



# L A W S

OF

## NORTH-CAROLINA.

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

1808.

DAVID STONE, ESQUIRE, GOVERNOR.

### CHAP. I.

An Act erecting the west part of Buncombe into a separate and distinct County, and also part of Brunswick and a part of Bladen Counties into a separate and distinct County.

**W**HEREAS the inhabitants in the west part of Buncombe County are very inconvenient to the Court-house in said county, which renders the attendance of Jurors and Witnesses very burthensome and expensive, and almost impossible in the winter season: for remedy whereof,

Preamble.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same* That all that part of the county of Buncombe, (to wit) beginning where the southern boundary line of this State crosses the highest part of the ridge dividing the waters of the French Broad from those of the Tucky Siegy River, then along the said ridge to the ridge dividing the waters of Pigeon and the French Broad River, then with said ridge to the top of Mount Pisgab, thence a direct line to the mouth of the first branch emptying into Hominy Creek on the north side above Jesse Belieu's, thence with said branch to the source, and thence along the top of the ridge, dividing the waters of French Broad and those of Pigeon River, to the northern boundary of this State, and with the State line to the line which shall divide this State from the State of Georgia, and with that line to the beginning, shall be, and is hereby erected into a separate and distinct County, by the name of Haywood, in honor of the present Treasurer of this State.

Boundary of then w county of Haywood.

*II. And be it further enacted,* That all Justices of the Peace being within the bounds of the said county of Haywood, shall exercise the same authority as they have heretofore done in the county of Buncombe; and the Justices hereafter to be appointed in the usual manner, and when qualified agreeable to law, shall hold and exercise all the power and authority, and be subject to the same penalties that Justices of the Peace of the several counties in this State are subject to, or have a right to enjoy.

Justices w<sup>th</sup> in the re<sup>l</sup> county to c<sup>o</sup> tinue to act.

*III And be it further enacted,* That the said county of Haywood shall be part of the district in which Buncombe county is included for electing Representatives to the Congress of the United States, and for Elector to vote for a President and Vice-President of the United States: and elections hereafter to be held in the said county of Haywood shall be conducted in the same manner, under the same rules, regulations and restrictions, as elections for the like purpose are conducted in the several counties in this State.

Haywood to be in the Bun- com-be electo- ral district.

*IV. And be it further enacted,* That John Stephenon, John Montgomery, William Deever, John Dobson, Hugh Davidson, Hollyman Battle and John Bryson be, and they are hereby appointed Commissioners for fixing on a proper and convenient place at or near the centre of said county, whereon to erect the public buildings; the duties of which appointment they, or a majority of them, are requested to execute as soon as possible after the passing of this act: but until a court

Commission- ers for fixing on a proper place for the public build- ings.

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house shall be erected, or some convenient place fixed on by the Commissioners aforesaid, the Court of Pleas and Quarter Sessions for the said County of Haywood shall be held at Mount Prospect.

Times of holding county courts.

V. *And be it further enacted*, That the Court of Pleas and Quarter Sessions for the County of Haywood aforesaid, shall be held on the fourth Monday of March, June, September and December in each and every year: *Provided*, That the first term of said County Court shall be holden on the fourth Monday of March next, to which time respectively all suits, pleas and prosecutions, of what kind or nature soever, shall be returnable or stand adjourned.

Commissioners for erecting the public buildings.

VI. *And be it further enacted*, That Felix Walker, John M'Farland and Thomas Lenoir, be, and they are hereby appointed Commissioners for the purpose of erecting the public buildings for the said County of Haywood, at such place as may be fixed on for that purpose; and they, or a majority of them, after giving bond with approved security to the Court of said County for the faithful performance of the duties required of them by this act, shall have full power and authority to sue for and recover all monies that may or ought to be collected for the purpose of defraying the expences of the public buildings aforesaid, and to compel the performance of any contract that may be entered into respecting the same, and in order to defray the expences of the public buildings intended to be made by virtue of this act,

Tax for erecting public buildings.

VII. *Be it enacted*, That a tax of three shillings on every poll, and a tax of one shilling on every hundred acres of land in the said county of Haywood, shall be levied and collected for the year one thousand eight hundred and nine, by the sheriff or collector of public taxes; and the same shall be accounted for to the said Commissioners herein last mentioned, or a majority of them, under the same restrictions and regulations as sheriffs are subject to in collecting public taxes: *Provided*, That nothing herein contained shall be construed to prevent the sheriff of the county of Buncombe from collecting all arrears of taxes or other monies which he ought to collect, in the same manner as if this act had never been passed.

