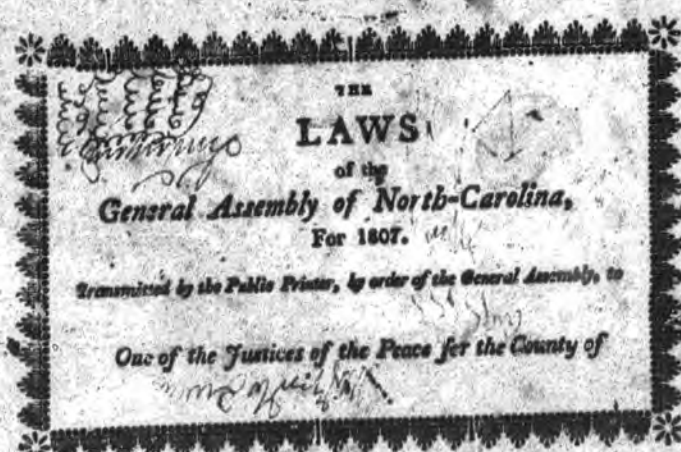


Hartford January
 20th 1808. Mr. Wadsworth
 Dear Sir

355.5
 44.0
 399.5

I feel not this Book
 for fear of shame for fear
 the Gallon will be your
 I feel not this
 Book my heart for
 for fear the Gallon
 with the Gallon

The corner of the Building



This Book given by
 Mr. Wadsworth

I feel not this Book
 for fear of shame for fear
 the Gallon will be your
 I feel not this
 Book my heart for
 for fear the Gallon
 with the Gallon

26
 26
 52
 26 26
 786
 26
 39
 15
 98
 15
 24

Handwritten text, possibly a signature or name, appearing as a horizontal line of dark ink.

Small handwritten mark or character, possibly a letter or symbol.

LAWS

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on Monday the Sixteenth day of November, in the Year of our Lord One Thousand Eight Hundred and Seven, and in the Thirty-Second Year of the Independence of the said State.

BENJAMIN WILLIAMS, ESQ. GOVERNOR.

CHAP. I.

1807.

An Act to amend an act, entitled "An act for the more uniform and convenient administration of justice within this State," and one other act supplementary thereto, passed the last session of the General Assembly.

WHEREAS the mode pointed out by the first section of the act amendatory to the above-mentioned act, of selecting jurors from the tax returns, is often attended with great injury to the administration of justice:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Justices of the several county courts within this State, in the appointment of jurors, to select and chuse such only as are well qualified to discharge the important trust and duty of jurors.

II. And be it further enacted, That the Justices of the several county courts within this State, at their sessions which may next happen after the passing of this act, are hereby required carefully to examine the jury lists already made out, and diligently enquire if any persons qualified to be jurors as above-mentioned, are omitted, and whether any persons not qualified to be jurors as above-mentioned, have been inserted; and if they find that any have been omitted, they shall add them to the jury list to be drawn as directed by the said act, and if they find that any have been inserted not possessing the requisite qualifications, they shall direct the name of such person to be stricken out from the jury list; and to obtain full information on this subject, the said courts may examine the sheriffs, clerks, or any other persons, on oath or affirmation.

III. And be it further enacted, That the jury list so as aforesaid made up by the several county courts in this State, shall exist for the space of two years in its operation, instead of three years, as prescribed by the said act.

IV. And be it further enacted, That the several superior courts within this State shall hereafter have concurrent jurisdiction with the several county courts within their respective counties, of all pleas and prosecutions of the State, and of all actions of slander, with full power and authority to pass thereon every proper judgment, sentence or decree, and to issue all necessary process to carry the same into complete effect.

Read three times and ratified in General Assembly, the 18th day of December, 1807.

JOSEPH RIDDICK, S. S.
JOSHUA G. WRIGHT, S. H. C.

(Copy), WILLIAM WHITE, Sec.

CHAP. II.

An Act to amend an act, entitled "An act to amend an act passed at Hillsborough in the year one thousand seven hundred and eighty-two, for establishing courts of equity, and to regulate proceedings in appeals from the courts of pleas and quarter sessions to the superior courts of law."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any defendant or de-

1807.

Manner of
conducting ap-
peals in future.

fendants, in any action of debt, covenant or assumpsit, shall appeal from the judgment of any court of pleas and quarter sessions to a superior court, and shall not, upon the trial of such appeal, diminish the sum recovered by the plaintiff or plaintiffs in the courts of pleas and quarter sessions, it shall and may be lawful for the said superior court (if it appear that the appeal was taken for the purpose of delay) to give judgment in behalf of the plaintiff or plaintiffs, not only for the amount of the verdict rendered in said court, but also for a sum in addition thereto, not exceeding four per centum per annum, on the principal sum recovered, from the time of the judgment in the inferior court, to the time of entering up the same in the superior court; which additional sum shall be considered as a penalty, and shall not draw interest in cases where interest is allowed on judgments.

Costs not re-
covered in cer-
tain cases.

II. *And be it further enacted*, That when any plaintiff or plaintiffs shall appeal from the judgment of any court of pleas and quarter sessions to a superior court, and shall not recover in said superior court a greater sum than that recovered in the court of pleas and quarter sessions, independently of the interest accrued since the former judgment, he, she, or they shall not recover the cost of the appeal, but shall be liable, at the discretion of the superior court, to pay the same.

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

CHAP. III.

An Act to authorize the Treasurer, in the name of the State of North-Carolina, to subscribe in the Banks of Cape-Fear and Newbern, for the number of shares, which the State has reserved the right of subscribing for, in each of the said Banks.

Treasurer to
subscribe for
250 shares in
each bank.

Manner of
paying for the
shares.

BE 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 Public Treasurer be, and he is hereby authorized to subscribe in either or both of said banks, at such time as he shall deem it expedient, and he and the Directors of said banks, or either of them, shall agree on, for two hundred and fifty shares of bank stock, on the following terms and conditions, to wit: That he pay at the time of subscribing, out of any monies of the currency of the State in the Public Treasury, one third of the amount of said shares; that he pay at the expiration of twelve months thereafter one other third of the said amount, and at the expiration of twelve months after the payment of the last mentioned third, the remaining third and full amount of said shares; and that for the deferred payments he pay an interest at the rate of four per centum per annum, from the time of subscribing: *Provided however*, that after paying the last instalment to either of the aforesaid banks, the Treasurer shall be authorized to borrow therefrom the amount of the said instalments from time to time, on the terms on which loans are made therein, until the dividends received be sufficient to pay off the sum borrowed.

Treasurer, &c.
to appoint 3
directors for
each bank.

II. *And be it further enacted by the authority aforesaid*, That the Treasurer, together with the Comptroller and Secretary, or any two of them, be authorized and empowered to appoint three additional Directors of each or both of the banks, in which subscriptions shall be made as aforesaid, and the Directors for each or either of said banks so appointed, shall possess the same qualifications, have the same power, and be subject to the same rules, regulations and restrictions as the other directors, which shall be chosen by the stockholders.

The notes of
these banks to
be received in
payment of
public dues &
at the Treas-
ury.

III. *And be it further enacted*, That in case the Directors of said banks respectively, or either of them, shall accept of the above stated terms, and the subscriptions shall be made by the Treasurer for the number of shares first above stated, then and in that case the bank-notes of the bank or banks in which the said subscriptions shall be made, shall be, and are hereby declared to be receivable in payment of all public dues, and at the public treasury.

Offices of dis-
count may be
established.

IV. *And be it further enacted*, That it shall be lawful for the president and directors of each of the aforesaid banks to establish offices of discount, or offices of discount and deposit, at other places than the towns wherein the said banks are fixed, or where, by their respective charters, branches may be established; provided that not more than two such offices, other than aforesaid, shall be established and kept in existence by either of the banks at the same

time, and that the management of such offices be committed to such persons, and under such agreements, and subject to such regulations as the President and Directors respectively may deem proper, not contrary to the Constitution of this State, or of the United States, or of the aforesaid Corporations. *Provided also*, that no office of discount, or of discount and deposit, shall be established by either of the said banks, unless they accede to the terms of subscription proposed by this act on the part of the State.

1807.

V. *Be it further enacted*, That the said banks, in consequence of any subscription by the Treasurer in behalf of the State, shall have power to issue notes only in the same ratio as that established by their respective charters, that is to say, in the ratio of three for one, on the amount of its capital stock actually subscribed and paid for, over and above the monies deposited for safe keeping.

Power to issue
additional
no. cs.

CHAP. IV.

An Act to repeal an act, entitled "An act to repeal all laws and clauses of laws heretofore passed, authorizing the Secretary of State to issue land warrants for military services," passed in 1805.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said act be and the same is hereby repealed and made void to all intents and purposes.

Act repealed.

II. *And be it further enacted by the authority aforesaid*, That hereafter no military land warrant shall issue but under the authority of the General Assembly, declared by resolution empowering the Secretary of State to issue such warrant, unless the person in whose name application is made for such military warrant appears on the muster rolls, and to be fairly entitled to such warrant; in which case the Secretary of State may issue a warrant without a resolution, as before mentioned.

How military
land warrants
in future shall
issue.

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

CHAP. V.

An Act to amend an act, entitled "An act directing the mode of proceeding against the real estates of deceased debtors, where the personal estate is insufficient for the payment of the debts."

BE 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 suits where executors or administrators of any deceased person shall omit to plead fully administered, no assets, or not sufficient assets to satisfy the plaintiff's demand, or where they shall plead the said pleas, or any of them, and the same shall be found against such executors or administrators, and they shall be, or afterwards become insolvent, so that the creditor cannot procure satisfaction for his demand, such creditor shall and may have the same remedy against the real estate of such deceased debtor in the hands of the heirs or devisees, and the same process as is provided by the aforesaid act; and if judgment be rendered against the heirs or devisees, or any of them, execution shall and may issue against the real estate of the deceased debtor in the hands of such heirs or devisees: *Provided*, that no creditor shall be entitled to the remedy aforesaid against the heir or devisee, who shall be guilty of any negligence or collusion in prosecuting his suit, whereby the executor or administrator shall become insolvent, to the detriment of the heir or devisee, which negligence or collusion such heir or devisee may shew on an issue joined under the direction of the court before whom the trial shall be had.

Remedy to be
had where ex-
ecutors, &c.
neglect to
plead.

II. *And be it further enacted by the authority aforesaid*, That when any heir or devisee of real estate against whom judgment may pass, shall transfer or alien the same, such heirs or devisees shall be liable to the creditors in their proper estate to the value of such estate so transferred or aliened, which value shall be ascertained by the jury impanelled to try the issues joined on the proceedings between the said parties, and execution shall and may issue accordingly.

If an heir, &c.
transfer prop-
erty, they are
liable in their
proper estate.

III. *And be it further enacted by the authority aforesaid*, That when any creditor of a deceased person claims to have judgment against the real estate of such debtor in the hands of the heirs or devisees, by reason of the executors

Course to be
taken where
creditors claim
to have judg-
ment against
the real estate.

1807.

or administrators failing to plead the pleas aforesaid, or on account of the insolvency of the executors or administrators as herein before mentioned, the heirs or devisees of such deceased debtors shall and may be permitted to shew, as heretofore, that the executors or administrators have assets, and on an issue between them and the creditor, that the executor or administrator are not insolvent, but have property sufficient to pay part or the whole of the debt demanded, and costs; and if both the said issues shall be found in whole, or in part, for the heirs or devisees, judgment shall be rendered accordingly, otherwise for the creditor.

Nothing here-
in to repeal the
former act.

IV. *And be it further enacted by the authority aforesaid,* That nothing here-
in contained shall be construed to repeal the aforesaid act, or any part thereof, this act being intended only to extend the remedy provided by said act for creditors against the real estate of their deceased debtors; nor shall the provisions contained in this act affect the remedy which any creditor has, or may have in equity, against the real estate of any deceased debtor, or in any manner change the rules of decision in equity in any such case.

CHAP. VI.

An Act to expedite the organization of the quota of Militia required from this State by the General Government, and to provide for uniformity and dispatch in making and receiving returns in future, and to amend the laws now in force relative to the Militia.

Preamble.

WHEREAS inspection returns and muster rolls of that part of the militia which is to constitute the quota to be furnished by this State, as part of the detachment of the militia of the United States, authorized to be raised by an act of Congress, dated the twenty-fourth day of February, one thousand eight hundred and seven, have not been made by all the officers required to do:

Penalties for
the neglect of
officers to make
returns.

BE 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 captain or commanding officer of a troop or company neglects to make just and true returns with a muster-roll, as required by the proper officer or officers, of his quota of any detachment now ordered or hereafter to be ordered, more than sixty days after the rising of the present General Assembly, or within sixty days, in future, after he receives orders for the same, he shall, upon conviction thereof before a court-martial, forfeit and pay the sum of ten pounds; that if any lieutenant-colonel or commanding officer of a regiment fail or neglect to make such returns and muster rolls, when thus required, within ninety days after the rising of the present General Assembly, or ninety days after receiving orders for returns on any future requisition, he shall, on conviction thereof before a court-martial, forfeit and pay the sum of twenty pounds; that if any brigadier shall, in like manner, fail to make such returns within one hundred and twenty days after the rising of the present General Assembly, or one hundred and twenty days after receiving orders for returns on any future requisition, he shall, on similar conviction, forfeit and pay the sum of thirty pounds; that in case any major general shall, in like manner, fail to make such returns within one hundred and fifty days after the rising of the present General Assembly, or one hundred and fifty days after receiving orders for returns on any future requisition, he shall, on similar conviction, forfeit and pay the sum of forty pounds. And it is hereby declared to be the duty of every officer to whom returns ought to be made, to order courts martial within ten days after such failure is known to him, under double the penalty which would have been forfeited in case of conviction of the neglecting officer, to be recovered by prosecution before a court martial, or by any person suing for the same, before any jurisdiction having cognizance thereof; and for the second offence of any officer failing to order or to make detachment returns, or to order courts martial as above required, he shall be tried by a competent court-martial and be cashiered.

In case of neg-
lect, expresses
to be sent.

II. *And be it further enacted by the authority aforesaid,* That in case any officer fails to make the proper return of his quota of the present detachment, within the times herein specified for his performing the same, after the rising of the present General Assembly, the officer to whom such return ought to be made is hereby authorized and required to hire an express and send to said defaulter, who shall defray the hire or expence of such express, the amount of which to be certified by the person sending him; and if the officer to whom

such express is sent refuses to pay the said hire, immediate recovery shall be had by application to any justice of the peace or jurisdiction having cognizance thereof, who is empowered and required to give judgment and grant execution, without allowing appeal or stay of execution; and any proper officer is bound, on application, to take all lawful ways and means to raise the money without delay.

1807.

III. *And be it further enacted by the authority aforesaid,* That if no immediate opportunity offer for forwarding orders or returns, the certainty of which enures a speedy delivery thereof, which can be easily ascertained and proved, that then it shall be the duty of the officer issuing the orders to lodge the same properly directed, in the post-office, marked on the back, "public service," under which he shall write the name of himself and officer; and in case of proof being made that any officer knew there was a letter so directed to him in the post-office, and refused or neglected to take out the same within ten days, or declined to pay the postage, such officer shall be deemed unworthy of his commission, and be cashiered by a court-martial to be ordered without delay for the purpose of trying him; the proceedings of which court-martial shall be published in the State Gazette.

How
shall
be
forwarded

IV. *And be it further enacted,* That no officer who has voluntarily tendered his military services to the detachment of the militia now under requisition, or who shall hereafter offer as a volunteer to serve in any detachment ordered out under the laws or constitution of the United States, shall by such offer, or any service in consequence thereof, forfeit his commission or lose his rank in any troop, company, regiment, brigade, division or militia department of this State, to which he belonged or commanded, except those who have risen to a higher grade.

Officers offering
their ser-
vices, not to
lose their rank
in any troop,
&c.

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

This act to
have effect im-
mediately.

VI. *And be it further enacted,* That so much of the laws now in force as require the Governor to appoint an adjutant-general from among the major or brigadier-generals, be and the same is hereby repealed: and hereafter the Governor may appoint any suitable person, being a citizen of this State, to be adjutant-general, who shall take rank as a brigadier-general in the militia of this State; and the said adjutant-general shall be allowed annually by the public treasurer all necessary expences incurred in the discharge of the duties imposed on him by law, which expences shall be stated and certified by the said adjutant-general to the said public treasurer, and be by him paid accordingly.

Any suitable
person may be
appointed Ad-
jutant General.

CHAP. VII.

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 eight.

Be 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 eight, 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 land,
town property
and polls.

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

On stud-
horses & asses.

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 are sub-
ject to a poll-
tax.

IV. *And be it further enacted,* That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first ob-

Tax on ped-
lars.

1807.

tain a licence from the clerk of some county of this State under his seal of office; and the person so peddling or hawking shall pay 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.

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

VI. And be it further enacted, 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 retail thereout 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.

VII. And be it further enacted, That the sheriffs of the several counties within this 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 retailing 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.

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

CHAP. VIII.

Preamble.

WHEREAS the States of Georgia and North-Carolina, by their respective Commissioners duly authorized for that purpose, did, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and seven, at Buncombe court-house, enter into Articles of Conventional Agreement, as follow:

Articles of Conventional Agreement.

ARTICLE I. It is mutually agreed and admitted, the territories of the said States of Georgia and North-Carolina, as far as they adjoin each other, are, and of right ought to be, separated and bounded by the thirty-fifth degree of North Latitude; and for the purpose of preventing in future all manner of dissensions concerning jurisdiction, the underwritten Commissioners will proceed forthwith to ascertain the said thirty-fifth degree of North Latitude, and to run and mark the line accordingly; which line, when ascertained and completed, with joint concurrence, shall forever after be regarded as the line of separation and boundary between the two States.

ARTICLE II. The Commissioners on the part of Georgia do not consider their powers competent to enter into any stipulations which would bind the Government of the said State to confirm entries or grants for land heretofore made or obtained under the authority of the State of North-Carolina, which land, on the running of the line, may be found to be within the State of Georgia; but, impressed with the justice of a certain proportion of the said claims, and the peculiar circumstances which entitle them to consideration, the said Commissioners promise and agree to recommend them in a special manner to the liberality of their Government, not doubting but that the Legisla-

ture thereof will, by law, provide for the confirmation and establishment of the said titles, in a manner which will afford a satisfactory and adequate relief. And to this end, the said Commissioners will recommend the establishment of an impartial tribunal for the special purpose of enquiring into and ascertaining the various descriptions of such claims, and of determining on each according to their respective merits, and as reason and equity may require; which tribunal the said Commissioners will also recommend to be composed of three persons to be appointed and paid by each State, but they shall convene and hold their meetings in the State of Georgia, and their decisions shall be conclusive.

