 3	23 10			182 14 10	182 14 10
Moore,	105 7 4	100 11 8	3 19 11		24 16 4	0 18 4	14			260 7 25	
Nash,	99 7 3	195 6 8	22 1 10		11 5 8	12 18 16	16			359 16 5	359 16 5
New-Hanover,	101 3 9	236 13 11	11 5 8	149 14 7	74 9 7	5 6 8	12 70 C			738 4 5	738 4 5
Northampton,	89 13 11	346 4	31 19 3	2 1 5	26 14 33	5 10 16				448 7 4	448 7 4
Orange,	160 16 11	349 11 9	60 8	15 11 5	18 1 31	9 10 31	14 47			734 12 11	734 12 11
Onslow,	66 8 2	139 19 4	2 16 5	3 7 10	18 16 18		18 16			250 3 250	250 3
Pasquotank,	36 11 5	137 3	6 6 11	8 18 23	6 2		44 13			256 18 7	256 18 7
Perquimans,	38 2 6	133 4	13 12 8	4 13 5	10 3 1		28 4		7 1	235 8	235 8
Plat,	94 5 4	193 7 2	27 14 8	7 15 5	20 6 11	11 11	21 3			374 13 7	374 13 7
Person,	63 6 5	163 16 11	18 11 4		21 1 2	19 5 5	18 16			504 17 1	504 17 1
Rutherford,	208 19 1	162 3	22 6 6	4 2 9	37 1 6	54 1 18	10			497 9 10	497 9 10
Rowan,	211 0 8	317 14 3	50 4 5		37 12 29	6 16 9				662 1 6	662 1 6
Randolph,	125 3 1	139 8 1	24 8 10	1 12 11	18 1 21	5 5 18	16			248 12 6	248 12 6
Rockingham,	82 7 2	147 11 8	9 12 9		11 5 8	31 12 2	18 16			301 5 10	304 10 4
Richmond,	91 3 5	105 9 5	4 9 4	3 1 10	24 16 4	46 17 8	6 9			292 7	292 7
Robeson,	180 10 11	185 18 6	2 2 4	6 15 2	33 16 10	17 10 5	8			392 1 11	392 1 11
Stokes,	126 5 9	175 7	16 6 3	4 17 10	33 9 4	16 6 8	1 16			391 2 5	391 2 5
Surry,	135 7 11	159 8 6	23 1 6		11 5 9	18 6 8	4 14			352 4 3	352 4 3
Sampson,	132 3 3	161 9 11	8 18 8	9 5 15	11 13 3	11 3	11 5			343 15 5	343 15 5
Tyrrell,	91 15 6	63 10 11	1 3 6		13 3 3		11 15		4 14	186 2 2	186 2 2
Wayne,	88 15 6	166 5 9	25 7 8		24 16 4	29 2 10	23 10			337 18 1	337 18 1
Wake,	172 16 5	367 9	39 4 11	25 11 5	53 16 10	18 4 8	42 6 93 10			728 18 8	728 18 8
Warren,	96 17 3	337 7 4	81 3 7	17 18 2	28 11 7	29 5 5	23 18	23 10		597 10 10	597 10 10
Wilkes,	76 7 2	117 10	8 14 11	4 9 11	9 6	7 15 2	4 14			228 11 8	228 11 8
Washington,	54 47 4	75 19 1	6 6 11		22 3 9	2 0 5	0		2 7	127 13 6	127 13 6
	3365 12 8	11043 9 10	1041 17 2	673 4 11	1521 16 5	1249 7 1	15796	355 10 35	52392 5 10 8	22616 13 1	

It is to be observed that the Sheriffs of Chowan and Franklin have been fined in the sum of one hundred pounds each for failing to return on oath the unlisted property, and pay up the monies due from them, which are not included in the above statement. It is further to be observed, that the Sheriffs of Rockingham and Rowan have failed to lodge their affidavits.

The foregoing statement is founded on documents filed in the Comptroller's Office of North-Carolina, this 10th of December, 1806.

J. CRAVEN, Comptroller.

BY AUTHORITY.

An Act declaring what gifts of Slaves shall be valid.

For the prevention of frauds :

RE 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 gift hereafter to be made of any slave or slaves, shall be good or available, either in law or equity, unless the same shall be made in writing, signed by the donor, and attested by at least one credible subscribing witness; neither shall such gift be valid, unless the writing by which the title of any slave or slaves is transferred shall be proven or acknowledged, as conveyances of land, and registered in the office of the Public Register of the county where the donee resides, within one year after the execution thereof, if the donee be in the actual possession of the slave or slaves so given and transferred; but if, under any special agreement made at the time of the gift, the donor shall remain in possession of the slave or slaves so given, then the writing transferring or conveying the same slave or slaves, shall be proven or acknowledged as aforesaid, and registered within the same time, in the county where the donor resides.

No gift of slaves shall be valid, except made in writing.

The writing to be registered.

II. *And be it further enacted,* That on all trials, where any such writing shall be introduced to support the title of either party, the due and fair execution of such writing shall be proved by a witness subscribing and attesting the execution of such writing; but if such witness shall be dead or removed out of the State, then the probate or acknowledgment and registration of such writing, may be given in evidence.

On trials, the execution of the writing to be proved.

III. *And be it further enacted,* That every person claiming title to any slave or slaves, by virtue of any parole gift heretofore made, shall commence and prosecute his or her suit for the same, within three years from the passing of this act, otherwise the same shall be forever barred: *Provided, however,* that if any such person or persons be, at the time of passing this act, within the age of twenty one years, non compos mentis, feme covert, imprisoned, or beyond seas, such person or persons shall, within three years next after full age, coming of sound mind, discovery, enlargement out of prison, or return from beyond seas, commence and prosecute his or her suit for any such slave or slaves, claimed by force of such parole gift, and not afterwards. *Provided,* that when any person shall have put into the actual possession of his or her child or children, any slave or slaves, and the said slave or slaves shall remain in the possession of such child or children at the time of the death of such person, he or she dying intestate, such slave or slaves shall be considered as an advancement to such child or children, and be regulated by the laws now in force relating to advancements made to children by a parent in his lifetime.

Claims under parole gifts to be made within 3 years.

When slaves are put in possession of children, to be considered as advancements

IV. *And be it further enacted,* That this act shall commence and be in force from and after the first day of April next.

This act to be in force the 1st of April,

Read three times and ratified in General Assembly, Dec. 10, 1806.

JO. RIDDICK, S. S.
JOHN MOORE, Sp. H. C.

State of North-Carolina.

Secretary's Office, April 4, 1807.

I certify that the foregoing Act, entitled "An act declaring what gifts of slaves shall be valid," is a true copy taken from the original, this day received and deposited in this office; which said act was passed at the last Session of the General Assembly, as appears by the date of its ratification, but having been mislaid in the office of the Clerk of the House of Commons, it was not delivered to me at the rise of the Session with the other acts—consequently the Public Printer had no copy of it, and of course it has not been published and bound up with the other Laws of the State, which have been delivered. This copy is therefore furnished the Printer, in order that he may print a sufficient number and transmit them to the different counties, to be annexed to the Laws already published as aforesaid.

Given under my hand, at Raleigh, the date aforesaid.

WILL. WHITE, Secretary.

Raleigh: Printed by J. Gales, Printer to the State,