Justices of the Peace to hold Quarter Sessions, &c.

VIII. *And be it further enacted*, That the Justices of the said County of Haywood shall hold the court of Pleas and Quarter Sessions for said County at the place aforesaid, and therein shall exercise all the powers and authorities that are usual and customary, and shall appoint all their necessary officers for the same as required by law, in the same manner as is exercised by the Justices of the several Counties within this State, any law to the contrary notwithstanding.

Buncombe Superior Court to have cognizance over the new county.

IX. *And be it further enacted*, That the Superior Court of Law and Court of Equity of Buncombe County, shall have jurisdiction and cognizance in and over the said County of Haywood, in as full and ample a manner as the said Courts have in and over the said County of Buncombe; and all causes, both civil and criminal, in the said county of Haywood, may be tried in the said Courts in the same manner as if the same causes had arisen in the County of Buncombe; and offenders may be recognized or committed to the jail of Buncombe County, in the same manner as if the offences had been committed in the County of Buncombe; and all the appeals from the County Court of Haywood, shall be taken to the Superior Court of Buncombe, under the same rules which govern appeals in other Counties; and the said County of Haywood shall send twelve Jurors to the Superior Court of Buncombe, to be chosen in the same manner and under the same rules as Jurors are chosen in the several Counties in this State to attend the Superior Courts, and the County of Buncombe shall choose eighteen Jurors instead of thirty as heretofore.

And whereas the river Wacamaw renders it frequently impossible to pass to the Court-house of Brunswick County without imminent danger,

Boundary of the new county of Columbus.

X. *Be it further enacted*, That all that part of Bladen County and Brunswick, beginning in the Wacamaw river, where the dividing line between North and South-Carolina crosses the same, then up said river to the White Marsh Branch, then up the same to the western prong and to the head of it, then a direct line to the Rough Horn Branch or Swamp; then down Rough Horn to Drowning Creek, thence down the same to the State line, thence with the same to the beginning—shall be and is hereby established into a separate and distinct County, by the name of Columbus.

Justices of the new county to continue to act.

XI. *And be it further enacted*, That all the Justices of the Peace being within the bounds of the said County of Columbus, shall exercise the same authorities as they have heretofore done in the Counties of Bladen and Brunswick; and the Justices hereafter to be appointed in the usual manner, and when qualified agreea-

ble to law, shall hold and exercise all the power and authority, and be subject to the same penalty that Justices of the Peace in the several Counties in this State are subject to, or have a right to enjoy.

XII. *And be it further enacted*, That the said County of Columbus shall be part of the district in which Bladen and Brunswick Counties are included, for electing Representatives in the Congress of the United States, and for electing Electors to vote for a President and Vice President of the United States: and elections hereafter to be held in the County of Columbus shall be conducted in the same manner, under the same rules, regulations and restrictions as elections for the like purpose are conducted in the several Counties in this State.

Columbus to be in the Bladen & Brunswick electoral district.

XIII. *And be it further enacted*, That John Wingate, Shadrach Wooten, James B. White, Thomas Frink, Solomon Reaves, Absalom Powell and James Shipman be, and they are hereby appointed Commissioners for fixing on a proper and convenient place whereon to erect the public buildings; the duties of which appointment they, or a majority of them, are requested to execute as soon as possible after the passing of this act: but until a Court house shall be erected, or some convenient place fixed on by the Commissioners aforesaid, the Court of Pleas and Quarter Sessions for the said County of Columbus shall be held at the house of Stephen Barfield.

Commissioners for fixing on a place for the public buildings.