ARTICLE III. There having been great dissensions between the people resident in the neighbouring counties of Buncombe and Walton, and the said dissensions having produced many riots, routs, affrays, assaults, batteries, trespasses, woundings and imprisonments, as well on the one side as on the other, and it being of primary importance that peace and tranquillity should be restored, and all animosity and ill-will forever buried between the people who, from their local situations, will, in all probability, be constrained to continue in the vicinity of each other; and as the several outrages committed on both sides proceeded more (as the undersigned are impressed) from a mistaken zeal to support the Government to which they thought themselves constitutionally bound, than from a wish to injure their neighbours or disturb the public peace, the undersigned agree to recommend, in the most earnest manner, to the Legislature of their respective States, to pass laws of amnesty, forgiveness and oblivion for all such offences (under the degree of capital) as may have been committed within the said counties of Buncombe and Walton, respectively, subsequent to the tenth of December, in the year 1803, and which shall have arisen from, and had relation to the disputes which existed concerning the jurisdiction of the two States.

And whereas the said Commissioners, with like authority, did, on the 27th day of June, in the year aforesaid, at Douthard's Gap, enter into Articles in addition and supplementary to the Convention agreed on between the Commissioners of Georgia and North-Carolina, at Buncombe court-house, on the 18th day of June, in the year aforesaid, which Articles are as follow:

Supplementary Convention.

The Commissioners of the States of Georgia and North-Carolina having discovered, by repeated astronomical observations made on the Blue Ridge, and elsewhere, that the 35th degree of North Latitude is not to be found on any part of said ridge of mountains, east of the line established by the General Government as the temporary boundary between the white people and the Indians; and having no authority to proceed over that boundary for the purpose of ascertaining the said 35th degree of North Latitude, and of running and marking the line accordingly, and being desirous that all causes of collision and irritation between the jurisdictions and people of the two States may be effectually and completely prevented, have agreed to the following Articles, in addition and supplementary to the Convention agreed to at Buncombe court-house, on the 18th day of the present month, viz.

ARTICLE I. The Commissioners of Georgia, for and on the part of their State, acknowledge and admit, which acknowledgment and admission are founded on the aforesaid astronomical observations, that the State of Georgia hath no claim to the soil or jurisdiction of any part of the territory north or west of the ridge of mountains which divides the eastern from the western waters, commonly called the Blue Ridge, and east or south of the present temporary boundary line between the white people and the Indians; and that they will consequently recommend to the Legislature of the State of Georgia to repeal, at their next ensuing session, the act to establish the county of Walton, and to abrogate and annul all executive and ministerial or other proceedings for the organization thereof.

ARTICLE II. The Commissioners on the part of the State of North-Carolina, promise and agree to recommend to their Government, and particularly to the Magistrates, Sheriffs and other officers, civil and military, in the county of Buncombe, to execute the laws concerning forfeitures and penalties,

1807. and in any other respect where the State may be concerned (under the degree of felony) upon and towards the people who have adhered to the State of Georgia in the late dissensions concerning jurisdiction, with mildness and clemency; and if the said officers can do it consistently with their obligations of official duty, that they forbear to institute suits, and to distrain or execute for forfeitures and penalties incurred as aforesaid, between the tenth day of December, in the year eighteen hundred and three 1803 and the date of this Agreement, until the sense of the Legislature shall be had and known thereon.

In order, therefore, that said Conventional Agreement, and the Articles additional and supplemental thereto, may be carried into full and complete 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 the said Conventional Agreement, and the Articles in addition and supplementary thereto, and all and every article and clause thereof, be, and the same are hereby fully ratified and confirmed

The Conventions confirmed.

CHAP. IX.

An Act to pardon certain offences committed in that part of Buncombe county formerly claimed by the State of Georgia.

Offences pardoned.

BE 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 crimes and misdemeanors, the punishment whereof is not by law capital, which have been committed between the tenth day of December, in the year of our Lord one thousand eight hundred and three, and the twenty-seventh of June last past, within that part of the county of Buncombe which was formerly claimed by the State of Georgia, and called the county of Walton, be, and the same are hereby pardoned, released, and put into total oblivion.

When this act shall be in force.

II. And be it further enacted, That this act shall be in force from and after the passage of an act by the Legislature of the State of Georgia, ratifying and confirming the Conventions entered into by and between the Commissioners on the part of that State, and the Commissioners on the part of this State, on the 18th day of June, and 27th day of June, A. D. 1807.

CHAP. X.

An Act to amend the Penal Laws, so far as respects the trial of slaves charged with capital offences.

Slaves to be tried at the regular court terms.

BE 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 slaves charged with criminal offences, the punishment of which is capital, shall be tried at the regular terms of the county courts of the county in which such offences are alleged to have been committed, and under the same rules, regulations and restrictions as by law now directed.

And not by special courts.

II. Be it further enacted, That so much of the laws now in force as authorizes courts to be specially convened for the trial of slaves charged with capital offences, be, and the same is hereby repealed and made void.

CHAP. XI.

An Act to give the right of Appeal in trial of Caveats and Suspensions.

BE 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 the trial of caveats of land, and suspensions of grants of lands, where either party is dissatisfied with the verdict of the jury, he may appeal to the superior court of his county, under the same rules, regulations and restrictions as are now by law established for prosecuting appeals to the superior courts.

CHAP. XII.

An Act to allow Interest on Judgments recovered in actions brought on contract.

BE 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 actions which shall hereafter be brought to recover money due by contract hereafter to be made,

LAWS OF NORTH-CAROLINA.

1807.

except on penal bonds. it shall be the duty of the jury to distinguish by their verdict, the sum due as principal, from the sum allowed for interest; and the principal sum due on all such contracts, shall carry interest, from the time of rendering judgment thereon until the same shall be paid and satisfied; and the judgments in such actions shall be rendered according to the provisions of this act.

CHAP. XIII.

An Act providing relief for Securities 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 where there are two or more securities for the performance of any contract whatsoever, and it shall so happen that one or more of them may have been, or shall be compelled to perform and satisfy the same, or any part thereof, and the principal be insolvent or out of the State, he, she or they may have and maintain his, her or their action on the case against the other security or securities, for a just and rateable proportion of the sum which he, she or they may be compelled to pay as aforesaid, whether of principal, interest or costs, to be recovered before any court of record or justice of the peace, having jurisdiction thereof; any law or custom to the contrary notwithstanding.

Where securities pay, their remedy.

CHAP. XIV.

An Act for the relief of Purchasers at Execution Sales, in certain cases.

WHEREAS cases frequently occur where property sold on execution, proves not to have been the property of the person against whom such executions have issued, by reason of which the innocent purchaser loses the same, without any remedy at law to be reimbursed, which not only proves injurious to such purchaser, but frequently operates to discourage the sale of property for such full prices as the same ought to bring: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, where any property, either real or personal, shall be sold on any execution of *fiery facias*, *venditioni exponas*, or order of sale, issued from any court of law or equity in this State, or from any justice of the peace, such justice having jurisdiction and authority to issue the same, by any officer lawfully authorized to make such sale, and the sale be legally and bona fide made, and such property so sold be not the proper goods and chattels, lands and tenements (as the case may be) of the person against whose estate such execution, *venditioni exponas*, or order of sale, may have issued, by reason of which the purchaser at such sale may have been deprived of the same property, or may have been compelled to pay damages in lieu thereof to the real owner, then, and in every such case, it shall be lawful for such purchaser, his executors or administrators, to sue such person against whom such execution, *venditioni exponas*, or order of sale, may have so issued, or the persons legally representing him, in an action on the case, in any court of law in this State, and recover such sum as he may have paid for such property, with interest thereon from the time of such payment: *Provided always*, that such property, if the same be personal property, be present at such sale, and actually delivered to such purchaser.

Remedy for purchasers.

CHAP. XV.

An Act declaring what evidence of title to Lands, in certain cases, shall be good.

WHEREAS many citizens of this State who claim title to lands purchased from the original proprietors, to whom large tracts of land were granted by the King of Great-Britain before the late revolution, are unable to produce either the original grants from the Crown to the said proprietors, or registered copies thereof: And whereas there is good reason to believe that the said grants, and the registration thereof, were destroyed at Wilmington, by the enemies of this State during the late war:

Preamble.

1807.

Neither the original grant, nor a certified copy is necessary to be produced.

Be 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 trials at law, where the title of either plaintiff or defendant shall be derived from Henry Euftace M'Culloch or Henry M'Culloch, out of their tracts number one and three, it shall not be required of such party to produce, in support of his title, either the original grant from the Crown to the proprietors, or a registered copy thereof; but in all such cases, the grant or deed executed by such reputed proprietors, or by his, her or their lawful attorney, or a certified copy thereof, shall be deemed and held legal and sufficient proof of the title of such proprietors, in as full and absolute manner, as though the said original grants were produced and given in evidence; any law, usage or decision to the contrary notwithstanding.

CHAP. XVI.

An Act prescribing the duties of the Clerks of the County Courts and Registers in this State, in certain cases, and for other purposes.

The clerk to receive the register's fees with his own.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any deed or other instrument of writing shall be offered for probate in any of the county courts in this State, it shall, and is hereby expressly declared to be the duty of the clerks of said courts to receive, with his own, the register's fees on all and every such deeds and other instruments of writing admitted to probate for registration; and shall, within twenty days after the rise of each and every county court, deliver over to the registers of their respective counties, on application, all such deeds and other instruments of writing which have been admitted to probate for registration, together with the registers fees on the same.

The clerk to deliver over deeds, &c. to the register within 20 days.

The register to call at the clerk's office.

Penalty for neglect of duty.

II. *And be it further enacted,* That it shall be the duty of the registers within the several counties in this State, within twenty days after the rise of each and every county court as aforesaid, to apply at the clerks office of their respective counties, for all deeds and other instruments of writing as aforesaid admitted to probate for registration; and in case of neglect by either clerk or register in performing the duties aforesaid, the person so neglecting shall forfeit and pay the sum of five pounds for every such offence, to be recovered by warrant before a justice of the peace, one half to the use of the poor of the county in which such recovery may be had, the other half to the use of any person suing for the same, and be further liable for all damages the party injured by such neglect may sustain.

Deeds, &c. lying in the clerk's office to be delivered to the register.

III. *And be it further enacted,* That it shall be the duty of the several county court clerks within this State, at the next court of pleas and quarter sessions which shall be held after the first day of May next, to deliver over to the registers of their respective counties, all deeds and other instruments of writing (if any) on which the registers fees have been paid, that have been heretofore admitted to probate for registration, under the penalty of fifty pounds, to be recovered before any jurisdiction having cognizance thereof, to the sole use of the person suing for the same.

Fees for registering divisions of land.

Grants or state patents.

IV. *And be it further enacted,* That hereafter, the public registers in each county in this State, for registering divisions of land, shall receive the sum of one shilling for each lot or dividend therein described, agreeably to the plat of said division, and the same fees for every copy thereof. And it shall be the duty of each and every public register in this State, to leave at each and every county court of pleas and quarter sessions within their respective counties, all grants or state patents which have been delivered to them for registration, one week previous to the sitting of such court, and on which their fees have been paid, ready to be delivered to the owner thereof.

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

CHAP. XVII.

1807.

An Act to cede to the United States of America the jurisdiction of certain land for the purposes therein mentioned, and to allow further time to the General Government for finishing the Fort at or near the mouth of Cape Fear River.

WHEREAS the harbour of Old Topfail Inlet is at present in an un-
 guarded state, and is generally nineteen feet water on the bar of said harbour,
 which renders it necessary that the United States should have the jurisdiction
 of certain land convenient thereto, in order that a Fort may be erected thereon
 for the defence of the said port and harbour :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That five acres of land, in the county of Carteret, on the west side and adjoining Old Topfail Inlet, be, and the same is hereby ceded to the United States of America, for the purpose of erecting a Fort thereon for the defence of the said port and harbour.

II. *And be it further enacted,* That Bryant Helen, Jeconias Pickens and James Stanton be, and they are hereby appointed commissioners to survey, lay off and mark the boundaries of the said five acres, and shall return a correct plan thereof to the office of the Secretary of State; and the said plan so by them returned, shall be deemed full and sufficient evidence of the boundaries aforesaid: *Provided,* that the land ceded by virtue of this act is subject to the following condition: That the said Fort shall be erected thereon within three years from the passing hereof. *And provided also,* that nothing herein contained, shall be construed to debar any of the officers of this State from serving any process or levying executions within the limits ceded by this act, in the same manner and to the same effect, as if this act had never been passed.

And whereas, from different causes and circumstances, the Fort at Smithville is not perfectly completed, although it is so far done as to be ready for the mounting of cannon,

III. *And be it further enacted by the authority aforesaid,* That all the grants and provisions heretofore made respecting the same, shall continue and be in full force: *Provided,* the said Fort is finished within the year 1808; any law, usage or custom to the contrary notwithstanding.

CHAP. XVIII.

An Act to repeal and supply the place of the fourth section of an act passed in the year one thousand seven hundred and ninety-one, entitled "An act to provide a proper Seal for the State, and the several Courts of Record."

BE 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 seal annexed to a grant issued by the State, is, or shall be lost or destroyed, the Governor for the time being may, on the certificate of the Secretary of State that such grant was fairly obtained, cause the seal of the State to be affixed to such grant, and the same so affixed shall give the said grant the same validity as the seal first affixed thereto.

II. *And be it further enacted,* That the fourth section of the before recited act be, and the same is hereby repealed.

CHAP. XIX.

An Act to amend an act, passed in the year 1791, entitled "An act to improve the Inspection of Flour and other commodities, in this State, and to alter the Inspectors fees in other instances."

WHEREAS no penalty is by the said act imposed on those who violate the provisions enjoined by the first section thereof:

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 if any miller or manufacturer of flour shall put up flour in any barrel, for the purpose of sale or exportation, which barrel does not contain one hundred and ninety-six pounds nett flour, well ground, bolted and packed, or shall not brand on each barrel of flour the nett weight of the same, in figures, and also the first letters of his christian name, and his surname at full length; or shall put up flour for sale or exportation as aforesaid, in a barrel not made of good seasoned oak or

1807.

ash wood, twenty-six inches in length, bounded with ten good hoops, and with heads seventeen inches in width, every such miller or manufacturer so offending against any of the said provisions, shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, by any person suing for the same.

II. *And be it further enacted*, That when a person shall sell any barrel or barrels of flour not containing the full quantity by law required, the purchaser, unless there shall be a special contract to the contrary, shall be allowed to recover the value of the deficiency in an action on the case, for money had and received, before any jurisdiction having cognizance of the same.

In case of deficiency what may be done.

CHAP. XX.

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 one thousand eight hundred.

Penalty may be recovered for the poor

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person may recover in his own name, to the use of the poor, the penalty inflicted by the act aforesaid.

Penalty for intoxication, &c.

II. *And be it further enacted by the authority aforesaid*, That if any person shall be intoxicated at a church, meeting-house, or any other place appointed for divine worship, in the time people shall be there assembled for the purpose of divine worship; or shall, at such time and place, quarrel, fight, or be guilty of any other disorderly behaviour, he shall forfeit and pay to the use of the poor of the county in which the offence shall be committed, the sum of two pounds ten shillings, to be recovered by and in the name of any person who will sue for the same, before any justice of the peace of the said county: *Provided*, the warrant for the said penalty shall be issued within ten days after the offence was committed: *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.

May appeal.

Former act repealed.

III. *And be it further enacted*, That an act passed at the last session of the General Assembly, entitled "An act to prevent the selling of spirituous liquors and other articles at church or meeting-house yards on days of divine worship," be, and the same is hereby repealed.

CHAP. XXI.

An Act to amend an act concerning proving Wills and granting Letters of Administration, and to prevent frauds in the management of Intestate Estates.

Course to be taken where an executor resides out of the State, &c.

BE 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 which may hereafter happen, where the testator or testatrix may appoint any person or persons as his or her executor or executors, who reside out of the limits of this State; or where a man may marry a woman who is appointed executrix to the estate of a deceased person, and he resides out of the State, or is about to remove or make away with the estate of the testator, to the injury of his creditors and representatives, that, in any of the above stated cases, either at the time of the qualification of such executor or executors, upon application made to the county court by any creditor or representative of the estate, it shall be made appear by sufficient testimony, in open court, to the satisfaction of said court, that such injury is likely to ensue, such executor or executors, as above stated, shall be obliged to give bond and security for the faithful administration of the estate, as is required by law in cases of administration on the estates of deceased persons, agreeably to the above mentioned act of Assembly, passed in the year one thousand seven hundred and fifteen, and chapter 48. And there shall be the same remedy upon such bond given to the party grieved, as upon the bond of an administrator in like cases.

II. *And be it further enacted*, That the several courts aforesaid shall be, and they are hereby invested with full power and authority, by such rules and orders as they may think proper to make, to compel the said executor or executors to enter into bond and security as aforesaid: and upon due notice, by citation or otherwise, should they, or any of them, stand out and refuse so to do, the said courts respectively shall and may order and decree that the power and authority of the executor or executors, as aforesaid, be null, and thenceforth all the power and authority of the said executor or executors shall cease, and the said courts shall and may then grant administration with the will annexed, or otherwise, as the case may require, to such person or persons as they may deem meet.

1807.

Executors to enter into bond.

CHAP. XXII.

An Act to regulate the charges of Sheriffs, Coroners, Constables and other officers, in certain cases.

WHEREAS there is no law within this State making an allowance to officers whose duty it is to hold in custody any property, the keeping of which necessarily occasions expence: Therefore,

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 it shall be the duty of the several courts of pleas and quarter sessions, at the first term which shall be holden in their respective counties after the first day of January in each and every year, to settle the charges of the aforesaid officers for keeping, watering and feeding any horse, cattle, hogs or sheep, taken into their custody under legal process; and the said officers, or any of them, may maintain his or their action against the debtor whose property has been so holden in custody for the amount of the charges thereby incurred, before any court or justice of the peace having jurisdiction of the sum due therefor.

Courts to settle the charges of officers.

II. *And be it further enacted*, That every officer claiming under this act, shall make out his account, and, if required, give the debtor, his agent or factor, a true copy thereof, signed with his own hand, and shall return the said account, with the execution or other process under which the property has been seized, to the justice or to the court to whom the said execution or process is returnable; and shall then and there also swear to the correctness of the several items therein set forth, otherwise he shall not be permitted to make any recovery from the debtor.

Officers to make out their accounts.

III. *And be it further enacted*, That if any of the said officers who has levied an execution, or other process, upon property, shall permit the same to remain with the possessor thereof, it may be lawful for such officer to take a bond for the forthcoming thereof to answer the said execution or process; but the said officer shall nevertheless remain liable, as heretofore, in all respects to the claims of the plaintiff.

Officers to take bond for property.

CHAP. XXIII.

An Act to divide the first and second divisions of the Militia of this State into three divisions.

WHEREAS it hath been ascertained with certainty, that the first and second divisions of Militia of this State contain men more than sufficient to make three divisions, agreeably to the regulations of the militia laws of this State; and it being proper that the officers should be proportioned to the men,

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the first and second divisions as aforesaid, shall be divided into three divisions, in the following manner, to-wit: The first division shall be composed of the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Bertie, Washington and Tyrrel: And that the sixth division shall be composed of the counties of Hyde, Beaufort, Pitt, Craven, Carteret, Lenoir, Greene, Wayne, Johnston, Duplin, Jones,

Counties of which the divisions shall consist.