XIV. *And be it further enacted*, That the Superior Court of Law and Court of Equity of Bladen County shall have jurisdiction and cognizance in and over the said County of Columbus, in as full and ample a manner as the said Courts have in and over the County of Bladen; and all causes both civil and criminal in the said County of Columbus may be tried in the said Courts, in the same manner as if the said causes had arisen in the County of Bladen, and offenders may be recognized or committed to the jail of Bladen County, in the same manner as if the offences had been committed in the County of Bladen; and all appeals from the County Court of Columbus shall be taken to the Superior Court of Bladen, under the same rules which govern appeals in other Counties; and the said County of Columbus shall send twelve Jurors to the Superior Court of Bladen, to be chosen in the same manner and under the same rules as Jurors are chosen in the several Counties in this State to attend the Superior Courts; and the County of Bladen shall choose eighteen Jurors instead of thirty as heretofore; and the County Courts of Columbus shall be held on the first Monday in March, June, September and December, in each and every year hereafter: *Provided*, That the first term of said County Court shall be holden on the first Monday of March next, to which time all suits, pleas and prosecutions of what kind or nature soever shall be returnable and stand adjourned.

Bladen Superior Court to have cognizance over this new county.

Time of holding county courts.

XV. *And be it further enacted*, That John Wingate, Shadrach Wooten, James B. White, Thomas Frink, Solomon Reaves, William Mooney and Absalom Powell be, and they are hereby appointed Commissioners for the purpose of erecting the public buildings for the said County of Columbus, at such place as may be fixed on for that purpose; and they, or a majority of them, after giving bond with approved security to the Court of said County, for the faithful performance of the duty required of them by this act, shall have full power and authority to sue for and recover all monies that may or ought to be collected for the purpose of defraying the expence of the public buildings aforesaid, and to compel the performance of any contract that may be entered into for the performance aforesaid, and in order to defray the expences of the public buildings intended to be made by virtue of this act,

Commissioners for erecting the public buildings.

XVI. *Be it enacted*, That a tax not exceeding three shillings on every poll, and a tax of one shilling on every hundred acres of land in the said County of Columbus, shall be levied and collected for the year one thousand eight hundred and nine by the Sheriff or Collector of public taxes; and the same shall be accounted for to the said Commissioners herein last mentioned, or a majority of them, under the same restrictions and regulations as Sheriffs are subject to in collecting public taxes: *Provided*, That nothing herein contained shall be construed to prevent the Sheriffs of the Counties of Bladen and Brunswick from collecting all arrearages of taxes or other monies, which they ought to collect, in the same manner as if this act had never been passed.

Tax for erecting public buildings.

XVII. *And be it further enacted*, That the Justices of the said County of Columbus shall hold the Court of Pleas and Quarter Sessions for said County at the place aforesaid, and therein shall exercise all the powers and authorities that are

Justices of the Peace to hold Quarter Sessions, &c.

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usual and customary, and shall appoint all their necessary officers for the same as required by law, in the same manner as is exercised by the Justices of the several Counties within this State, any law to the contrary notwithstanding.

*Read three times and ratified in General Assembly.  
the 15th day of December, 1808.*

JOSEPH RIDDICK, SPEAKER OF THE SENATE.  
J. G. WRIGHT, SPEAKER OF THE HOUSE OF COMMONS.

COPY,  
WILL. WHITE, Secretary.

## CHAP. II.

An Act to ratify and confirm Conventional Articles of Agreement between this State and the State of South-Carolina.

Preamble.

WHEREAS the States of North-Carolina and South-Carolina, by their respective Commissioners, duly authorized for that purpose, did on the eleventh day of July, one thousand eight hundred and eight, at Columbia, in the State of South-Carolina, enter into Articles of Conventional Agreement as follow :

Articles of Agreement.

ARTICLE I. The line beginning at a cedar stake on the Atlantic Ocean, and running thence north west and west to a point at the Salisbury road, near the Catawba lands as described in the plans of survey begun in one thousand seven hundred and thirty-five, and ended in one thousand seven hundred and forty-six, shall be and remain the same in its whole extent as heretofore established.

ARTICLE II. From which point at the Salisbury road, mentioned in the preceding article, instead of following the road to where it enters the Catawba lands, as at present, which road is liable to change and uncertainty, a line shall be run and marked in a direct course to the south-east corner of the said Catawba lands at Twelve Mile Creek, which line is hereby established in lieu of the said road ; thence along the line of the said Catawba lands, pursuing its different courses to where the Catawba river enters the said lands on the north, thence with the middle stream of that river northwardly to the confluence of the northern and southern branches thereof, and from thence due west along the line as run and marked by Commissioners in the year seventeen hundred and seventy-two, to the termination of the said line.