1867.

Onslow, New-Hanover and Brunswick: And that the second division shall be composed of the counties of Bladen, Cumberland, Sampson, Moore, Anson, Richmond and Robeson.

Counties of
which the bri-
gades consist.

II. *And be it further enacted by the authority aforesaid,* That each division shall compose the following brigades: The first brigade for the first division, shall be composed of the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan and Gates: That the thirteenth brigade for the first division, shall be composed of the counties of Hertford, Bertie, Washington and Tyrrell: That the second brigade for the sixth division, shall be composed of the counties of Hyde, Beaufort, Pitt, Craven and Carteret: That the twelfth brigade for the sixth division, shall be composed of the counties of Lenoir, Greene, Wayne and Johnston: And that the third brigade for the sixth division, shall be composed of the counties of Duplin, Jones, Onslow, New-Hanover and Brunswick: And that the fourth brigade for the second division, shall be composed of the counties of Bladen, Cumberland, Sampson and Moore: And that the fourteenth brigade for the second division, shall be composed of the counties of Anson, Richmond and Robeson.

How officers
are to be ap-
pointed.

III. *And be it further enacted,* That the divisions and brigades aforesaid, shall be officered agreeable to the militia laws of this State: *Provided,* that nothing herein contained shall be construed so as to affect the appointments heretofore made within the divisions or brigades aforesaid.

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

CHAP. XXIV.

An Act to annex part of the Militia composing the eighth brigade of the fourth division to the ninth brigade of the fifth division of the Militia of this State, and to establish one other brigade, to be denominated the fifteenth brigade.

Surry added
to the ninth
brigade.

BE 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 of Surry shall be added to the ninth brigade of the Militia of this State, and that hereafter the counties of Surry, Wilkes and Ashe shall compose the ninth brigade of Militia.

A new bri-
gade establi-
ed.

II. *And be it further enacted,* That that part of the ninth brigade consisting of the counties of Burke and Buncombe, shall compose the other brigade, to be called and known by the fifteenth brigade.

Regiment of
cavalry to each
brigade.

III. *And be it further enacted,* That each brigade shall be entitled to one regiment of cavalry.

IV. *And be it further enacted,* That the fifteenth brigade shall compose a part of the fifth division, and shall be officered in like manner as other militia of this State.

Volunteers not
to be affected.

V. *And be it further enacted,* That nothing in the above recited act shall be so construed as to affect the present drafts or volunteers who have offered their services in the ninth brigade, to do their duty as now arranged in the first detachment, to be called into the service of the United States; any law, usage or custom to the contrary notwithstanding.

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

Read three times and ratified in General Assembly,
the 14th day of December, 1867.

JOSEPH RIDDICK, S. S.
JOSHUA G. WRIGHT, S. H. C.

(Copy), WILLIAM WHITE, Sec.

CHAP. XXV.

1307

An Act to open and make navigable Fishing Creek, from Wyatt's Bridge to Hilliard's Mill.

WHEREAS it has been made appear to this General Assembly, that the navigation of Fishing Creek, from Wyatt's Bridge to Hilliard's Mill, would be of public utility, and that Isaac Hilliard, James Moore, Guilford Nicholson, Benjamin Mason and Francis Tate, have subscribed the sum of one thousand-five hundred dollars, for the purpose of opening and making the same navigable.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the above-named Isaac Hilliard, James Moore, Guilford Nicholson, Benjamin Mason and Francis Tate, and such others as they shall admit into their company, for the purpose of making Fishing Creek navigable, from Wyatt's Bridge up to Hilliard's Mill, are hereby declared to be a body corporate, by the name of *The upper Fishing Creek Navigation Company*, and by that name shall be capable to be sue and be sued, plead and be impleaded, before any jurisdiction within this State having cognizance thereof; and they may elect and appoint all officers necessary, and from time to time make such rules, regulations and by-laws for the management and conducting of said navigation, as they shall think proper: *Provided*, they shall not be repugnant to, or inconsistent with the laws or constitution of this State, or of the United States.

II. *And be it further enacted*, That for the expence and trouble the company may be at in clearing out said part of said creek, and doing various things which may be necessary for the navigation of said part of said creek, the navigation thereof, locks, canals, roads, and every thing appertaining to the same, with all the profits arising from the same, or any part thereof, shall be, and they are hereby vested in said company, their heirs or assigns, for ninety-nine years, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and shall be exempt from the payment of taxes, imposition or assessments; and the toll that the said company may demand for every article carried down or up the whole distance of their navigation, and so in proportion for any part thereof, shall not exceed the following rates, viz. for every pipe of wine, seventy-five cents; for every hog-head of tobacco, seventy-five cents; for every hog-head of rum, seventy-five cents; for every cask or barrel, containing from thirty to fifty gallons, thirty cents; for every cask or keg, six and a quarter cents; for every bushel of corn, wheat, or grain of any other kind, three cents; for every bushel of salt, six cents; for every barrel of beef or pork, twenty-five cents; for every barrel of flour, fifteen cents; for every ton of hemp, flax, pot ash, bar or manufactured castings, or pig iron, copper or lead, or for any ton weight of any other article whatever, one hundred and fifty cents; for every hundred bushels of lime or shells, one hundred and fifty cents; for every hundred pipe or hog-head staves, six cents; for every thousand hoops, twenty-five cents; for every hundred barrel staves or heading, three cents; for every cubic foot of lumber of any kind, twenty cents; for every gross hundred weight of all other commodities or packages, eight cents. And the said company may receive toll on all goods and commodities which may be transported through said navigation, or any part thereof, and they may demand the toll at such place or places as they shall think proper; and if any person refuse to pay the lawful toll, the collector may deny passage, and if any person refusing to pay shall pass through the navigation, it shall be lawful for the collector to seize vessel, cargo, or any thing else wherever found, and sell the same, or so much thereof as may be necessary, giving twenty days notice, at public auction, for ready money, to pay the toll, and the overplus (if any) shall be rendered to the owner, after paying the toll, for expence of seizure and sale: *Provided always*, that any person owning lands on said part of said creek, shall not be prohibited from erecting mills and extending their dams across said creek, provided the owner or owners of such mill or mills will permit the said company to erect locks in their dams for the purpose of boats, at the expence of said company.

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

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

V. *And be it enacted by the authority aforesaid*, That if the said company shall not complete the navigation aforesaid within ten years after the passing of this act, all preference in favour of said company with respect to said navigation, shall be forfeited.

VI. *And be it enacted by the authority aforesaid*, That the said company, and their successors, shall be capable of purchasing, holding and selling, real and personal estate. And if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence; and on a verdict against the plaintiff, or nonsuit or discontinuance, recover costs of suit.

VII. *And be it enacted by the authority aforesaid*, That when the said company shall have completed the navigation as aforesaid, they shall render a summary statement of the money expended therefor, to the Secretary of State, and it shall be his duty to file the same in his office. And it shall be lawful for the State, at any time after the company shall have been receiving the toll on the said navigation ninety-nine years, to take the same, with all the profits, premises and appurtenances thereunto belonging, or in any wise appertaining, for the purpose of navigation only, on paying the company the monies expended thereon, ascertaining the same by the statement filed as aforesaid, with twenty-five per centum advance

1807, in such, in lieu of all profits, issues and advantages that might thereafter accrue to the said company, were they allowed to remain as proprietors, and continue and retain the same.

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

CHAP. XXVI.

An Act to render navigable Colly Swamp, in Bladen County.

WHEREAS the opening and clearing out of Colly Swamp, would be of great utility to the inhabitants in the neighbourhood of the said Swamp :

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 Colonel Samuel Andres, William Beatty, esquire, William Johnston, esquire, Benjamin Lock, James Larkins, Captain John Russ and Elisha Andres, be, and they are hereby appointed, incorporated and stiled *The Colly Swamp Company*, with full power to receive subscriptions and donations from such public spirited persons as may be inclined to aid such a laudable undertaking, and dispose thereof as they may think best, for the purposes aforesaid ; and they, by the same name and stile, may sue and be sued, plead and be impleaded, in any court in the State, and make such rules and regulations for their own government as they shall think proper, not inconsistent with the constitution or laws of this State.

II. *And be it further enacted*, That the said company shall meet at the house of William Bivan, at Colly lower Bridge, in the county of Bladen, on the first day of February next, or in 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 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 persons so appointed, shall have the same power, and exercise the same authorities as the others may or can exercise by this act.

III. *And be it further enacted*, That the said company shall have full power to remove all 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 act, or do any thing designedly to injure said navigation, such person shall be answerable to the said company for double the damage thereby sustained.

IV. *And be it further enacted*, That the same company shall continue their books of subscription and donations open, and shall, when they may judge they have a sufficiency subscribed, proceed with the aforesaid work ; and when the same is completed, the said Colly Swamp shall be and remain a public highway for the transportation of all goods, wares and merchandize, free and clear of toll.

V. *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 agreeably to the tenor of this act.

CHAP. XXVII.

An Act to amend the several laws heretofore passed to improve the navigation of Cape Fear River, and of Deep and Haw Rivers.

WHEREAS the navigation of Cape Fear River, from Averasborough up to the confluence of Deep and Haw Rivers, and of each of the said rivers as far as the same can be effected, would be of public utility ; and it is found by experience, that the sum raised by the sale of three hundred and twenty shares, at twenty-five dollars each, agreeably to an act of Assembly, passed at Raleigh in the year 1796, entitled 'An act to improve the navigation of Cape Fear River and of Deep and Haw Rivers,' is insufficient to carry the object of that act into 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 the commissioners of the Cape Fear and Haw and Deep River Navigation Company, shall have full power and authority to open books of subscription for four hundred and eighty shares, in addition to those already authorised by law, and shall hold the same open, at such place or places as they, or a majority of them, may think proper, until the whole of the said shares shall be subscribed for and taken up.

II. *And be it further enacted by the authority aforesaid*, That the said Navigation Company, their heirs, executors, administrators or assigns, shall have, hold and enjoy, a complete title in fee simple in and to the said Navigation, and hold the same as real estate, for and during the term of ninety-nine years, and for that term be further entitled to all such privileges and advantages as they have heretofore held, or now hold, under the several laws of this State, respecting the navigation of said rivers.

CHAP. XXVIII.

An Act to establish a Turnpike Road, from the west end of Mattamuskeet Lake, to John Jordan's, in Rose Bay, in Hyde County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That it shall and may be lawful to open books of subscription, under the direction of Hugh Jones and Seldon Jasper, in said county, for the purpose of receiving subscriptions for one hundred shares of fifty dollars each ; and said books shall be opened on or before the last Monday in February next, and kept open until the tenth day of May inclusive, unless the said shares should be sooner subscribed ; and on the tenth day of May next, there shall be a meeting of the subscribers at the court-house in Germantown, in said county, and if it shall appear that fifty shares, or more, shall be subscribed ; then

and from thenceforth, the said subscribers and their assigns shall be, and are hereby constituted a body politic and corporate, by the name and stile of *The Rose Bay Turnpike Company*, for and during the term of ninety-nine years thereafter, and shall be able and capable in law, of contracting, suing and being sued, in any court of law or equity.

II. *And be it further enacted*, That at the meeting of said subscribers, and at every future meeting, they shall proceed to appoint a President and three Directors, by ballot, and every subscriber shall have one vote for each share he shall have subscribed, as far as ten shares, and one vote for every five shares thereafter, either by himself or proxy; and the President and Directors may appoint a Secretary and Treasurer, and prescribe their duties; and the said Treasurer shall give bond and security to the said corporation in the sum of five thousand dollars, for the faithful and honest discharge of his duty. And it shall be the duty of the President and Directors to carry into effect all such by-laws, rules and regulations, as the said corporation shall, from time to time, establish, not inconsistent with this act, or the laws of this State, or the United States.

III. *And be it further enacted*, That the said subscribers, at their meetings aforesaid, and at any subsequent meeting, shall make and establish all such rules, regulations and by laws, as shall appear to them right and just, and from time to time amend, alter or revoke, all such laws, rules and regulations, and shall appoint the times of their future meetings.

IV. *And be it further enacted*, That the shares subscribed as aforesaid, shall be paid by instalments, in such manner and at such times, as the said corporation shall direct: *Provided*, that any such instalment shall not exceed ten dollars for every six months. And if any stockholder shall fail or neglect to pay any instalment thereof, agreeably to the directions of the said company, for one month after the same shall become due, and notice thereof given, his said share or shares shall be forfeited to the company.

V. *And be it further enacted*, That the road aforesaid shall begin at the west end of Mattamuskeet Lake, extending the way the road is now laid off to the main public road at John Jordan's, and shall be deemed a public highway. And the said company shall cause the said road to be well and sufficiently made, at least sixteen feet wide, with a ditch or ditches sufficiently large to drain and carry off the water, so as to prevent its running over or standing on said road, and the work shall be begun in one year, and be completed within four years from the passing of this act.

VI. *And be it further enacted*, That when the said road shall be in such good order, that any man may pass with safety on horseback, the said company shall be entitled to demand and receive, during the aforesaid term of ninety-nine years, at some convenient place or places on said road, the following rates of toll, that is, from each person passing on foot, ten cents; for a man and horse, twenty-five cents; for every two-wheel carriage, with its team and contents, fifty cents; for every four-wheel carriage, with its team and contents, one dollar; for every single or led horse, fifteen cents, and no other property shall be subject to pay toll.

VII. *And be it further enacted*, That all the emoluments, profits and advantages arising to the said company, shall be paid in equal dividends to each stockholder, in proportion to his number of shares, at least once in twelve months.

VIII. *And be it further enacted*, That the said corporation shall also, after finishing and completing said road, continue to keep it in good and sufficient repair, during the time they are entitled to collect the toll; and should the company fail or neglect so to do, the county or superior court may proceed against them as against any overseer of a public road; and the said company shall also be liable to the damage of any person who may be injured in consequence of the insufficiency of the said road.

CHAP. XXIX.

An Act to authorise certain persons therein mentioned to erect a Draw-Bridge across Trent River, in Jones County, and to repeal the fourth section of an act, passed at Raleigh, in the year 1806, entitled "An act to incorporate a company for the improvement of the navigation of Trent 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 Joseph Sanderson, Joseph Hatch, Josiah Howard and Benjamin Simmons, esquires, be, and they are hereby appointed commissioners, with full power and authority to build a draw-bridge across Trent River, in Jones county, at or near a place called Trent Ferry, by subscription or otherwise, as they may deem most expedient to effect the same.

II. *And be it further enacted*, That the draw shall be so constructed as to be easily drawn, that vessels of any burthen which can come up said river, may pass through without being obstructed by said draw.

III. *And be it further enacted*, That if there shall not be a sufficient sum received by subscription to complete the building aforesaid, and the aforesaid commissioners should build the same, or cause the same to be built, the said commissioners are hereby empowered and authorised to receive the following toll, viz. for every four-wheel carriage, forty cents; for every two-wheel carriage, the sum of twenty-five cents; for every man and horse, ten cents, until the balance be made up to said commissioners; after which, said bridge to be free from toll: *Provided nevertheless*, that no subscriber for building said bridge shall be subject to pay toll at any time.

IV. *And be it further enacted*, That the fourth section of the above-recited act, be, and the same is hereby repealed and made void.

CHAP. XXX.

An Act to confirm the provisions of an act, passed by the Legislature of Virginia, entitled "An act authorising Thomas Wilson to erect a Wing-dam, from his land in the county of Mecklenburg, extending from the south bank of Roanoke River into the same," passed the first day of January, 1807.

WHEREAS it appears from the above-recited act, that Thomas Wilson, merchant, of the city of Richmond, is empowered to erect a dam in Roanoke River, from his lands in the county of Mecklen-

1807burg, extending from the south bank of said river into the same; and it is therein provided, that the said act should not be in force until the same should be confirmed by an act of the Legislature of this State:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the provisions contained in the above-recited act, be, and they are hereby fully and absolutely confirmed.

CHAP. XXXI.

An Act to appoint Commissioners to fix on a suitable and central place in the County of Guilford, for erecting the Court-house and other public buildings, and for other purposes therein mentioned.

WHEREAS it is represented to this General Assembly, by petition from a large number of the inhabitants of Guilford county, that the present court house and prison are falling into decay, and that new buildings have become necessary:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Armfield, Esq. Doctor David Caldwell, jun. Charles Bruce, Hugh Forbes, Nathan Mendenhall, Jacob Clapp and George Swaine, be appointed commissioners to contract with workmen for building a court-house, prison and stocks, on such convenient spot, contiguous to, or at the centre of said county, as they, or a majority of them, shall think most suitable; and for defraying the expence of said buildings.

II. *And be it enacted by the authority aforesaid, That the said commissioners shall have full power and authority to sell, at public auction, the present court-house of the said county of Guilford, together with the public ground whereon it stands; and also to purchase a quantity of ground, not less than thirty acres, at such place as may be fixed on for erecting the public buildings in said county of Guilford, and the said commissioners shall have full power and authority to lay off the said ground in lots of a convenient size, and sell the same (except so much as is necessary for the public buildings) to the highest bidder, and faithfully appropriate the money arising from the sale aforesaid, to discharge the expence of building a new court-house, as appointed by this act; which money, together with that voluntarily subscribed by the inhabitants of said county, shall only be appropriated in building and completing the same.*

III. *And be it further enacted by the authority aforesaid, That the said commissioners shall have full power and authority to sell the goal of the said county of Guilford, together with the public lot whereon it stands, at public auction, and appropriate the money arising from such sale towards discharging the expence of building a new goal, as appointed by this act.*

IV. *And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority, for and on behalf of the said county of Guilford, to execute conveyances, in fee simple, for all such lots or public ground as they are authorised to sell by this act.*

V. *Be it further enacted, That, until a new court-house, prison and stocks be erected by the commissioners, the court shall continue to be called and held at the old court-house in the town of Martinville, and then it shall be adjourned from thence to the place where the commissioners shall erect the new one, and ever after continue to be there held, called and adjourned, from time to time.*

CHAP. XXXII.

An Act to provide for building a new Goal in the County of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Captain James Bradley, Charles Carroll, John Ellis, General Thomas Brown and Isaac Wright, be, and they hereby are appointed commissioners to contract with a person or persons to build a goal in said county, in the town of Elizabeth, of such dimensions as they, or a majority of them, may think proper; and when the expence thereof is ascertained, they shall certify the same to the court of the said county.

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 shillings 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, and in the same manner, and by the same persons that collect the public tax of said county.*

III. *And be it further enacted, That the commissioners aforesaid are authorised and empowered to sell the present goal and lot, at auction, on a credit of twelve months, and the money arising therefrom to be appropriated towards building the new goal; and that the commissioners aforesaid shall have full power and authority to fix on a proper place within the said town whereon they may erect the said goal.*

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 goal.*

V. *And be it further enacted, That the surplus money collected (if any) shall be disposed of in such manner 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 expence 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. XXXIII.

1867

An Act to provide for the repairing, and rebuilding, if necessary, the Goal in the county of Chowan.

WHEREAS it is represented to this General Assembly, that the goal in the county of Chowan is so defective, as to render it doubtful whether it can be repaired sufficient to answer the requisite purposes: *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Josiah Collins, John Skinner, John Little, James Hathaway and Baker Hoskins, or a majority of them, be, and they are hereby appointed commissioners to examine the said goal, and determine on the expediency of repairing it, or building a new goal; and in case they determine on the latter, they, or a majority of them, are authorised to sell and appropriate the amount, or to use the materials of it, if practicable, towards building a new goal and goaler's house, of such dimensions, and in such manner, as they think proper, and inclosing the yard thereof. And when the expences are ascertained, they shall certify the same to the first court of said county that shall happen thereafter.

II. *And be it further enacted*, That it shall be the duty of the said county court (a majority of the acting justices being present) immediately to lay a tax for the purpose of defraying said expence, not exceeding three shillings on each and every poll, three shillings on every hundred pounds value of town property, and eight-pence on each and every hundred acres of land, to be collected and accounted for, in the same manner, and by the same persons who collect the public taxes of said county, and under the same penalties and mode of recovering, upon failure.

III. *And be it further enacted*, That the county court is hereby authorised to lay a tax annually, not exceeding the sum aforesaid, for the purpose of completing the said goal, goaler's house and inclosure, until the same shall be fully paid for.

IV. *And be it further enacted*, That the commissioners, or a majority of them, shall appoint a treasurer, who shall enter into bond, with sufficient security, to the chairman of said county court, for the faithful discharge of his duty, in accounting for and paying such monies as may come to his hands, to the person or persons who may undertake to repair or build said goal; and the said treasurer, for his services, shall be allowed two and one half per cent. on all monies by him paid out.

V. *And be it further enacted*, That the said commissioners, or a majority of them, shall, when the said goal, goaler's house and inclosure is completed, receive the same, if finished agreeable to contract, and shall exhibit a statement of their trouble and expences to the said county court, which is hereby authorised to allow them a reasonable compensation therefor, to be paid out of the monies arising from said tax; and the surplus money, if any, shall be disposed of in such manner, and for such county purposes, as a majority of the acting justices of said county may direct.

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

CHAP. XXXIV.

An Act authorising the Court of Pleas and Quarter Sessions of the County of Craven to build a new Jail, and also to erect a Poor house for 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 court of pleas and quarter sessions for the county of Craven, be, and they are hereby authorised, provided two-thirds of the acting justices of said court be present, to order and direct that the lot in the town of Newbern, whereon the public jail now stands, and also the said jail, with all its materials, be sold, upon such terms, and in such manner as they may deem most advantageous for said county; and at the time of making such order, the said court shall appoint four persons who, with the treasurer of public buildings for said county, shall be commissioners for carrying the said order into effect, and for that purpose, have full power, by a deed executed by them, or a majority of them, to convey a full and absolute right and title, in fee simple, to the purchaser or purchasers thereof.

II. *And be it further enacted*, That the commissioners aforesaid shall have power to purchase in the town of Newbern, or within the vicinity thereof, a piece of land not exceeding two acres, for the purpose of erecting thereon a new jail; provided, that no contract for the purchase thereof shall be valid, until it receive the sanction of said court.

III. *And be it further enacted*, That the said court be authorised, and they are hereby authorised and empowered to erect a new jail on the piece of land so purchased, in the manner now prescribed by law for repairing, altering and improving public buildings; and when the same shall be, in their judgment, sufficient for the safe-keeping of prisoners, they shall and may direct the jailor of said county to remove, with all his prisoners, thereunto, and the same shall thenceforth be deemed and held the public prison of the county of Craven.

IV. *And be it further enacted*, That the said court be authorised, and they are hereby authorised, two thirds of the acting justices being present, to cause to be erected a poor-house for the said county, and a proper quantity of land to be purchased therefor, not exceeding two acres, and shall have authority, in case the same shall appear expedient, to unite the plan thereof with that of the jail aforesaid.

CHAP. XXXV.

An Act for the support and employment of the Poor of Cumberland County.

WHEREAS the erecting of a house or houses for the employment of the poor of said county, and such idle persons as refuse to exercise any lawful calling for their support, would be the means of releasing the inhabitants of said county from a considerable part of the expence of their maintenance:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That the said wardens shall be, and are hereby authorised to erect within the town of Fayetteville, or within one mile of its vicinity, a house or houses for the residence and employment of persons of the above descriptions, in which there shall be two separate apartments, one for the employ-

ment of such persons as shall be able to contribute towards their own support by their labour, and shall be called a *Work-house*, and another for the reception and lodging of such poor as shall be unable to labour, to be called the *Alms-house*. And the said wardens shall appoint a director of said house or houses, and purchase such furniture, implements and materials for work, as they, from time to time, may deem requisite, and shall and may remove to, and distribute in such house or houses, all the poor of said county, which shall not, at the time of erecting 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 work-house: And in order to enable the said wardens to erect the necessary buildings,

II. *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 are hereby authorised to lay and collect, 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 and every hundred acres of land in said county, for each and every year hereafter; to be levied and collected by the sheriff of said county, and accounted for, to and with the 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 Fayetteville a proper place to erect any building which they are hereby authorised 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.

III. *And be it further enacted*, That a book or books shall be kept of the earnings of each person committed to the work-house, and the nett amount of the earnings of each individual shall be applied to and for the support of said house, and the use of such individuals, or his or her family, as the said wardens, by some general regulation, may order.

IV. *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 for 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 bind said person over to the next county court, there to have a rehearing, and if it shall appear to the satisfaction of the court and jury, that the charges exhibited against said person are true, then and in that case the court shall have full power, and are hereby authorised to sentence such person to the work-house for any time not exceeding six months, to be kept at hard labour, unless he or she shall find security, at the discretion of said court, 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 a house for lodgers in said county, without the consent of the wardens of the poor. And whereas many disorderly persons, by their idleness may fall sick, and become chargeable to the parish in Cumberland county, and may be unwilling or unable to reimburse the expences which may have been incurred in their cure and recovery,

V. *Be it enacted*, That in case any such person shall incur any such expence in manner aforesaid, and be unable or unwilling to pay such expence, such wardens shall and may detain such person in the work-house until the earnings of his or her labour 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.

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

CHAP. XXXVI.

An Act to establish a Poor-house 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 it shall and may be lawful for the wardens of the poor in the county of Duplin, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the court of pleas and quarter sessions in said county, and the court is hereby directed and empowered to lay a tax, not exceeding two shillings on every poll, and eight-pence on every hundred acres of land, to be collected and accounted for as other taxes are in said county; which tax, when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the wardens incapable, through old age or other infirmities, to procure subsistence for themselves. And the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided for, with good cloathing and

wholesome diet, and to enforce all such regulations as shall be established, from time to time, for the well ordering and governing said poor; which regulations the said wardens are hereby empowered to make. And the said keeper or overseer, for his services, shall be allowed each year such sum as the wardens appointed by this act may deem adequate, to be paid out of the tax laid for that purpose; and the keeper or overseer of said poor is hereby required to put to moderate labour, such of the poor under their care as they shall judge capable to labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.

CHAP. XXXVII.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a power be vested in the justices of the county court, or a majority of them, to lay a tax on the inhabitants of said county, not exceeding three shillings on each poll, one shilling on every hundred acres of land, and three shillings on every hundred pounds value of town property, for the years one thousand eight hundred and seven and one thousand eight hundred and eight, if by them deemed necessary, and to be collected and accounted for as other taxes, and to be appropriated and applied to the purpose of building a prison and stocks, and the finishing the court-house in said county.

II. *And be it enacted,* That the said county court shall and may appoint three discreet persons to act as commissioners of the public buildings, whose duty it shall be to employ some proper person or persons to finish the court-house substantially, to erect stocks and a strong and sufficient prison, with three or four several apartments therein, agreeable to act of 1795, c. 4. §5. and a governor's house appended thereto. And the said commissioners shall superintend the said public buildings until they shall be completed, and shall have power, from time to time, agreeable to contract made with the undertaker or undertakers of the said buildings, to draw drafts upon the county treasurer for the amount of the expenditures, and shall make a fair statement of their progress, from time to time, and report make thereon to the said court, until the whole business shall be completed. And the county treasurer shall also, from time to time when required, give an account of the drafts made on him by the commissioners, and of the monies collected and on hand, or otherwise.

III. *And be it enacted* That the county court of Pasquotank shall have power to call all and every person, commissioners or others, to account, and may direct suits to be brought against all or any of the former commissioners or others, who have or hold any public monies in their hands regarding the premises, and on recovery, the same shall be lodged in the hands of the county treasurer, for the purposes aforesaid.

IV. *And be it further enacted,* That the monies raised by the sale of the former poor-house at Nixon-ton, and that collected by the wardens of the poor, agreeable to an act of 1805, intended for the purpose of building a new poor-house, shall be applied to the use of building the public buildings at Elizabeth City; and the county treasurer shall be at liberty to call upon the sheriff of the county, or others in whose hands the same may be, under the direction of the court, and to be applied to the purposes above mentioned.

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 the said county may direct; and that the commissioners, when the business of the public buildings is completed, shall be allowed by the court aforesaid, a reasonable compensation for their trouble, to be paid them out of the monies arising from the said tax.

VI. *And be it enacted,* That the power of the commissioners, appointed under an act, entitled "An act to authorise the county court of Pasquotank to lay a tax for the purpose of building a prison and stocks, and finishing the court-house in the said county," passed in the year 1805, is hereby repealed and made void.

CHAP. XXXVIII.

An Act to amend an act, passed last session of the General Assembly, to build 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 Fulinwider, John Hoke, Joseph Morris, John Ramsour, sen. John Morris, Lawson Henderson and Philip Casler, be, and they are hereby declared to have full power to contract with some person or persons to supply materials to build a new court-house, prison and stocks, in the county aforesaid, and town of Lincolnton, and the said court-house shall be placed at the centre of the public square, and the prison and stocks on such other part or parts thereof as the aforesaid commissioners, or a majority of them, may think proper; and when the expenses thereof are ascertained, they shall certify the same to the first county court which may happen after the first day of March next.

II. *And be it further enacted by the authority aforesaid,* That so much of the above recited act as comes within the meaning and purview of this act, *be,* and the same is hereby repealed and made void.

CHAP. XXXIX.

An Act empowering the County Court of Mecklenburg to lay a further county tax for completing and finishing the Public Buildings 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 at any of the courts of pleas and quarter sessions held for the county aforesaid, which may happen previous to the first day of August, one thousand eight hundred and eight, a majority

1807 of the acting justices of said county are hereby authorised and empowered to lay a county tax, not exceeding four shillings on each poll, and one shilling and four-pence on every hundred acres of land, and four shillings on every hundred pounds value of town property; which tax when laid, shall be levied, collected and accounted for, in the same manner, and under the same rules, regulations and restrictions as other public taxes, and shall be collected and accounted for in the years one thousand eight hundred and eight and one thousand eight hundred and nine.

II. *And be it further enacted*, That the surplus of said taxes, if any, after completing and finishing said public buildings, shall remain to be disposed of by said county court, and for such county contingencies as they may direct.

CHAP. XL.

An Act to authorise the County Court of Currituck to lay a tax for the purpose of defraying certain expenses therein mentioned.

WHEREAS there are in the county of Currituck two causeways made across large, and otherwise impassable marshes, the keeping of which in repair necessarily requires a large quantity of timber: And whereas the lands lying on these marshes are of inconsiderable value, were it not for the timber, the cutting of which for the use of the said causeways, is injurious to the owners, if they receive no remuneration therefor: For remedy whereof,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Currituck are hereby authorised and required to lay an annual tax, not exceeding two-pence on every poll, and two-pence on every hundred acres of land, to be collected and accounted for as all other taxes in said county, for the purpose of paying annually to the owner or owners, the value of such timbers as may be cut off their lands for the keeping up and repairing the causeways aforesaid; which value shall be ascertained by commissioners to be appointed by the court of said county, and on the report of the commissioners, the court shall direct an order to be made out in the name of the owner or owners of such lands or timber, in whose behalf the said commissioners shall have reported. And the order or orders so obtained, shall be received by the sheriff in payment of the county and parish taxes of the persons obtaining the same; but if the order or orders amount to more than the said taxes of those who obtain such order or orders, then the balance, after deducting the taxes aforesaid, shall be paid by the county treasurer.

CHAP. XLI.

An Act to empower nine Justices of the Peace of Montgomery County to lay the tax of said county.

WHEREAS it very frequently happens that a majority of acting justices of Montgomery county are not present to lay the tax at the time appointed by law: To remedy which,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for any nine justices of the peace in court to lay the tax for said county, under the same rules regulations and restrictions as have been heretofore observed in laying such tax; any law to the contrary notwithstanding.

CHAP. XLII.

An Act to amend an act, passed last session of the General Assembly, entitled "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 be, and they are hereby authorised to lay an additional tax, for the purpose of completing the bridge across Scuppernon river, whenever they deem the same necessary; any law to the contrary notwithstanding.

CHAP. XLIII.

An Act to amend an act, passed in the year one thousand eight hundred and four, entitled "An act to empower the persons therein mentioned to call to an account and settle with former Sheriffs and Trustees of Richmond County."

WHEREAS the commissioners appointed in the above-recited act, did neglect to perform the duties enjoined, by which it has not answered the good purposes expected:

Be 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 of Richmond shall be divided into three districts; that is to say, the first battalion shall compose the first district, the second battalion shall compose the second district, the third battalion shall compose the third district; and Angus Gilchrist is appointed commissioner for the first district, and John Graham for the second district, and Jesse Baldwin for the third district; which county commissioners, upon receiving official notice of their appointments, shall form a board and appoint a county treasurer, who shall give bond with approved security, in the sum of two thousand pounds, payable to the Governor and his successors in office, conditioned for the faithful discharge of the trust reposed in him, whose duty it shall be to keep a well bound book, in which shall be entered the monies received and disbursements made, with a reference to the items. And it shall be the further duty of the board, to punch and file in said office, all the claims, receipts, draughts and orders exhibited or paid; and at the first two days of the county courts to be held for said county, after the first day of January in every year, to publish and set within the walls of the court-house, a correct statement of the preceding year's transactions, and file a similar copy in the superior court clerk's office, under the penalty of one hundred pounds, to be sued for and recovered in the name of the Governor, by action of debt, one half to the use of any person who may sue for the same, the other half to the use of

the county. And it shall be the duty of the attorney or solicitor acting in behalf of the State, to support¹⁸⁷⁷ and defend all suits which may be brought to recover the said fine, or any other incurred by virtue of this act.

II. *And be it further enacted*, That the said county commissioners, or their successors in office, are vested with full power and authority to call to an account all former commissioners, collectors, sheriffs, county trustees or county treasurers of public buildings, wardens of the poor, or any other person or persons who has had, or may have, the management of their said county and parish tax, whose duty it shall be to render a just account, by a fair statement, to the said commissioners, within thirty days after a demand is made in writing. And in case any trustee, county treasurer, sheriff, warden, or any other person or persons who have had the management of any monies appertaining to the said county, shall fail, refuse or neglect to render such statement, or pay up the balance, the county treasurer is hereby empowered to proceed against such delinquents and obtain judgments for the balances which may appear due, in the same manner as is directed by law for the public treasurer to obtain judgments against delinquent sheriffs for the non-payment of public taxes.

III. *And be it further enacted*, That the money, when collected and in the hands of the treasurer, shall be applied solely to the purpose for which the said tax was first intended, and shall be liable to the draughts or orders of the commissioners for the time being, which orders and draughts shall be sufficient vouchers for the county treasurer in the settlement of his accounts.

IV. *And be it further enacted*, That to enable the county treasurer to procure testimony, commence and prosecute suits for the recovery of any balances aforesaid, and for full compensation for his trouble and expences, he shall be entitled to receive a commission of ten per cent. on all monies received from any delinquent as aforesaid, and on all other monies two and a half per cent.

V. *And be it further enacted*, That when any vacancy happens, by resignation or otherwise, it shall be the duty of the county treasurer to signify such vacancy in writing to the county court of said county, whose duty it shall be to appoint another county commissioner within the district where such vacancy shall happen, and the said commissioner shall be entitled to receive the same pay as the commissioner formerly appointed: *Provided always*, that the time charged shall not exceed six days.

VI. *And be it further enacted*, That all laws or clauses of laws which direct that a county trustee or treasurer of public buildings shall be appointed within the aforesaid county of Richmond, or any other acts of the General Assembly which come within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. XLIV.

An Act to alter the time for appointing Sheriffs 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 in future, it shall be lawful for the county court of Lincoln, at their April term in each and every year, to appoint their sheriff; which appointment shall take place under the same rules, regulations and restrictions, as all other elections of a similar nature within this State.

II. *And be it further enacted*, That the sheriff who shall be elected at the ensuing April term, shall collect, settle and fully account for all the public taxes of said county, for the year 1807. And the present sheriff (unless he be re-elected at the time here-in specified) shall be released and exonerated from the collection and payment of the taxes for the aforesaid year; any law, usage or custom to the contrary notwithstanding.

CHAP. XLV.

An Act to limit the number of Constables in the County of Ashe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That not more than two constables shall be in each captain's company or district in the county of Ashe, which constables shall be appointed by the county court of said county: *Provided always*, that seven acting justices of said county are present when said appointment takes place; which constables shall enter into bond with two sufficient securities in the sum of five hundred pounds, and be under the same rules and regulations as are prescribed by law for the performance of the duty of constables; any law, usage or custom to the contrary notwithstanding.

CHAP. XLVI.

An Act pointing out the mode of making compensation to Patrols in Randolph County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all patrols who shall be appointed for the county of Randolph, shall be exempt from the payment of any county or parish tax, and from working on roads, for the year in which they may respectively serve, which shall be considered as a full compensation for their said services; any law to the contrary notwithstanding.

CHAP. XLVII.

An Act to amend an act, entitled "An act for the government of Elizabeth City."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the limits and boundaries of the said town of Elizabeth City, shall be extended so as to run up the Pasquotank river, north and south of the town, through the middle or midst of the two branches lying on each side of the town, until it strikes a line running westwardly, so as to include the improvements that are at present within the said limits, together with the lot laid off for the Baptist

meeting-house, which bounds shall be run and laid off agreeably to the said act, respecting the government of Elizabeth City, and shall be held and deemed as within the limits and jurisdiction of the said town.

II. *And be it further enacted*, That so much of the said act as relates to the mode of choosing and appointing commissioners for the regulation of the said town is hereby repealed and made void, from and after the first Monday of March next; and that Bailey Jackson, Timothy Cotter, John Lane, Isaac O. Verman and William T. Muse, esquires, or any three of them, shall be, and are hereby appointed commissioners, after the time aforesaid, with all the powers and authorities granted to the former commissioners by the said act; and in case of death, absence or resignation, the county court of Pasquotunk is hereby authorised to appoint others in their stead.