ARTICLE III. And from the termination of the said line of one thousand seven hundred and seventy-two, a line shall be extended in a direct course to that point in the ridge of mountains which divides the eastern from the western waters, where the thirty-fifth degree of north latitude shall be found to strike it nearest the termination of said line of one thousand seven hundred and seventy-two, thence along the top of said ridge to the western extremity of the State of South-Carolina.— It being understood that the said State of South-Carolina does not mean by this arrangement to interfere with claims which the United States, or those holding under the act of cession to the United States, may have to lands which may lie, if any there be, between the top of the said ridge and the said thirty-fifth degree of north latitude.

ARTICLE IV. The contracting parties, for their mutual benefit and convenience, agree to adopt and confirm the lines of boundary as prescribed in the preceding articles, and to renounce respectively to each other every right, claim and pretension which may be inconsistent with the true meaning and purpose of this agreement, which is to establish between the States of South-Carolina and North-Carolina a permanent and unalterable boundary : *Provided nevertheless*, That in case at any time this agreement shall be controverted or not conformed to after the ratification of it by the Legislatures of said States, all the rights, claims and pretensions herein intended to be renounced and conveyed, and all other rights and claims in relation thereto, shall revive and exist in the same force and effect as they did before the signing of these presents, in favor of the State which shall conform thereto.

In order, therefore, that the said Conventional Agreement may be carried into complete effect,

Ratified and confirmed.

*Be 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 all and every clause thereof, be, and the same are hereby fully ratified and confirmed.

## CHAP. III.

An Act to suspend Executions for a time therein mentioned.

Courts to stay executions on judgments, on security.

*BE 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 judgment shall be obtained for any debt or damages in any court having jurisdiction thereof, against

any debtor or debtors, at any time after the thirty-first day of December instant and before the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such court before whom such judgment shall be obtained, to stay execution and all further proceedings thereon until the first term or regular session of such court, after the thirty-first day of December, one thousand eight hundred and nine, on such debtor or debtors first giving two sufficient freeholders (such as shall be approved by the court) securities for the stay of execution, an acknowledgment of such securities in open court and entered on the records of the same, shall be considered as part thereof: And if such judgment shall not be paid, with six per cent. interest thereon, before the first term or session of the court, after the thirty-first of December, one thousand eight hundred and nine, it shall then be the duty of said court, on motion made, immediately to award execution in a summary way against the principal and his securities, for the full amount of such judgment, or so much thereof as shall remain unpaid, together with the lawful interest thereon, and costs.

II. *And be it further enacted*, That when any judgment shall be obtained before any justice of the peace against any debtor or debtors, on or after the thirty-first of December instant, it shall be the duty of such justice of the peace before whom such judgment shall be obtained, to stay execution and all further proceedings thereon until the thirty-first of December, one thousand eight hundred and nine, on such debtor or debtors first giving sufficient security in two freeholders (such as shall be approved by said justice) for the stay of execution: And if such judgment, with six per cent. interest thereon, be not paid and satisfied before the thirty-first day of December, one thousand eight hundred and nine, then it shall be the duty of the justice of the peace, on application, to award execution *instanter* against the principal and his securities for the full amount of such judgment, or so much thereof as shall remain unsatisfied, together with the lawful interest thereon, and costs: *Provided*, That nothing herein contained shall be so construed as to prevent any defendant or defendants from claiming and obtaining the stay of execution as heretofore practised.

Justices of the peace to do the same.

III. *And be it further enacted*, That it shall be the duty of every sheriff, constable or other officer to whom any other execution has been or shall be directed, in consequence of any judgment already obtained, or which may be obtained before the thirty first of December, instant, to stay all further proceedings thereon, on the person or persons against whom such execution has or shall have issued, first giving bond with two sufficient freeholders securities in the full sum specified in the execution, payable to him, her or them for whose debt or damages such execution aforesaid has or shall have issued; which bond, together with the execution, the sheriff, constable or other officer shall return to the court or justice of the peace to whom the same shall be returnable; and the court or justice of the peace, on such return being made, should they think such securities fully sufficient, shall stay all further proceedings on such execution until the expiration of the times respectively specified in the first and second sections of this act, and at the expiration of such times it shall be the duty of such court or justice, respectively, to award execution in a summary way against the principal and his securities, for the full amount of such bond, or so much thereof as shall remain unpaid, together with the lawful interest thereon; and the constable or other officer shall receive from the principal giving such bond, the sum of two shillings for the same.

Sheriffs, &c. to stay proceedings on executions.

IV. *And be it further enacted*, That where any sheriff, constable or other officer has levied or shall have levied on any goods, chattels, lands and tenements, before the thirty-first of December, instant, by virtue of any execution, or has arrested or imprisoned, or shall have arrested and imprisoned, before the thirty-first of December, instant, any person by virtue of a writ of *ca. sa.* which has or shall have issued for any debt or damages, it shall be the duty of such sheriff, constable or other officer, on bond with sufficient security being given (as prescribed in the third section of this act) to deliver the property thus levied on to the debtor on demand, and release the person arrested or imprisoned from custody: *Provided*, That nothing herein contained shall apply to or affect debts which may be contracted with either of the banks established in this State, after the first day of January next.

Duty of sheriffs, &c. where levies or arrests have been made.

Provision in favor of the banks.

V. *And be it further enacted*, That nothing herein contained shall be deemed to apply to judgments or executions which are or may be obtained or issued in the name of the State, or at the instance of the Treasurer, or to alter the mode by which such judgments and executions are carried into effect, or to exonerate clerks, she-

Exceptions.

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riffs, county treasurers, or treasurers of public buildings and constables, from paying or satisfying, on execution or otherwise, all such sums of money as they have received and collected by virtue of their office; and if execution issues against any of them, their property shall be sold to the highest bidder, to satisfy such execution, any thing herein contained to the contrary notwithstanding.

VI. *And be it further enacted*, That nothing herein contained shall be so construed as to prevent clerks, sheriffs, county treasurers, or treasurers of public buildings, from collecting such monies as may be due them for the use of the public.

Not to effect collections of sheriffs, &c.

### CHAP. IV.

#### An Act to regulate Descents.

*BE 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 following rules be and hereby are established for regulating the descent of inheritances:

1st. Inheritances shall lineally descend to the issue of the person who died last actually or legally seized, for ever, but shall not lineally ascend except as is herein-after provided for.

2d. Females shall inherit equally with males, and younger equally with older children.

3d. The lineal descendants of any person deceased shall represent their ancestor, and stand in the same place as the person himself would have done had he been living.

4th. On failure of lineal descendants, and where the inheritance has been transmitted by descent from an ancestor, or has been derived by gift, devise or settlement from an ancestor, to whom the person thus advanced would, in the event of such ancestor's death, have been the heir, or one of the heirs, the inheritance shall descend to the next collateral relations of the person last seized, who were of the blood of such ancestor, subject to the two preceding rules.

5th. On failure of lineal descendants, and where the inheritance has not been transmitted by descent, or derived as aforesaid from an ancestor, or where, if so transmitted or derived, the blood of such ancestor is extinct, the inheritance shall descend to the next collateral relations of the person last seized, whether of the paternal or maternal line, subject to the second and third rules.

6th. Collateral relations of the half blood shall inherit equally with those of the whole blood, and the degrees of relationship shall be computed according to the rules which prevail in descents at common law: *Provided always*, That in all cases where the person last seized shall have left no issue, nor brother, nor sister, nor the issue of such, the inheritance shall vest, for life only, in the parents of the intestate, or in either of them, if one only be living, and on the death of one of the parents, then in the survivor, and afterwards be transmitted according to the preceding rules.

II. *And be it further enacted*, That this act shall commence and be in force from and after the thirty-first day of December, and that all laws and clauses of laws which come within the meaning and purview of this act be, and the same are from that day repealed and made void: *Provided always*, That nothing herein contained shall be construed to repeal so much of the existing law as prohibits children who have had lands settled on them by a deceased parent, from claiming more of the inheritance of such parent than will make their shares equal to those of the other children.

This act to be in force after the 31st Dec.

### CHAP. V.

#### An Act to provide for Children born after the making of their Father's Will.

*BE 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 child or children is, are or shall be born after the making his, her or their parent's will, and such parent shall die after the passing of this act, without having made provision for said child or children, such child or children may at any time within two years after the probate of said will, by his, her or their next friend or guardian, prefer a petition to the superior court, or court of pleas and quarter sessions of the county in which he, she or they reside, setting forth these facts, and praying a provision under this act, to which petition the executor of the testator, or the administrator, with the will annexed, as the case may be; and the devisees of said testator, and also his heirs, if a part of the testator's land be undeviseed, shall be parties: and copies of the petition and subpoenas shall be served in the manner by law directed in other cases of petitions.