CHAP. XLVIII.

An Act to incorporate the town of Plymouth, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the government of the town of Plymouth, shall be vested in the following commissioners, and their successors in office, John Armistead, Ezekiel Hardison, Asa Hardison, David Clark and James M'Donald.

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

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

IV. *And be it further enacted*, That it shall be the duty of the commissioners generally, in all things to superintend the police of the said town, and to support the peace and good of its inhabitants, and others who may be there, and to suppress and punish all riotous, disorderly and profane assemblies, especially on the sabbath, whether of free persons or of slaves; and for the prevention of criminal trespasses, offences and breaches of the peace, the said commissioners, either jointly or separately, are hereby invested with all the powers and authorities of a justice of the peace, and the town-sergeant or constable or constables, appointed by the said commissioners, shall be entitled, on all process, to the same fees as constables are entitled to before a justice of the peace out of session.

V. *And be it further enacted*, That the said commissioners shall fix their stated meetings, which shall be at least once in three months; and if any commissioner, on due notice, shall fail to attend, unless prevented by sickness or other good cause satisfactory to the board, he shall forfeit and pay the sum of twenty shillings, to be recovered before any justice of the peace, for the use of the said town.

VI. *And be it further enacted*, That the commissioners shall have full power and authority to make and ordain such rules, regulations and ordinances, as they may deem expedient (not inconsistent with the laws of this State, or of the United States) to prevent any persons whatever from being brought or coming into the said town, whether by land or water, who shall have, or be supposed to have, any contagious or infectious disease, and may compel vessels coming in the said port of Plymouth, to ride quarantine in some proper quarantine ground, laid off for that purpose.

VII. *And be it further enacted*, That at any meeting of the said commissioners, a majority of the members named in this act, shall be competent to carry this act into effect, as if the whole number had met.

CHAP. XLIX.

1807

An Act to appoint Commissioners for the better regulation and good government of the town of Asheville, in Buncombe 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 Patton, John Patton, George Swain and Z. bulon Baird, be, and they are hereby appointed commissioners of the town of Asheville, in Buncombe county, in addition to those heretofore appointed. And the said commissioners, or a majority of them, shall have full power and authority to adopt such rules and by-laws for the good government of said town as they may, from time to time, deem expedient and necessary, so that the same are not inconsistent with the laws or constitution of this State; any law to the contrary notwithstanding.

CHAP. L.

An Act to appoint Commissioners for the town of Hertford, in Perquimons County, and for other purposes,

WHEREAS it is represented to this General Assembly, that a majority of the commissioners of the town of Hertford, in Perquimons county, have died or removed from the same, and that it is essential for the good government of said town, that others be appointed in their room: Therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John Clay, John Wood, Thomas Granbury, Josiah Sambourn and Robert B. Wheaton, be, and they are hereby appointed commissioners for the said town of Hertford, who shall have the same power and authority, and be governed by the same rules, regulations and restrictions as were prescribed for the commissioners heretofore appointed for the government of the town aforesaid.

II. *And be it further enacted,* That the commissioners of the said town be, and they are hereby authorised and directed to sell, at public sale, all the lots in the said town which remain unsold by the commissioners thereof, and to pay the money arising from such sale to the person or persons justly entitled to receive the same, under the original proprietor Jonathan Phelps, should it not exceed forty shillings for each lot so sold; but should it exceed that sum, then such excess to be applied to the use and benefit of the said town.

CHAP. LI.

An Act to appoint Commissioners for the town of Sarecta, in Duplin County, and to enlarge the authority of the Commissioners of the town of Wilmington, and to exempt the Commissioners of Navigation for the port of Wilmington from serving as Jurors.

WHEREAS it is represented to this General Assembly, that a majority of the commissioners of said town are dead, and the remainder unwilling to serve: Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That James Hall, John Houston, Samuel Houston, Jacob Williams, Stephen Miller, Isaac Kornegay and Owen O'Daniel, be appointed commissioners for the said town of Sarecta, in Duplin county, and the said commissioners shall have the same powers and authorities as those heretofore appointed.

II. *And be it further enacted by the authority aforesaid,* That the commissioners of the town of Wilmington shall have, and are hereby declared to have, full power and authority to prevent hogs, goats and other animals from running at large in said town, by such rules and regulation as they may, from time to time ordain and establish for that purpose, or by imposing such taxes on said animals, or any of them, as they may deem proper. And the said commissioners shall also have power to make such rules and regulations for the government of slaves hiring out as day-labourers in said town, under any of the acts of the General Assembly made for the regulation of said town, as they shall deem proper; and from time to time alter the nature of the badges which they shall give for that purpose, and the price or sum which they shall, from time to time require to be paid for the same.

Whereas the commissioners of navigation for the port of Wilmington, are by law compelled to adjust all matters of dispute between the pilots of Cape Fear River and Bar, and between said pilots and masters of vessels, which renders it necessary for them to convene and meet together whenever called upon,

III. *Be it enacted,* That the said commissioners be, and are hereby declared to be exempt from serving as jurors in any of the courts which shall be held in the town of Wilmington.

CHAP. LII.

An Act to lay off a Town on the lands of John Wootton in Bladen County, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That John Wootton, Richard Faulk, Absalom Powell, Thomas Wootton and Uriah Flowers, be, and they are hereby appointed commissioners for the purpose of laying off a town on the lands of the said John Wootton, in Bladen county, known by the name of Fair Bluff, on Drowning Creek; which town, when laid off by the said commissioners, shall be called and known by the name of Wootton, and the lots thereof shall be for the sole benefit and free disposal of the said John Wootton.

II. *And be it further enacted,* That a separate election shall hereafter be held at the house of Elias Nicols, on Porter's Swamp, 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.

1807

CHAP. LIII.

An Act to provide for the election of Commissioners for the town of Smithville.

WHEREAS no election has taken place in the town of Smithville since the expiration of the term for which the last commissioners were elected, and it is now without the superintendence of such persons :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the town-clerk, or any one of the former commissioners, to give notice, on or before the first day of January next, by advertisement at the school-house and two other public places in the said town, that an election for five commissioners will be held at said school-house, on the third Saturday of the same month ; which commissioners shall thenceforth continue in office for the period or length of time already appointed, namely two years, and have the same powers, privileges and authorities, as if they had been elected at the time heretofore appointed by law. And the biennial elections of commissioners shall, in future be on the third Saturday of January in each and every two years ; and in case of death, resignation, or any other sufficient cause to prevent the town-clerk or his deputy from attending said election, the commissioners last serving, or a majority of them, or in case such commissioners do not attend, any three justices present, or two justices and one commissioner, shall and may appoint proper persons to superintend said election.

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

CHAP. LIV.

An Act to establish a Town in the County of Montgomery, on the lands of John Billingsly.

BE 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 town shall be established on the lands of John Billingsly, at his store in Montgomery county, which shall be called and known by the name of *Edinburg*.

II. *And be it further enacted by the authority aforesaid.* That John Billingsly, Benjamin Scarborough and John Lilly, jun. be, and they are hereby appointed commissioners to lay off said town upon such plan as they may think proper.

III. *And be it further enacted,* That the lots so laid off, shall be disposed of by the said John Billingsly to his own benefit ; any thing to the contrary notwithstanding.

CHAP. LV.

An Act to regulate the town of Germantown, in Hyde 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 Ormond Tooley, John Umford and Israel Wilkinson, be, and they are hereby appointed commissioners of the said town of Germantown, who, together with the other commissioners of said town, shall have power and authority to open and clear the streets of said town, by removing of any buildings, fences or other obstructions that may encroach upon the same : In the execution of which duty the said commissioners are authorised to use their discretion, so as not to do any person an injury, unless the convenience of the public require it.

II. *And be it further enacted,* That the inhabitants of said town shall be exempt from working on the main road, but shall work on the streets of the said town, in like manner as they have heretofore been bound by law to work on the main road, and shall, on failure, be subject to the same penalties.

III. *And be it further enacted,* That it shall be the duty of the inhabitants of said town to clear and keep down the weeds and bushes on the public lots in said town.

CHAP. LVI.

An Act to appoint Commissioners for the town of Williamston.

WHEREAS it is represented to this General Assembly, that a great part of the commissioners for the town of Williamston, in the county of Martin, is either dead or removed from said town ; and it being uncertain whether those remaining have power to supply the vacancy by appointing others :

Be 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 aforesaid, shall meet at the court-house in said town, on the last Saturday in March next, and there, under the direction of one justice of the peace and two freeholders, shall elect by ballot five freeholders, residents of the town aforesaid, commissioners for the town aforesaid.

II. *Be it enacted,* That the commissioners so appointed shall have full power to adopt such rules, regulations and by-laws as may appear necessary for the regulation and good government of said town : *Provided* such rules and by-laws be not inconsistent to the laws and constitution of this State.

III. *Be it further enacted,* That in case of the death, removal, or refusing to act, of any of the above commissioners, such vacancy may be supplied in the manner above directed ; any law to the contrary notwithstanding.

CHAP. LVII.

An Act to amend an Act, passed in the year one thousand seven hundred and ninety-nine, for laying off a Town in the county of Wilkes.

WHEREAS the commissioners appointed to lay off the said town, did fail to designate some of the back lots and cross streets by setting up substantial and lasting posts ; and by a late survey made from the original plan, it does appear that Jesse Robinett hath erected buildings of considerable value across one of the cross streets leading from the main street, south-east : Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Jesse Robinett is hereby authorised and empowered to open a street of the same width of the one so closed as aforesaid, beginning on the main street, sixty feet east of the one so closed, and running back parallel with the other cross-streets to the first street running parallel with the main street of said town.

II. And be it further enacted, That when the street shall be laid off as aforesaid, it shall be considered a public street, and the one closed as aforesaid to be the private property of the said Jesse Robinett, his heirs and assigns, and the same shall be as good and valid in law as if the same had been done by the commissioners aforesaid: Provided, that the said Jesse Robinett shall carry this act into effect on or before the first day of May next; any law to the contrary notwithstanding.

CHAP. LVIII.

An Act for the better regulation of the town of Charlotte, in Mecklenburg 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 Davidson, Archibald Trice, James Faires, William Allison and William Carson, be, and they are hereby appointed commissioners, with full powers and authority to make such rules and regulations for the better government of the said town, as they, or a majority of them, shall or may agree upon; and they are hereby fully authorised and empowered to make such by-laws and rules for the better government thereof, and have full powers to enforce the same: Provided, such rules, regulations or by-laws, shall not be inconsistent with the constitution or laws of this State, or of the United States.

II. And be it further enacted, That in case of death, removal or refusal to act, of any of said commissioners, that the remaining one shall have full power and authority to appoint another, or others, in his or their stead who shall have full powers and authority to act as those appointed by this act, or any of them.

III. And be it further enacted by the authority aforesaid, That the laws heretofore passed, so far as respects the appointment of commissioners for said town, be, and the same is hereby repealed and made void.

CHAP. LIX.

An Act to enlarge the authority of the Commissioners of the town of Newbern.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Newbern be, and are hereby authorised to fix, by an ordinance, the number of slaves which they may judge necessary to be employed as ordinary labourers and daily workmen in said town, provided the number aforesaid does not exceed one hundred; and that to such slaves as they may deem diligent, sober and honest, they may, within the limits of the ordinance aforesaid, on application of the owners or possessors of such slaves, give licence, whereby they shall be permitted, within the town aforesaid, to hire their own time, and shall also give to the slaves so licensed, certain badges to be by them publicly worn, so that every one may know and distinguish them.

II. And be it further enacted, That no person who shall employ a slave, so licensed, to perform any lawful labour within the limits of the said town, shall be liable to any penalty therefor; nor shall the owner or possessor of a slave thus licensed, be subject to a prosecution for permitting him thus to hire his time.

III. And be it further enacted, That the commissioners of the town aforesaid may demand and receive a sum not exceeding ten shillings, from the owner of every slave to whom such licence and badge are given, to be applied to the use and benefit of the said town.

IV. And be it further enacted, That the slaves so licensed as aforesaid, shall be always subject to such rules and regulations as the commissioners of the said town shall, from time to time establish, and may have their licences taken away by said commissioners whenever their misconduct shall, in the opinion of the commissioners render it necessary.

CHAP. LX.

An Act to repeal part of an act, passed in the year one thousand eight hundred and three, entitled "An act to authorise the Commissioners of the town of Hillsborough to rent out part of the Town Commons."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the said act as gives authority to the commissioners of the town to rent out that part of the commons known by the name of the Race Ground, bounded on the west by the road leading from the market-house, on the north by Lockhart's land, on the east by Walter's land, and on the south by town lots, be, and the same are hereby repealed: Provided, that the lease now unexpired shall not be affected by this act.

CHAP. LXI.

An Act to empower the Commissioners of the town of Warrenton, to sell the Public Ground therein specified.

BE 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 so much of the public ground whereon the court-house stands in the said town, as lies to the north of a line drawn from the street west of William Ruffin's house, to include the uttermost point of incroachment to New-street, which line shall run parallel with the cross-street, to the person or persons whose lots adjoin the same, and the monies arising therefrom to be applied in such manner, and for such purposes as a majority of said commissioners may think proper to apply the same; and the said commissioners, or a majority of them, may convey the said piece of ground, by deed or deeds under their hands and seals, to the purchaser or purchasers, in fee-simple.

1807

CHAP. LXII.

An Act to authorise the Trustees of the University of North-Carolina, in certain cases, to appoint a President of the Board of Trustees aforesaid. *pro tempore*.

WHEREAS, by the laws now in force, fifteen trustees are necessary to constitute a board, in the absence of the President, whereby the interests of the institution may suffer from the want of a body legally authorised to transact its business:

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, any number of the trustees, not less than seven, at any of the annual meetings of the trustees of the University of North Carolina, shall be and constitute a quorum, and be competent to appoint a President *pro tempore*, in case of the death, resignation, absence or indisposition of the President; and when a President *pro tempore* is so appointed, they shall possess and exercise all and every the powers and authorities invested in the trustees of the University of North-Carolina by the several acts of the General Assembly now in force, or which may hereafter be in force in this State.

CHAP. LXIII.

An Act empowering the Commissioners of the town of Edenton to convey part of the Town Commons to the Trustees of the Edenton Academy.

WHEREAS, by an act of the General Assembly, passed in one thousand seven hundred and eighty-five, the commissioners of the town of Edenton were empowered to convey to the trustees of Smith's Academy, for the use thereof, a lot or parcel of ground out of the town common, not exceeding six acres, and an academy having been since erected in the said town, and incorporated by the name of *Edenton Academy*, whereby doubts have arisen whether the commissioners of the said town can convey to the trustees of the said Edenton Academy any title to the said lot of ground by virtue of the said act: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the said town be, and they are hereby authorised and empowered to convey to the trustees of the said Edenton Academy, the aforesaid lot of ground, to be held by them and their successors forever, for the sole use and benefit of that institution, in as full and ample a manner as they might or could have done, under the before recited act to the trustees of Smith's Academy; any thing contained in the before-mentioned act to the contrary notwithstanding.

CHAP. LXIV.

An Act to establish an Academy in Elizabeth City.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Charles Grice, esquire, Bailey Jackson, Timothy Cotter, Abner Whitney, W. T. Muse, Isaac Overman, William Hamilton, Doctor William Martin, William Gregory and Marmaduke Scott 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 Elizabeth City 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 majority of them may deem most advantageous to the said academy; and by gift purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence, that the same, or profits thereof, be applied to and for the use of 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.

III. *And be it further enacted*, That the said trustees shall be at liberty to join and accept of the subscriptions of the academy at Nixonton; and the trustees of the latter academy shall and may become trustees of the academy at Elizabeth City. And three-fourths of the said trustees, in case of death, absence or inability of any of the members, may appoint others in their room and stead; and any five in number shall be at liberty to constitute a board, and do all the intermediate and necessary business of the said seminary for the advancement and progress of literature.

CHAP. LXV.

An Act to incorporate the Trustees of the Indian Woods Academy, in the county of Bertie.

BE 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 M'hoon, John Bond, Jonathan Spivey, Aaron Spivey and Moses Gillam, 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 Indian Woods Academy*, and by that name shall have perpetual succession; and that they and their successors, by the name aforesaid, shall be able and capable in law to take, demand, receive and possess all monies, lands or other donations which may be given for the use of the said academy, and the same apply as they, or a majority of them, may deem most advantageous.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have full power and authority to make such rules and regulations for the government of the said academy, and the preservation of order and good morals as are usually made in such seminaries; and also to fill all vacancies which may happen by the death, resignation or removal out of the county of the present board of trustees, whose powers, when appointed, shall be, and are hereby declared equal in all respects to the present board.

CHAP. LXVI.

An Act to establish an Academy in Trenton, in the county of Jones.

WHEREAS establishing seminaries of learning for the purpose of educating youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative attention:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Shine, Simmons Harrison, John Beeton, Anthony Hatch, Frederic Foscutt, Needham Simmons and Abraham Dudley, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Trenton Academy*, and by that name shall have perpetual succession; and that they the trustees, and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of said academy, and the same apply as they, or a majority of them, may deem most advantageous to the said academy; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements and hereditaments, of what kind or nature soever, in special trust and confidence that the same, or profits thereof, be applied to and for the use of said academy.

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

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

CHAP. LXVII.

An Act to authorise the Trustees of Mount Clio Academy, in Robeson County, and the Trustees of Portsmouth Academy, in Carteret County, to raise a certain sum by way of Lottery, not exceeding four hundred pounds each, to complete the building of said Academies.

BE 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 trustees of Mount Clio Academy, in Robeson county, and the trustees of Portsmouth Academy, in Carteret county, be, and they are hereby vested with full power and authority to raise a sum, not exceeding four hundred pounds for the benefit of each academy, by one or more lottery or lotteries, by such scheme or schemes as they may think proper to devise.

II. *And be it further enacted*, That John Mayo, David Wallace, jun. Samuel Whitehurst, George R. Dixon, James Taylor and John Wallace, esquires, be, and they are hereby appointed trustees for the said Portsmouth Academy, who shall have full power and authority to enter into such rules, and adopt such regulations and by laws as may be deemed necessary for the promotion of learning, and the good of said academy: *Provided*, the same are not inconsistent with the laws or constitution of this State.

CHAP. LXVIII.

An Act to amend an act, passed in the year one thousand seven hundred and ninety-three, entitled "An act to establish a Seminary of Learning in the town of Lumberton and Raft Swamp, in the county of Robeson."

WHEREAS, by an act of the legislature, passed in the year one thousand eight hundred and two, authority was given to the trustees of the Lumberton Academy, to raise a sum of money by way of lottery to complete the building of said academy; and it is also represented that doubts exist in the minds of many respectable citizens of the county aforesaid, whether the money raised by said lottery was ever appropriated for the benefit of said academy: Therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph Regan, James McQueen, Francis L. Haines, Alexander Rowland and Charles Moore, be, and they are hereby appointed commissioners, or a majority of them, to call to account and settle with the trustees of Lumberton Academy, who had the management of the lottery authorised by law for the benefit of the said academy. And if the trustees, when called upon by the commissioners hereby appointed in virtue of this act, should fail to render them full satisfaction touching and concerning the appropriations of the money by them raised by way of lottery as aforesaid, it shall be the duty of the said commissioners, and they are hereby empowered and directed to institute suit against them for such sum of money as appears to them to have remained in their hands unappropriated as aforesaid; and the money, when recovered, shall be applied to the use of the said academy; any law, usage, or custom to the contrary notwithstanding.

CHAP. LXIX.

An Act to amend an act of the last session of the General Assembly, entitled "An act to establish an Academy in the County of Ruthford."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Felix Walker, Mentor Morgan, David Doyle, William Green, Drury Do-

bins, Jesse Richardson, Abraham Crow, Isaac White, David Hoyle, Arthur Clark, Samuel Baker and Andrew Morrison, be, and they are hereby appointed trustees, in addition to those already named in the above-recited act, and every of them, shall have and enjoy all the rights and powers, in the same manner as if they had been appointed by said act.

II. *And be it further enacted*, That said trustees, or a majority of them, shall have power to elect a President, and all other officers necessary to carry said institution into effect: *Provided always*, that the President and any seven members shall be a board sufficient to transact any business, except the appointment of a President or other officers, which shall be done by a majority of the trustees; and that they shall have power and authority at all times to elect and appoint a trustee or trustees in the room and place of any dying, removing or refusing to act.

CHAP. LXX.

An Act to establish a Boundary Line between Ashe and Burke Counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the boundary line between the counties of Ashe and Burke, shall be established and known by the following boundaries, to-wit: beginning at the Blowing Rock on the Blue Ridge, near the Vaddin Spring, running thence a due west course, crossing some of the head waters of Watauga River, to the top of the ridge dividing the head waters of Watauga River and Elk Creek, then along the extreme height of said ridge to the Grandfather Mountain, thence along the extreme height of the ridge that divides the waters of Toe River from those of Watauga and Elk Creek, to the Tennessee line, leaving all the waters of Toe River, and the head waters of Watauga south of the said due west line, in Burke, and all the waters of Elk, and the waters of Watauga, north of the said line, in the county of Ashe.

II. *And be it further enacted*, That James Murphy, esquire, of Burke county, and Bedent Beard, of Ashe county, are hereby appointed commissioners to extend and mark the line from the Blowing Rock, west to the top of the ridge between Watauga waters and Elk waters, and no further. And the said commissioners may employ two surveyors, for the purpose of ascertaining the said line; and the said commissioners, surveyors and chain-carriers, shall be paid a reasonable price for their several services, to be allowed by their respective county courts when the work is done.

III. *And be it further enacted*, That should either of the commissioners hereby appointed die, refuse to act or remove, between the time of ratifying this act and the first day of October next, then it shall be the duty of the county court of the commissioner who may die, refuse to act or remove, or both of them, to appoint other commissioners in their stead, who are hereby invested with the same powers as those by this act appointed.

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

CHAP. LXVI.

An Act to annex part of the County of Burke to 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 from and after the passing of this act, the dividing line between the said counties of Burke and Rutherford, shall begin at a white oak tree that stands near the forks of the public road above James Jones's, in the line heretofore run between said counties and the public road that leads up second Broad River, shall be the line between said counties, as far as Joseph Goodbread's, thence a south-west course to the dividing ridge that divides the waters of Cove and Crooked Creeks, thence the ridge that divides the waters of Catawba and Broad Rivers, to the Buncombe county line. And the line as herein mentioned shall be the dividing line between the said counties of Burke and Rutherford; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That this act shall not be construed so as to affect or hinder the officers of the county of Burke from recovering and receiving the public or county tax due from any person or persons, who by this act are added to the county of Rutherford; but the county of Burke is still to retain full power and authority to recover and receive from all those people their proportionable part of all the monies that the county may at this time be due and owing to individuals in the said county: *Provided*, that they shall not be liable to pay any part of any tax that may be laid upon the citizens in the county of Burke, for the purpose of paying any debt or contract that may be hereafter entered into.

CHAP. LXXII.

An Act to amend an act, passed in the year 1796, entitled "An act authorising the members of the Episcopal Church in the town of Newbern to appoint Trustees, and for other purposes."

WHEREAS, by the said act, it is declared lawful for all free white men, being, or professing themselves members of the said church, who, for twelve months next before any election have been inhabitants of the county of Craven or town of Newbern, to vote for wardens of the said church, but no mode is pointed out by which those holding the election are to ascertain who are, or who do profess themselves members thereof: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the wardens of the said church for the time being, on the first Monday in February in each and every year, at the said church, to keep open a book, from ten o'clock in the morning until sun-set of the same day, in which book the members of the said church shall be invited to enrol their names, under the following declaration: "I the subscribers do solemnly profess themselves members of the Episcopal Church of the town of Newbern;" and that only such persons shall

be deemed members of the said church, or permitted to vote at the election of wardens thereof whose names are enrolled as aforesaid; and that they shall cease to be deemed members thereof, and no longer be entitled to vote at such elections, when they become members of some other church.

II. *And be it further enacted*, That the said wardens, not more than ten days before every election, shall designate some one of their body to hold the next election, and whose duty it shall be to hold the same; but, upon his failure, the same may be holden as by law heretofore directed.

CHAP. LXXIII.

An Act to regulate the Inspection of Ton Timber in the town of Wilmington.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same That the county court of New-Hanover shall appoint, at the first court after the passing of this act, inspectors to inspect ton timber delivered at the town of Wilmington; who shall be entitled to five cents for each and every ton of timber by them inspected; which said inspectors shall take the following oath: "I A. B. do solemnly swear, that I will inspect all ton timber, agreeably to the contract between the parties, according to the best of my judgment: So help me, God."

II. *And be it further enacted*, That if any person or persons shall inspect ton timber, without being previously appointed, and qualified according to the directions of this act, he or they shall, for each and every offence, forfeit and pay the sum of one hundred pounds, to be recovered in an action of debt, by any person who shall sue for the same, one half to the use of the poor of said county, the other half to him or them who shall sue for the same.

CHAP. LXXIV.

An Act to amend an act, entitled, "An act to amend the several laws heretofore passed, relative to the removing obstructions to the passage of Fish up the several Rivers in this State, so far as respects the river Pee Dee."

BE 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 named in the above recited act, shall, and they are hereby authorised and required to meet on or before the first day of March, in each and every year hereafter, for the purpose of carrying into effect the duties required by said recited act.

II. *And be it further enacted*, That the commissioners appointed by the before-recited act, shall have full power and authority to examine and cause obstructions to be removed, from the South-Carolina line to Dockery's Falls, in Montgomery county.

III. *And be it enacted by the authority aforesaid*, That James Hough, Edward Winfield, Wm. Henry, Edward Lilley, George Davidson, John Kindle, Walter Leak, Benjamin Covington and Eli Terry be, and they are hereby appointed commissioners, in the place of Thomas Threadgill, Montfort Degarrot, Morris Blewit, James Turner, John Lilley, John Randle, Philip Mask, Thomas Blewit and Peter H. Cole, and they are hereby authorised to perform the duties imposed on the former commissioners by a law passed in the year 1806, entitled "An act to amend the several laws passed relative to the moving obstructions to the passage of fish up the several rivers in this State, so far as respects the river Pee Dee."

CHAP. LXXV.

An Act to authorise Barnet Beasley, of the County of Warren, and John Rutherford, to bring into this State certain Slaves 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 Barnet Beasley, of the county of Warren, be authorised and permitted to bring into this State, from the State of Virginia, without incurring any penalty therefor, two negro slaves, named Sam and Abley, which he lately purchased in the said State, at the sale of the estate of William Baugh, deceased, in which the said Barnet Beasley's wife was interested; any act of Assembly of this State to the contrary notwithstanding.

Whereas John Rutherford is desirous of returning to his plantation in New-Hanover county, a certain number of slaves which were sent to the Bahama Islands;

II. *Be it further enacted*, That the said John Rutherford be authorised to return to this State, the slaves which were sent from the county of New-Hanover, together with the increase of the female slaves, without incurring any penalty therefor: *Provided*, that at the time of their return, an affidavit be lodged with the clerk of New-Hanover court, that the said slaves are the same; and, except the increase of the females, no other than what were carried from said county.

CHAP. LXXVI.

An Act to authorise Samuel Morgan, of Nottoway County, and Commonwealth of Virginia, to bring certain Slaves into this State.

WHEREAS it is represented to this General Assembly, that Samuel Morgan, of Nottoway county, and commonwealth of Virginia, has purchased a valuable real estate in the county of Person; and intends in a short time to remove to, and live on the same; and the said Samuel Morgan being desirous of bringing into this State a part of his slaves, for the purpose of cultivating his lands aforesaid, previous to his removal: For the relief of the said Samuel,

Be 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 said Samuel Morgan to bring into this State any part or number of his slaves as are his property at the time of the passing hereof, without incurring any penalty or forfeiture by so doing: *Provided however*, that the said Samuel shall, within twenty days after he shall have come into the State, make oath before some justice of the peace for said county of Person, that the slaves so brought by him are his own property, and were not intended for sale at the time of their removal into this State.

1807

CHAP. LXXVII.

An Act to confirm the Marriage of James Smith with Mary Norfleet.

WHEREAS James Smith, of the county of Halifax, was married to Mary Norfleet, of the same county, in the month of January, in the year of our Lord one thousand eight hundred; but the marriage ceremony was performed by Simmons Jones Baker, esquire, who had been a justice of the peace of the said county, but had then been more than twelve months living in the county of Martin, from which doubts have arisen as to the legality of the said marriage, and the legitimacy of the issue thereof: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the marriage of the said James Smith to the said Mary Norfleet, as aforesaid, shall be considered, and the same is hereby declared to be legal and valid to all intents and purposes. And the children of the said marriage, which now are or may hereafter be, shall be considered the lawful issue thereof, and be as capable of inheriting and taking property of any kind from either of their parents, or any other person, as if there had been no defect in the celebration of the said marriage.

CHAP. LXXVIII.

An Act to empower William Gill, of Granville County, to sell certain lands therein mentioned.

WHEREAS it is represented to this General Assembly, that Robert Thomas, late of said county, by his last will and testament did direct that his lands in the county of Granville, should be sold for the purpose of purchasing land elsewhere; and whereas for want of two or more subscribing witnesses to the said will, as by law required to carry the same into effect, has not been done: 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 William Gill, of the county of Granville, in conformity to the will of Robert Thomas, deceased, shall have full power and authority to sell and dispose of said land, agreeable to the true intent and meaning of the said will, and shall appropriate the proceeds of the sale of said lands, agreeable to the directions of the will, as fully as if the same had been attested by two or more witnesses: *Provided,* that said William Gill give bond and security to the chairman of the county court of Granville, in such sum as said court shall deem proper, conditioned for his faithful application of the money arising from such sale as aforesaid.

CHAP. LXXIX.

An Act to vest in America Jones, of Wake County, certain rights.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the right, title, interest and claim, which this State hath in and to the residue of the personal property of Mary Williams, late of Wake county, deceased, be, and the same is hereby granted and made over to America Jones, of the same county; and the said America Jones, her executors or administrators, may, in her or their own names, commence and prosecute a suit or suits for the recovery of the said residue.

II. And be it further enacted by the authority aforesaid, That the said America Jones, her executors or administrators, shall, before the payment of the said residue to her or them, enter into bond with good security to the chairman of the county court of Wake and his successors in office, in double the amount of the said residue, conditioned that she or they will pay any debt or debts which may thereafter be legally made appear against the estate of the said Mary Williams; and that she or they will pay the said residue, or so much thereof as may not be recovered by creditors, to the next of kin of the said Mary Williams, should such next of kin apply for the same; which bond shall be filed with the records of said court, and may be sued in the name of the chairman of the said county, by any person injured by a breach of the condition of the same.

CHAP. LXXX.

An Act to alter the time of holding the County Courts therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the court of pleas and quarter sessions for the county of Rockingham, shall be held on the last Monday in February, May, August and November, in each and every year, to which times respectively, all suits, process and pleadings shall be continued and returned, any thing to the contrary notwithstanding: *Provided,* the change made by this act, shall not take effect until after the court to be held for the said county on the fourth Monday in February next.

II. And be it further enacted, That the court of pleas and quarter sessions for the county of Surry, shall, after the third Monday in February next, be holden on the first Monday in May, August, November and February, in each and every year, to which times respectively, all suits, pleas, process and proceedings of what kind or nature soever, shall be returned and determined, under the same rules, regulations and restrictions as heretofore prescribed by law.

CHAP. LXXXI.

An Act to alter the time of holding the County Courts in the several 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, the county courts in the county of Buncombe, shall be held on the following days, viz. the first Monday of January, April, July and October, in each and every year; and the county courts in the county of Lincoln, shall be held on the third Monday of the same months: *Provided,* that this act shall not affect the first court in said counties.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the justices composing the county courts of those counties where the county and superior courts shall or may happen in the same week, to direct the sheriffs of their respective counties, to summon the jurors that are directed to be summoned for the superior courts, to attend the county courts, under the same fines and penalties as by law directed: *Provided always,* where it shall so happen that a justice of peace is drawn to serve as a juror at the superior court, the county court shall appoint one other person to serve as a juror in the county court, in the place of each justice so drawn. And all witnesses summoned to attend any of the county courts, where the county and superior courts shall happen in the same week, in any of the counties of Buncombe, Rutherford or Lincoln, shall be summoned to attend on such days as the court of said counties shall and may direct.

III. *And be it further enacted,* That the sheriffs in the counties of Buncombe, Rutherford and Lincoln, shall have power and authority to open the county court of their respective counties, at ten o'clock upon the first day of the term, where the superior court happens in the same week, or at any other time of the same day, and to adjourn from day to day until the business of the superior court may be finished.

IV. *And be it further enacted,* That all laws and parts of laws that come within the purview and meaning of this act, are hereby repealed and made void; any law, usage or custom to the contrary notwithstanding.

V. *And be it further enacted by the authority aforesaid,* That from and after the county courts of pleas and quarter sessions, to be held for the county of Caswell, on the last Monday in January next, the said court shall be held on the fourth Monday in the months of March, June, September and December, in each and every year; and the said court to be held on the last Monday in January next, shall continue and adjourn all suits and other business then remaining before the said court unfinished, to the fourth Monday in March next following, and all process issuing from said court shall be made returnable accordingly.

VI. *And be it further enacted by the authority aforesaid,* That in future, the county courts of pleas and quarter sessions for the county of Person, shall be held in each and every year as follow, to-wit: on the second Monday in February, the Wednesday next after the second Monday in May, the second Monday in August, the Wednesday next after the second Monday in November, to which times respectively, all business before the said court shall be continued, and all process be made returnable; any law to the contrary notwithstanding.

CHAP. LXXXII.

An Act to repeal an act, passed in 1806, entitled, "An act to alter the time of holding the Courts of Pleas and Quarter Sessions in the Counties therein mentioned," as far as it respects 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 after the second Monday in March next, so much of the before-recited act as respects the county of Onslow, be, and is hereby repealed and made void. And that after the aforesaid second Monday in March, the courts of pleas and quarter sessions in the said county of Onslow, shall be held as formerly, viz. on the second Monday in April, July, October and January, in each and every year; any law to the contrary notwithstanding. And all matters and things depending in said court, shall, from the period when it shall be held after the said second Monday in March next, after the passing of this act, be continued and stand adjourned to the time herein before fixed for holding said court.

CHAP. LXXXIII.

An Act to alter the time of holding the County Courts of Pleas and Quarter Sessions in the county of Tyrrel.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the court of pleas and quarter sessions to be held for the county of Tyrrel, the fourth Monday in January next, the said courts shall be held on the first Monday in May, August, November and February, in every year; and the said court to be held on the fourth Monday in January next, shall be adjourned until the first Monday in May following, and all process issuing therefrom shall be made returnable accordingly.

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

CHAP. LXXXIV.

An Act to amend an act, entitled "An act making compensation to the Jurors who may hereafter attend the County Court of Rowan."

WHEREAS the above-recited act makes no provision for empowering the justices of the peace for said county to lay a tax for the purposes therein: For remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the county court of Rowan, at the court to be held on the first Monday in February, in each and every year, shall lay a tax not exceeding sixpence on each poll, two-pence on each hundred acres of land, and sixpence on every hundred pounds value of town lots, to be collected and accounted for as other county taxes, for the purpose of paying the superior and county court jurors who may attend the same. And the jurors who may attend the superior courts, shall be allowed the same pay that is allowed to the county court jurors by the above recited act.

1807

CHAP. LXXXV.

An Act making compensation to the Jurors of Halifax Superior Court and New-Hanover Superior and County Courts.

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

II. And be it further enacted, That the jurors attending the county and superior courts in the county of New-Hanover, shall be entitled to receive the sum of ten shillings per day, for each and every day they shall be obliged to attend the said courts.

CHAP. LXXXVI.

An Act making compensation to the Jurors who may hereafter attend the County and Superior Courts in the County of Robeson.

BE 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, every person who shall serve as a juror in any county or superior court held in the county of Robeson, shall receive for each and every day that he attends the same, the sum of five shillings, which shall be paid in the same manner as other county claims.

CHAP. LXXXVII.

An Act to establish four separate Elections in the county of Franklin, and other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the following separate elections shall be opened and held in the county of Franklin, on the second Thursday in August, in each and every year; which shall be held for the same purposes, conducted in the same manner, as all other elections in this State, viz. at the store of William Moore, at the house of John Fuller, at the tavern of William Williams, and at the store of Benjamin Brickell.

II. And be it further enacted, That the separate election heretofore established at the house of William Dunn, shall hereafter be held at that place on the day prescribed by this act for holding the several separate elections hereby established. And no election shall hereafter be held on Thursday at the court-house as usual, neither shall the votes taken at the separate elections be counted out on that day, but shall be sealed up by the inspectors, and transmitted to the court-house on Friday, the day following, and shall be added to the votes taken there on that day. And it shall be the duty of the county court of Franklin, at the term next preceding the day of election, annually, to appoint one justice of the peace and two freeholders, to conduct each separate election established in said county; and upon their failing to attend and perform the duties of their appointment, any justice of the peace and two freeholders are hereby empowered to appoint others in their room, who shall have the same powers, and be subject to the same restrictions, as all other inspectors in this State.

CHAP. LXXXVIII.

An Act to amend an act, entitled "An act to establish the mode of Elections in the county of Granville."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if the inspectors of any election hereafter held in the county of Granville, should, from any cause whatever, fail to make due return of the polls by him or them received, to the sheriff at the court-house, by the time heretofore prescribed by law, it shall be the duty of the said sheriff, or his lawful deputy, to postpone the proceedings, from time to time, not exceeding five days, until the returns of the inspectors are received; any law to the contrary notwithstanding.