Course to be taken by the friends or guardians of such children.

II. *And be it further enacted*, That on such petition preferred as aforesaid, it shall and may be lawful for the court to adjudge and decree, that the executor or administrator as aforesaid shall pay and deliver over to the petitioner or petitioners, such portion of the personal estate of his, her or their parent, as the petitioner or petitioners would have been entitled to, had the said parent died intestate; and also to appoint five disinterested commissioners, who, or a majority of them, with a surveyor, being first sworn to do equal and impartial justice, shall lay off to the petitioner or petitioners a share of his, her or their parent's lands, in whatever county situate, equal in value to the share which would have descended to the petitioner or petitioners had no will been made; and shall also return a correct valuation of the lands severally devised, and a statement setting forth what part in value of each devisee is taken away by the portion so allotted to the petitioner or petitioners.

How the court shall proceed.

Commissioners to lay off the petitioner's share of land.

III. *And be it further enacted*, That if there be any lands of the testator not devised, these lands, or so much thereof as may be sufficient, shall always be set apart for the petitioner or petitioners, and the commissioners are enjoined not to interfere with the lands devised, or any of them, except so far as may be necessary to make up the deficiency in the petitioner or petitioners share.

Commissioners not to interfere with devised lands farther than necessary.

IV. *And be it further enacted*, That the several legatees under the will of the testator, in order to make up the personal portion decreed by the court to the petitioner or petitioners aforesaid, shall contribute proportionally to the values of their several legacies.

Legatees to contribute in proportion to their legacies.

V. *And be it further enacted*, That upon the return to the court of the proceedings of the commissioners, the said court shall and may adjudge and decree, that the petitioner and each of them be seized, and thenceforth said petitioner shall be seized in fee simple of the share of the lands to him or her by them allotted; and the said court shall and may give judgment severally in favor of such of the devisees, of whose lands more has been taken away than is in proportion to the respective values of said lands, against such of said devisees of whose lands a just proportion has not been taken, for such sums as will make the contribution on the part of each and every of them equitable, and in the ratio of the values of the several devisees: and that the costs attending the petition and proceedings thereon, shall be within the discretion of the court.

On the return of the commissioners, the court may decree, &c.

VI. *And be it further enacted*, That the petitioner or petitioners as aforesaid, after such decrees as aforesaid, shall be considered and deemed in law a legatee and devisee as to his or her portion, shall and may be styled as such in all legal proceedings, and shall be liable to all the obligations and duties by law imposed on such: *Provided always*, That all judgments on decrees *bona fide* obtained against the devisees or legatees, previously to the preferring of any petition as aforesaid, and which in law or equity were binding upon, or ought to operate upon the lands or chattels devised or bequeathed, shall be carried into execution and effect, as if this act had never been passed; and the petitioner shall take his or her portion as aforesaid completely subject thereto: *And provided also*, That any suit instituted either in law or equity against the devisees or legatees, previously to such petition as aforesaid, shall not be abated or abateable thereby, nor by the decree thereon, but shall go on as instituted, and the judgment and decree, unless obtained by collusion, be carried into complete execution; but on the failing of the petition as aforesaid, during the pendency of such suit, the petitioner or any of them, by his or her next friend or guardian, may come into court, suggest the filing of the petition, and become a defendant to the said suit.

After the decree of the court the petitioners shall be deemed legatees.

CHAP. VI.

An Act to give concurrent Jurisdiction to the 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 superior courts of law and county courts shall have concurrent jurisdiction in all civil actions: *Provided*, That no original writ for debt shall be issued by any clerk of the superior court against any person residing out of the county of said clerk, for any sum under fifty pounds.

No writ to be issued against any person living out of the county for less than 50l.

CHAP. VII.

An Act to amend the several Acts now in force relative to the Supreme 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 it shall be the duty of the clerk

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Clerk to report  
the cases and  
prepare them  
for publication

His compen-  
sation.

of the supreme court, to report the cases which have been decided in said court since the July term of said court in the year one thousand eight hundred and four, and prepare the same for publication as soon as the same can be conveniently done; and as a compensation for his services in this respect, the said clerk shall receive the sum of twenty-five pounds for each term of said court, the cases of which are hereby directed to be reported and published, to be paid by the Public Treasurer of the State, upon the certificate of the Secretary of State, that they are lodged in his office and ready for publication.