CHAP. LXXXIX.

An Act to alter the time of holding the separate Elections in Northampton County, 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 the separate election heretofore held at Maconville, shall, in future, be held the Tuesday preceding the second Friday in August, in each and every year; and the separate election heretofore held at Jacob Odam's, shall, in future, be held the Wednesday preceding the second Friday in August, in each and every year.

II. And be it further enacted by the authority aforesaid, That there shall be one other separate election in said county, established and held at the house of Hardiman Abington, on the Thursday preceding the said second Friday in August, in each and every year.

III. And be it further enacted by the authority aforesaid, That the said separate elections shall be held under the same rules and regulations which separate elections in said county have been held heretofore; any law, usage or custom to the contrary notwithstanding.

CHAP. XC.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, that all elections held in the aforesaid county of Bertie, for members to represent the said county in the General Assembly of this State, shall commence at the house of William Hodges, on the first Monday in August in each and every year, and continue open one day; at which election, it shall and may be lawful for all persons constitutionally qua-

lified, residing within the limits of Captain Arthur Brown's and Captain Titus Moore's companies, to¹⁸⁰⁷ attend and give their votes; and at the close of the poll, which shall not take place until sun-set, unless by the express agreement of the candidates present, the votes shall be counted out, and a list of them made and certified by the inspectors of the poll, which shall be carefully preserved by the sheriff, or his deputy, holding such election.

II. *And be it further enacted*, That on the day following that on which the election is held at the house of William Hodge, there shall be an election held at the house of William Watford, where it shall and may be lawful for all persons residing within the districts of Captain William Watford and Captain William Freeman, to attend and give their votes; and on the day following the election at William Watford's, there shall be an election held at the house of Timothy Hunter, esquire, in the town of Colerain, where it shall and may be lawful for all persons residing within the district of Captain Jacob Outlaw and William Copeland, to attend and give their votes; and on the day following that on which the election is held in the town of Colerain, there shall be an election held at the house of Thomas Ashburn, where it shall and may be lawful for all persons residing within the district of Captain Thomas Worley and Captain Jonathan Jacobs, to attend and give their votes: The three latter of these elections to be held under the same rules, regulations and restrictions as prescribed for the election at William Hodge's.

III. *And be it further enacted*, That on the Friday following the first Monday in August, in each and every year, there shall be an election held at the court-house in Windsor, where it shall and may be lawful for any citizen of the county to attend and give their votes, all such persons as reside within the election districts before recited in this act, swearing on the Holy Evangelists of Almighty God, that they have not voted at any separate election in the county that year, and upon conviction of having voted more than once, to be liable to pay the sum of twenty pounds, recoverable before any jurisdiction having cognizance of the same, one half of which shall go to the person suing for the same, and the other half to the wardens of the poor, for the use and benefit of the poor of the county, and be further liable to an indictment for perjury: The election at Windsor to be conducted under the same rules, regulations and restrictions, as prescribed for the other elections; each of which elections shall be advertised by the sheriff at three public places in each election district, at least twenty days previous to their commencement, and shall be opened at each and every place by this act pointed out, by twelve o'clock; and at the close of the poll at Windsor, the inspectors shall call on the sheriff for a list of the votes taken at the four preceding elections, which shall be added to those taken at Windsor, and he that has the greatest number shall be, and is hereby declared duly elected.

IV. *And be it further enacted*, That all elections held for representatives to Congress and electors to vote for a President and Vice-President of the United States, shall be held at the same places, and under the same rules, regulations and restrictions, as other elections in this county.

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

CHAP. XCI.

An Act to establish one other 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 in future, an election shall be held at the house of Thomas Evans, on the main road near Island Creek, in said county, on the same day, and under the same rules, regulations and restrictions, that other separate elections are held in said county.

CHAP. XCII.

An Act to establish one other separate Election in Mecklenburg County, and to alter the time of holding those heretofore established.

BE 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, one other election shall be held at the dwelling-house of Robert Hood, on M'Calpin's Creek, to be held and conducted under the same rules and regulations as hereinafter prescribed.

II. *And be it further enacted*, That in future, all the separate elections in said county, shall be opened and held on the second Thursday in August, in each and every year, and at the following places, viz: at the dwelling-house of John Ray, for those in the first battalion of the second regiment; at the dwelling-house of Robert Hood, for those in the second battalion of said regiment; at the dwelling-house of Margaret Davidson, for those in the second battalion of the first regiment of the militia of said county.

III. *And be it further enacted*, That the separate elections in said county shall be conducted and held in the same manner, in every respect, as the constitution and general election law of this State requires and directs, and shall continue open until sun-set on said day, at which time the sheriff, his deputy, or other persons authorised and qualified by him to hold said elections, shall, in presence of the inspectors of the polls, seal up the boxes wherein the ballots have been taken, and carefully convey the same, so sealed up, to the court-house, in Charlotte, on or before three o'clock in the afternoon on the second day of election.

IV. *And be it further enacted*, That all the ballots so taken at said separate elections, and those taken in Charlotte, shall be drawn by the sheriff, or other returning officer, shall be fairly added together, and the person having the greatest number of votes when so added, shall be declared duly elected.

V. *And be it further enacted*, That whenever the elections for representatives to Congress shall be, it shall, in every respect, be held and conducted as herein before directed; and whenever an election for electors to vote for a President and Vice-President of the United States happens, it shall be held and conducted in like manner. *Provided*, that nothing herein contained shall prevent any person who does not vote at the separate election in whose bounds he may reside, to give his suffrage at the court house in said county.

1807 VI. *And be it further enacted*, That all acts and clauses of acts that come within the meaning and purview of this act, shall be, and the same are hereby repealed and made void.

CHAP. XCIII.

An Act to amend an act, entitled "An act to establish the mode of Elections in future in the county of Richmond.

WHEREAS the before recited act does not provide for the appointment of separate inspectors to conduct elections in said county for a representative to Congress.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, it shall be the duty of the court of common pleas for said county, biennially, after the next annual election, and at the preceding term of the same, to appoint two freeholders residing within each captain's district where the elections are to be held, to act as inspectors of the congressional polls, whose duty it shall be to keep a box for the purpose of receiving the tickets or ballots from each elector entitled to vote at the different places appointed for holding elections for members of the General Assembly within the said county; and it shall be the duty of the sheriff of said county, either by himself or deputy, to attend, open and hold such elections for a representative to Congress, separate some distance, not exceeding ten rods, from where the election is held for members of the General Assembly, at such place or places, under the same rules, regulations and restrictions, as are observed in other elections in this State, except that the said elections shall be opened at twelve o'clock and closed at three o'clock.

II. *And be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count and state the number of tickets to each candidate; a correct statement, with the list of voters duly certified, together with the tickets or scrawls with which the electors voted, shall be returned on the next day, and compared at the court-house in said county, by the sheriff or deputies, in presence of three justices, or three respectable freeholders, two correct statements, duly certified under the hands and seals of the sheriff and his deputies, attested by the justices or other persons empowered by this act to compare the polls, one of which lists the aforesaid sheriff shall return, in order to be compared with the lists of the different returning officers, at the time of comparing the polls for said district, the other statement and list of voters and tickets, the sheriff shall deposit in the clerk's office of said county, whose duty it shall be to receive and secure the same, in the same manner as other records, only that a separate apartment in his office shall be provided for the express purpose, under the penalty of a misdemeanor in office.

III. *And be it further enacted*, That when the county court shall neglect to appoint inspectors, as prescribed by this act, or any inspector who may have been appointed by virtue of the same, shall fail to attend, or refuse to act, in any such case, it shall be the duty of the captain, or any other commissioned officer in the district where such elections are held, to appoint an inspector or inspectors, and to administer an oath to any inspectors clerks or poll-keepers, who undertake to conduct any such election, faithfully, impartially, and according to the best of their skill and ability, to conduct the election for a representative to Congress, wherever no justice of the peace will perform the duty. And when the sheriff of said county, or his legal deputy, shall fail to attend any election, the captain, or any commissioned officer in the district, may appoint a discreet person to conduct such election, who shall act as deputy sheriff, whose duty it shall be to do and perform the requisites directed by this act, under the penalty of one hundred pounds, payable one half to any person who may sue for the same, the other half to the use of the county. And when any person shall be found to be insolvent, the officer or officers who made such appointment, shall be liable for the payment of any fine or forfeiture which may be incurred and recovered by virtue of this act.

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

CHAP. XCIV.

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

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the elections for members of the General Assembly of this State, in the said county, shall be held on the second Thursday in August, in each and every year, at each of the several muster grounds of the militia companies in said county, that elections for members of Congress shall be held at the places aforesaid, on the second Thursday of August, in the years in which members of Congress are by law directed to be elected.

II. *And be it further enacted*, That it shall be the duty of the county court, at the court preceding the day of election, to appoint one justice and two freeholders for each captain's district, whose duty it shall be to attend at the place of election for which they are appointed, and receive the ballots, the justice having first administered to the freeholders the oath directed by law to be administered to inspectors of elections.

III. *And be it further enacted*, That it shall be the duty of the justice and freeholders, so appointed and qualified, to open the poll at twelve o'clock, on the day and at the place appointed for holding the election, and shall close the same at three o'clock, and shall then proceed to count the ballots; and the said justice shall, on the day following, return the poll with the amount of the votes for each person to the sheriff, or his deputy, at the court-house, whose duty it shall be to attend for that purpose, and receive the returns, cast up the polls, and declare the persons having the highest number of votes elected.

IV. *And be it further enacted*, That if it should so happen, that the court should neglect to appoint a justice and two freeholders, or if those appointed should die, remove or refuse to act, any justice present may appoint two freeholders, and administer the oath required by law to be administered to inspectors of

elections; and in case no justice attends, it shall be the duty of the captain in whose company the election is to be held, to perform the several duties required by this act to be performed by a justice.

V. *And be it further enacted*, That the election for electors of President and Vice-President of the United States, shall be held on the day appointed by law at the several places by this act appointed for the election of members of the State Legislature and members of Congress, and shall be under the same rules, regulations and restrictions.

VI. *And be it further enacted*, That if any person should give an illegal vote at any of said elections, and be thereof convicted, the person so offending shall 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 county, to be recovered by warrant before any justice of the peace.

CHAP. XCV.

An Act to alter the place of holding one of the separate Elections in Randolph County, and to alter the time of holding the County Courts of Bladen and Brunswick.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore held at the house of Christian Luther, in the county of Randolph, shall hereafter be held at the house of Richard Greaves, which shall be held at the same time, and under the same rules, regulations and restrictions as have been heretofore established and observed in conducting the same.

II. *And be it further enacted*, That from and after the second Monday of February next, the county courts of Bladen shall be held on the first Monday of May, August, November and February, in each and every year, and from and after the said second Monday in February next, all writs and other process shall be made returnable, and all the proceedings of the said court shall stand adjourned to the first Monday in May next.

III. *And be it further enacted*, That from and after the first Monday in February next, the county courts of Brunswick shall be held on the Monday preceding the first Monday of May, August, November and February, in each and every year; and from and after the said first Monday in February next, all writs and other process shall be made returnable, and all the proceedings of the said court shall stand adjourned to the said Monday preceding the first Monday of May next; any law to the contrary notwithstanding.

CHAP. XCVI.

An Act for the better regulation of the separate Elections in the County of Rowan.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the different separate elections in the county of Rowan, to-wit, Salisbury, Lexington, Mock's old field in the forks of the Yadkin, Hege's, Morgan's and Philip Mock's, for the purpose of electing members to the General Assembly, shall hereafter be opened and held on the second Thursday of August, in each and every year; and the elections for representatives to Congress, on the second Thursday in August, of the years in which members of Congress are by law directed to be chosen, and the said elections shall be closed at sunset on the same day at each of the aforesaid places of election; that the number of votes taken at each of the separate elections shall be returned, under the hands and seals of the inspectors, to the court-house in Salisbury, at or before three of the clock in the afternoon of the next day, when it shall be the duty of the sheriff of the county and his deputies, who held the separate elections, to attend, and in the presence of the inspectors appointed to hold the election at Salisbury, to add the number of votes so returned to the votes taken at Salisbury, and to declare the election in the manner already pointed out by law.

II. *And be it further enacted*, That the election for electors of President and Vice-President of the United States, shall be held on the day appointed by law, at the several places herein mentioned for the election of members of the General Assembly and members of Congress, and shall be conducted in the same manner, and under the same regulations and restrictions.

III. *And be it further enacted*, That all laws and clauses of laws which come within the purview and meaning of this law, be, and the same are hereby repealed and made void.

CHAP. XCVII.

An Act granting a separate Election in Stokes 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 be a separate election held in the town of Vienna, in the county of Stokes, in each and every succeeding year, on the same day, and under the same rules and regulations that govern the other separate elections in said county.

CHAP. XCVIII.

An Act to alter the place of holding two separate Elections in the County of Surry.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the election heretofore held at the house of Darley Ryan, on Fish River, in the county of Surry, shall be held at the place where Ains Headspeth formerly lived, on the Yadkin River, near the mouth of Mitchell's River; and the election heretofore held at Gentry's mill, in said county, shall hereafter be held at Hamptonville; which elections shall be held at the same time, and under the same rules, regulations and restrictions that governed them heretofore; any law to the contrary notwithstanding.

CHAP. XCIX.

An Act to amend the several acts heretofore passed, granting separate Elections to the inhabitants of Lincoln County, so far as respects the election of Electors.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Lincoln, by himself or deputy, shall open and hold an election at the several places heretofore established by law in said county, for the purpose of electing electors to vote for a President and Vice-President of the United States, on the day heretofore established by law for that purpose, under the same rules, regulations, and restrictions as other elections are held within this State for the purpose aforesaid.

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

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

1807

CHAP. C.

An Act to grant two separate Elections in the County of Rutherford, and to alter the place of holding one other Election 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 there shall be an election held by the sheriff of the county of Rutherford, at the dwelling-house of John Hoyle, and one other election at the dwelling-house of Richard Bradley, in Mumford's Cove, for the purpose of electing members of the General Assembly, members to Congress, and electors to vote for a President and Vice President of the United States, and said elections shall be held on the days that are, or may be appointed by law, in each and every year, under the same rules, regulations and restrictions as other separate elections in said county.

II. *And be it further enacted by the authority aforesaid,* That the separate election heretofore held at the house of Zacharias Walthroper, shall hereafter be held at the dwelling-house of Marball Mills; any law, usage or custom to the contrary notwithstanding.

CHAP. CI.

An Act to establish a separate Election at the House of William White, Esquire, in the County of Burke, and for other purposes therein mentioned

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of the county of Burke, or his lawful deputy, to open and hold an election at the house of William White, esquire, in the county of Burke, on the second Thursday in August, in each and every year, for the purpose of receiving votes for members of the General Assembly of this State, which election shall be opened, conducted and closed, in the same manner, and under the same rules, regulations and penalties as are prescribed for all other elections established in said county.

II. *And be it further enacted,* That all other elections heretofore established in said county, shall in future be holden, at their respective places, on the aforesaid second Thursday in August, in each and every year; and the election held at the court-house, shall in future only be holden on Thursday, the day herein specified for holding all other elections in said county, and all of which shall be conducted in the same manner, and governed by the same rules, as have been heretofore prescribed for the separate elections in said county.

III. *And be it further enacted,* That the inspectors shall, immediately after the close of the polls of the election for which they are appointed, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them returned, on or before four o'clock of the succeeding 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, on the day succeeding the day of election, to receive the returns so made by the inspectors, and on the returns being made to the sheriff, he shall, in presence of the inspectors, proceed to add the number of votes then to him returned, together, and the persons having the greatest number shall be deemed duly elected, and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

IV. *And be it further enacted,* That the elections for members of Congress, and for electors to vote for a President and Vice-President of the United States, shall be holden at the aforesaid places established by this act, and at the several places heretofore appointed by law, at the time, and under the same rules, regulations and restrictions, as have been prescribed by law.

V. *And be it further enacted,* That it shall be the duty of the register of said county of Burke, on or before the first day of April next, to keep his office at, or within four miles of the court-house of said county, under the penalty of fifty pounds, to be recovered before any jurisdiction having cognizance thereof, one half to be applied to the use of the county, and the other half to the use of the person suing for the same.

VI. *And be it further enacted,* That in future, the sheriff of Burke county shall receive county claims in discharge of county tax, at their full value, agreeable to their numbers first payable, under the penalty of ten pounds, to be recovered to the use of the county, before any jurisdiction having cognizance thereof; and the county trustee shall receive the claims so received by the sheriff, on settlement with him the said sheriff.

VII. *And be it further enacted,* That the claims so received of the sheriff by the trustee of said county, shall be good vouchers on settlement with the county court; any law, usage or custom to the contrary notwithstanding.

CHAP. CII.

An Act to regulate the mode of Elections in the County of Tyrrel.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of an act passed in the year one thousand eight hundred and five, as establishes a separate election at the house of John Bateman, in the county of Tyrrel, be, and it is hereby repealed and made void; and the separate elections heretofore held at the house of Samuel Meggitt and Joseph White, shall hereafter be holden on Thursday, the day immediately preceding the annual election in said county.

II. *And be it further enacted,* That it shall hereafter be the duty of the court of said county, at the court preceding the day of any election, to appoint one justice of the peace and two freeholders to attend each separate election, who shall be sworn to act as inspectors of the polls which shall be held, under the same rules, regulations and restrictions, as heretofore prescribed by law.

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. And it is hereby declared to be the duty of the said sheriff, or his deputy, to attend at that time and place, on the day succeeding the day of the said separate elections, 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 in that case, it shall and may be lawful for one 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 notify them, as soon as may be, of their appointments.

VI. *And be it further enacted,* That the election for members of Congress and for electors to vote for a President and Vice-President of the United States, shall be held in said county at the aforesaid places, on the days appointed for that purpose, under the former rules and regulations; any law to the contrary notwithstanding.

CHAP. CIII.

1807

An Act to establish a separate Election in that part of Buncombe County formerly called Walton County.

WHEREAS the south-western extremity of Buncombe County, formerly called Walton, is between fifty and sixty miles from the court-house in Asheville, and near forty miles from the upper election ground on French Broad River, makes it extremely inconvenient for said inhabitants of the aforesaid vicinity to attend at either of the above-named places to give in their suffrages;

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of Buncombe county shall cause an election to be held at William Wilson's mill, on Cathey's Creek, on the same day, under the same rules, regulations and restrictions as other separate elections are held in said county; and the votes taken at the said separate election, shall be added to those taken at the court-house, and form part of the election of the said county of Buncombe; any law to the contrary notwithstanding.

CHAP. CIV.

An Act to alter the place of holding the Muster for the first battalion of the Militia of Northampton 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 muster for the first battalion of the militia of Northampton county, heretofore held at the house of Frederic Stanton, shall in future be holden at James Dupree's tavern.

II. *And be it further enacted by the authority aforesaid,* That any act or acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAP. CV.

An Act to prevent Hogs from running at large on the Island of Portsmouth, in Carteret County.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, it shall and may be lawful for any person or persons to take, kill or destroy, any hog that shall be found running at large on the island of Portsmouth, in Carteret county, and not upon the land of its owner.

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 Mary Whitley, Nancy Whitley and Peggy Whitley, of Robeson county, be, and they are hereby altered to the names of Mary Eloquence, Nancy Eloquence and Peggy Eloquence; And the names of Thomas Ammons, Drusilla Ammons, Howell Ammons, Alexander Ammons, Sena Ammons, Benjamin Ammons, John Ammons, Susanna Ammons and William Ammons, of Robeson county, to that of Thomas Grantham, Drusilla Grantham, Howell Grantham, Alexander Grantham, Sena Grantham, Benjamin Grantham, John Grantham, Susanna Grantham and William Grantham; And the name of Willie Hill, of Robeson county, to that of Willie Wise; and the name of Isaac Williams, of Randolph county, to that of Isaac Dawson; and the name of Willis Fryer, of Edgecomb, to that of Willis Pitt; and the name of Thomas Jefferson Weeks, of the town of Fayetteville, to that of Thomas Jefferson Matthews; and the names of George Smith and Mary Elizabeth Smith, of Stokes county, to that of George Wolf and Mary Elizabeth Wolf; and the names of James Evits, Margaret Evits, Jane Evits, Thomas Evits and Alexander Evits, of Mecklenburg county, to that of James M'Corkle, Margaret M'Corkle, Jane M'Corkle, Thomas M'Corkle and Alexander M'Corkle; and the name of Mary Ann Hinton Williford, of Edgecomb county, to that of Mary Ann Hinton Gray; and the name of John Cox, of Edgecomb county, to that of John Hearn; and the name of Elias Crumpler, of Edgecomb county, to that of Elias Lloyd Wright; and the name of John Dildy, of Gates county, to that of John Matthews; and the name of Burgess Wall, of Guilford county, to that of Burgess Williams; and the name of Halcot Jones, to that of Halcot Jones Pride; and the names of Robert Whaley and Ann Whaley, of Camden county, to that of Robert Morgan and Ann Morgan; and the name of Lucinda Wright, of Mecklenburg county, to that of Lucinda Potts; and the names of Asia Freeman and Sion Freeman, of Surry county, to those of Asia Early and Sion Early; and the name of William Wall, to that of William Bryant; and the names of James Carter and Elizabeth Carter, of Halifax county, to those of James Vaughan and Elizabeth Vaughan; and the name of Pleasant Long, of Person county, to that of Pleasant Headley; and the name of William Ward Pollock, of Duplin county, to that of William Pollock; and the name of Daniel William Martin, to that of Daniel William Morgan Martin; and the names of Reading Neal and Abraham Gray, of Hyde county, to those of Reading Jackson and Abraham Latterthwait. And 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.

II. *And be it further enacted,* That the following persons, who are mentioned in the first section of this act, viz. Mary Whitley, Nancy Whitley, Peggy Whitley, Thomas Ammons, Drusilla Ammons, Howell Ammons, Alexander Ammons, Sena Ammons, Benjamin Ammons, John Ammons, Susanna Ammons, William Ammons, Willie Hill, Isaac Williams, Willis Fryer, Thomas Jefferson Weeks, George Smith, Mary Elizabeth Smith, James Evits, Margaret Evits, Jane Evits, Thomas Evits, Alexander Evits, Robert Whaley, Ann Whaley, Asia Freeman and Sion Freeman, Lucinda Wright and William Wall, and their names are hereby altered as aforesaid, and they shall forever 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 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, Sally Ogle, wife of Hiram Ogle; Nancy Stokes, wife of David Stokes; Susanna Farr, of Anson county, wife of Robert Farr; Ann B. Manier, of Granville county, wife of Daniel I. Manier; Nancy Harris, of Richmond county, wife of William Harris; Hannah Manlove, of Guilford county, wife of George Manlove; Polly Salisbury, of Pitt county, wife of Willis Salisbury; Mary Morgan, wife of Benjamin Morgan; Sally Carpenter, of Currituck county, wife of Joseph Carpenter; Elizabeth Morrison, of Bladen county, wife of Archibald Morrison; Olive Massey, of Wake county, wife of Samuel Massey; Mabel Matthews, of Wake county, wife of Riddick Matthews; Avarilla Sadler, of Granville county, wife of William Sadler; Rebecca Cain, wife of Elisha Cain, of Chatham county; Emily Williams, wife of John Williams, of Granville county; Elizabeth Wilfong, of Orange county, wife of

1807 Jacob Wilfing; Nanry Hill, wife of Seth Hill, of Randolph county; Sarah Dennis, wife of Francis Dennis, of Carteret county; Elizabeth Black, of Rockingham county, wife of Fredetick Black, be, and they are hereby entitled respectively to hold, possess and enjoy, in their sole right, all such estate, either real or personal, as they may hereafter acquire, by industry, purchase, gift or otherwise, in as full and ample a manner, as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands, or any of their creditors; and they respectively shall have full power and authority to sue for and recover, in any court of record having cognizance thereof, from their said husbands, or any other person or persons, any property which they may be entitled to, in the same manner as if they had never been married; any law to the contrary notwithstanding.

CHAP. CVIII.

An Act to secure to Rebecca Farrow, all such property as she may hereafter acquire, and also to secure John Farrow, her husband, against all future demands of the said Rebecca.

WHEREAS the said John Farrow, of the county of Currituck, and Rebecca his wife, from the most impetuous necessity, in its nature insurmountable, have mutually agreed to live separate and apart from each other forever. And whereas the said John Farrow has made a fair and equitable division of his estate with the said Rebecca, to her entire satisfaction, which she now possesses and enjoys, separate and apart from her said husband; and the said John and Rebecca have mutually agreed to relinquish all claims upon each other, of any kind or 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 Rebecca Farrow shall have, hold, possess and enjoy, all such property as she now possesses, or that she may hereafter acquire, both real and personal, free from, and not subject to the control, disposal or discretion 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 John Farrow shall not be liable or subject to pay any debts of his said wife Rebecca, whether the same be for necessities or otherwise; nor shall he be liable or subject to any demand of the said Rebecca for alimony, or any other thing, either in law or equity; nor shall the said Rebecca hereafter claim, or have dower of the lands of the said John Farrow, or be entitled to any distributive share of his estate; any law to the contrary notwithstanding.

CHAP. CIX.

An Act securing to James Hoffer, of Gates County, all such property as he now has, or may hereafter acquire, free from any demand that his wife Deborah Hoffer may have in right of dower, or otherwise.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the property that the said James Hoffer now hath, or may hereafter acquire, shall be and accrue to his own use, free from all claim of his wife Deborah Hoffer, by right of dower or otherwise; any law, usage or custom to the contrary notwithstanding.

CHAP. CX.

An Act to secure David Dannell, of Rowan County, against all future claims of his wife Susanna.

BE 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, David Dannell, of Rowan county, shall not be liable or subject to pay any of the debts of his wife Susanna, whether the same be for necessities or otherwise; nor shall he the said David be liable or subject to any demands of the said Susanna, for alimony or other thing, either in law or equity; nor shall the said Susanna hereafter claim or have dower of the lands of the said David, or be entitled to any distributive share of his estate; any thing to the contrary notwithstanding.

CHAP. CXI.

An Act to restore to credit James Cortney, of Lincoln 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 Cortney, of Lincoln county, be, and he is hereby restored to the rights and privileges of a citizen, and shall be able and capable in law to depose and testify in all cases where the same may be necessary, in as full and ample a manner, to all intents and purposes, as if he the said James had never suffered, or been convicted of any crime whatever.

CHAP. CXII.

An Act to emancipate Fanny Nixon and Henderson Nixon, of Perquimons County.

WHEREAS it is represented to this General Assembly, that George N. Nixon, of Perquimons county, a man of colour, was emancipated by the court of said county, and hath since purchased two of his children, born slaves, by the names of Fanny and Henderson:

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 negro slaves Fanny and Henderson, shall be, and each of them are hereby emancipated and made free; and they, and each of them, may hereafter take and use the surname of Nixon, and are hereby declared to be able and capable in law, to possess and enjoy, all the rights and privileges of free persons of mixed blood in this State, in as full and ample a manner as the several laws heretofore enacted will permit.

Read three times and ratified in General Assembly,
the 18th day of December, 1807.

(Copy)

WILLIAM WHITE, Sec.

JOSEPH RIDDICK, Sp. S.
JOSHUA G. WRIGHT, Sp. H. C.

An ACT declaring what Gifts of Slaves shall be valid.

For the prevention of frauds :

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That 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 by which 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.

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.

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 for ever 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 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.

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

Read three times and ratified in General Assembly, Dec. 10, 1805.

[This Act was omitted last Year.]

CONTENTS.

| | | |
|--|-----|-----|
| AN Act to amend an act for the more uniform and convenient administration of justice, and an act supplementary thereto, to amend an act to amend an act passed in 1782, for establishing courts of equity, and to regulate proceedings in appeals, &c. | 1 | ib. |
| To authorise the Treasurer, in the name of the State, to subscribe in the Banks of Cape Fear & Newbern, for certain number of shares | 2 | ib. |
| To repeal an act to repeal all laws authorising the Secretary of State to issue land warrants for military services, passed in 1803, | 3 | ib. |
| To amend an act directing the mode of proceeding against the real estates of deceased debtors, where the personal estate is insufficient | 4 | ib. |
| To expedite the organization of the quota of Militia required by the General Government, and to provide for uniformity, &c. | 5 | ib. |
| To raise a Revenue for support of Government for the year 1806, | 6 | ib. |
| To confirm the Conventional Agreements between this State & Georgia, | 7 | ib. |
| To pardon certain offences committed in a part of Buncombe county, | 8 | ib. |
| To amend the penal laws, so far as respects the trial of slaves, | 9 | ib. |
| To give the right of appeal in trial of Cases and Suspensions, | 10 | ib. |
| To allow interest on judgments recovered in actions on contract, | 11 | ib. |
| Providing relief for securities in certain cases, | 12 | ib. |
| For the relief of purchasers at execution sales, in certain cases, | 13 | ib. |
| Declaring what evidence of title to land, in certain cases, shall be good, | 14 | ib. |
| Prescribing the duties of the clerks of the county courts & registers, | 15 | ib. |
| To cede to the U. States the jurisdiction of certain land, &c. | 16 | ib. |
| To repeal and supply the place of the 4th section of an act, passed in 1791, to provide a proper seal for the State, &c. | 17 | ib. |
| To amend an act passed in '91, to improve the inspection of flour, &c. | 18 | ib. |
| To amend an act to prevent the selling of spirituous liquors, &c. at church or meeting house yards on days of divine worship, | 19 | ib. |
| To amend an act concerning proving Wills, &c. | 20 | ib. |
| To regulate the charges of Sheriffs, Coroners, &c. in certain cases, | 21 | ib. |
| To divide the first and second Divisions of the Militia in 3 Divisions, | 22 | ib. |
| To annex part of the Militia composing the eight brigade of the 4th division to the ninth brigade of the fifth division, &c. | 23 | ib. |
| To open and make navigable Fishing Creek, from Wyatt's Bridge, &c. | 24 | ib. |
| To render navigable Golly Swamp, in Bladen County, | 25 | ib. |
| To amend laws heretofore passed to improve the navigation of Cape Fear River, and of Deep and Haw Rivers, | 26 | ib. |
| To establish a turnpike road, from the west end of Mattamuskeet Lake, to John Jordan's, in Rose Bay, in Hyde County, | 27 | ib. |
| To authorize certain persons to erect a Draw-Bridge across Trent River, in Jones County, and to repeal part of an act, &c. | 28 | ib. |
| To confirm the provisions of an act passed by the legislature of Virginia, authorising Thomas Wilson to erect a Wing dam, &c. | 29 | ib. |
| To appoint Commissioners to fix on a suitable and central place in the county of Guilford, for erecting the Court-house, &c. | 30 | ib. |
| To provide for building a new Goal in the county of Bladen, | 31 | ib. |
| To provide for the repairing, &c. the Goal in Chowan county, | 32 | ib. |
| Authorizing the county court of Craven to build a new jail, &c. | 33 | ib. |
| For the support and employment of the poor of Cumberland county, | 34 | ib. |
| To establish a poor-house in the county of Duplin, | 35 | ib. |
| To authorise the county court of Pasquotank to lay a tax for the purpose of building a prison and stocks, finishing court-house, &c. | 36 | ib. |
| To amend an act for building a new court-house, &c. in Lincoln, | 37 | ib. |
| Empowering the county court of Mecklenburg to lay a further tax for completing and finishing the public buildings in said county, | 38 | ib. |
| To authorise the county court of Currituck to lay a tax for the purpose of defraying certain expences therein mentioned, | 39 | ib. |
| To empower nine justices of Montgomery county, to lay the county tax, | 40 | ib. |
| To amend an act empowering the county court of Tyrrel to lay a tax for building a bridge across Scuppernon river, | 41 | ib. |
| To amend an act to empower the persons therein named to call to account former sheriffs, &c. in Richmond county, | 42 | ib. |
| To alter the time of appointing sheriffs in Lincoln county, | 43 | ib. |
| To limit the number of Constables in the county of Ashe, | 44 | ib. |
| Outing out the mode of compensating Patrols in Randolph, | 45 | ib. |
| To amend an act for the government of Elizabeth city, | 46 | ib. |
| To incorporate the town of Plymouth, and for other purposes, | 47 | ib. |
| To appoint commissioners for the government of Asheville, | 48 | ib. |
| To appoint commissioners for the town of Hertford, Perquimans, | 49 | ib. |
| To appoint commissioners for the town of Sarecta, in Duplin, and to | 50 | ib. |
| enlarge the authority of the commissioners of Wilmington, &c. | 51 | ib. |
| To lay off a town on the lands of John Wooton, in Bladen county, | 52 | ib. |
| To provide for the election of commissioners for Smithville, | 53 | ib. |
| To establish a town on the lands of John Billingsly, in Montgomery, | 54 | ib. |
| To regulate the town of Germantown, in Hyde county, | 55 | ib. |
| To appoint commissioners for the town of Williamston, | 56 | ib. |
| To amend an act for laying off a town in Wilkes county, | 57 | ib. |
| For the better regulation of Charlotte, in Mecklenburg county, | 58 | ib. |
| To enlarge the authority of the commissioners of Newbern, | 59 | ib. |
| To repeal part of an act for renting out Hillsborough town commons, | 60 | ib. |
| To empower the commissioners of Warrenton to sell public ground, | 61 | ib. |
| To authorise the Trustees of the University to appoint Pres. protem, | 62 | ib. |
| Empowering the commissioners of Edenton to convey commons, &c. | 63 | ib. |
| To establish an academy in Elizabeth city, | 64 | ib. |
| To incorporate the trustees of Indian Woods academy, in Bertie, | 65 | ib. |
| To establish an academy in Trenton, Jones county, | 66 | ib. |
| To authorise the trustees of Mount Clio academy, and the trustees of Portsmouth academy, to raise money by way of lottery, | 67 | ib. |
| To amend an act to establish a seminary in Lumberton, &c. | 68 | ib. |
| To amend an act to establish an academy in Kutherford county, | 69 | ib. |
| To establish a boundary line between Ashe and Burke counties, | 70 | ib. |
| To annex part of the county of Burke to Kutherford county, | 71 | ib. |
| To amend an act authorising the members of the Newbern Episcopal church to appoint trustees, &c. | 72 | ib. |
| To regulate the inspection of ton timber in Wilmington, | 73 | ib. |
| To amend an act relating to removing obstructions to fish in Peedee, | 74 | ib. |
| Authorising Bennet Beasley & J. Kutherford, to bring in slaves, | 75 | ib. |
| Authorising Sam. Morgan, of Virginia, to bring slaves to this state, | 76 | ib. |
| To confirm the marriage of James Smith with Mary Newceter, | 77 | ib. |
| To empower Wm. Gill, of Granville, to sell certain lands, | 78 | ib. |
| To vest in America Jones, of Wake county, certain rights, | 79 | ib. |
| To alter the time of holding the county courts therein mentioned, | 80 | ib. |
| To alter the time of holding the courts in several counties, | 81 | ib. |
| To repeal an act to alter the times of holding the county courts in the counties therein mentioned, so far as respects Onslow county, | 82 | ib. |
| To alter the time of holding the County Court of Tyrrel, | 83 | ib. |
| To amend an act making compensation to the Jurors to Rowan county, | 84 | ib. |
| Making compensation to the Jurors of Halifax superior court and New-Hanover superior and county courts, | 85 | ib. |
| Making compensation to the Jurors who may hereafter attend the county and superior courts in the county of Robeson, | 86 | ib. |
| To establish four separate elections in the county of Franklin, &c. | 87 | ib. |
| To amend an act to establish the mode of elections in Granville, | 88 | ib. |
| To alter the time of holding the separate elections in Northampton, and to establish one other separate election in said county, | 89 | ib. |
| To establish the mode of elections in future in the county of Bertie, | 90 | ib. |
| To establish one other separate election in the county of Duplin, | 91 | ib. |
| To establish one other election in Mecklenburg county, and to alter the time of holding those heretofore established, | 92 | ib. |
| To amend an act to establish the mode of elections in Richmond, | 93 | ib. |
| To alter the mode of elections in the county of Anson, | 94 | ib. |
| To alter the place of holding one election in Randolph, and to alter the time of holding the Bladen and Brunswick county courts, | 95 | ib. |
| For the better regulation of the separate elections in Rowan county, | 96 | ib. |
| Granting a separate election in Stokes county, | 97 | ib. |
| To alter the place of holding two separate elections in Surry, | 98 | ib. |
| To amend acts granting elections in Lincoln, as respects elections, | 99 | ib. |
| To grant two elections in Kutherford, & to alter the place of holding, | 100 | ib. |
| To establish a separate election at William White's, in Bertie, &c. | 101 | ib. |
| To regulate the mode of elections in the county of Tyrrel, | 102 | ib. |
| To establish an election in a part of Buncombe formerly called Walton, | 103 | ib. |
| To alter the place of holding matters in Northampton county, | 104 | ib. |
| To prevent hogs running at large on Portsmouth Island, in Carteret, | 105 | ib. |
| To alter the names of persons therein mentioned, and legitimize, &c. | 106 | ib. |
| To secure to certain persons such property as they may acquire, | 107 | ib. |
| To secure to Rebecca Farrow such property as she may acquire, &c. | 108 | ib. |
| To secure to Jas. Hester, of Gates, the property he may acquire, &c. | 109 | ib. |
| To settle David Dannels, of Rowan, against the claims of his wife, | 110 | ib. |
| To restore to credit James Cortez, of Lincoln county, | 111 | ib. |
| To restore to credit James Cortez, of Lincoln county, | 112 | ib. |