Secretary of  
State to adver-  
tise for propo-  
sals for print-  
ing said reports

II. *And be it further enacted*, That it shall be the duty of the Secretary of State, immediately on receiving the said cases, to give thirty days notice in the newpapers in the City of Raleigh, that he is ready to receive proposals in writing for printing, binding and lettering said reports; and on the day by him fixed on, he shall open and examine the proposals, and let them to the person whose proposals shall in his opinion be the most advantageous to the State: and it shall be the duty of the Printer so undertaking, to deliver to the Secretary of State, at a time by them to be agreed on, sixty-six copies for the use of the State, to be disposed of, one copy to each of the clerks of the different superior courts, and one copy to each of the Judges: And the Printer so undertaking and performing, shall be entitled to the exclusive right of publishing and vending said reports for seven years for his own emolument.

The Clerk to  
rep it yearly.

And the Sec-  
retary to con-  
tract for print-  
ing said reports

III. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court, to report annually and prepare for publication the cases which shall be decided for the year then being, and deliver the same to the Secretary of State, whose duty it shall be to advertise the same, and let them for printing and binding, as before directed, reserving sixty-six copies for the use of the State, to be disposed of one copy to each of the clerks of the superior courts, and one copy to each of the Judges, to be delivered to them or their order: And the printer so undertaking and performing, shall have the exclusive right of publishing and vending said reports for seven years.

The Clerk to  
furnish the  
Judges ab-  
stracts of cases  
sent up for ad-  
judication.

Clerk's salary

IV. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court, to make out and furnish to each of the Judges, fair abstracts or copies as may be required, of all cases which may be sent up to the said court for adjudication; and for the annual service of said clerk, prescribed by this act, and by other acts relative to the supreme court, he shall receive a compensation, to be estimated by any three of the Judges, not exceeding one hundred and fifty pounds per annum, to be paid as heretofore directed.

#### CHAP. VIII.

##### An Act to limit Penal Actions.

Suits to be  
brought within  
three years.

*BE 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 actions and suits to be brought on any penal act of the General Assembly for the recovery of the penalty therein set forth, shall be brought within three years after the cause of such action or suit shall or may have accrued, and not after: *Provided*, That where such cause of action or suit hath heretofore accrued, the same action or suit may yet be brought within three years after the passing of this act: *Provided also*, That this act shall not affect the time of bringing suit on any penal act of the General Assembly which hath a time limited therein for bringing the same.

#### CHAP. IX.

An Act to repeal the sixteenth section or clause of an act of the General Assembly, entitled, "An act for the more uniform and convenient administration of Justice within this State;" and to direct the manner in which the Judges of the Superior Courts of Law and Equity shall in future receive their salaries or compensation

Sixteenth sec-  
tion of re cited  
act repealed.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sixteenth clause or section of the act of the General Assembly, entitled "An act for the more uniform and convenient administration of Justice within this State," passed in the year one thousand eight hundred and six, be, and the same is hereby repealed and made void.

Judges to ob-  
tain certificates  
from the clerks  
of superior  
courts.

II. *And be it further enacted by the authority aforesaid*, That for the year one thousand eight hundred and nine, and thenceforward, the Judges of the Superior Courts of Law and Courts of Equity in this State, for the time being, shall be paid for their services as Judges on certificates to be granted or furnished them by the Clerks of the several Superior Courts, under their hands

and the seals of their courts respectively; which certificates shall be written on at least one half sheet of paper, and shall pass and be paid at the public treasury, at the rate of forty pounds for each certificate.

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

Former acts repealed.

## CHAP. X.

An act to amend the twelfth section of an act passed at Raleigh the ninth day of December, one thousand eight hundred and six, entitled "An act for the more uniform and convenient administration of justice within this State."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That no cause, civil or criminal, which is or may be pending in any of the Superior Courts of this State, shall be removed to the Superior Court of another County, unless on oath or affirmation made, in which the facts whereon the deponent or affirmant founds his belief that justice cannot be obtained in the county where the suit is pending shall be set forth, so that the Judge may decide upon such facts whether the belief is well grounded.

Causes how to be removed in future.

## CHAP. XI.

An act to amend an act passed at the last session of the General Assembly, entitled "An act to allow interest on judgments recovered in actions brought on contract, and to mitigate the severity of executions."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever a suit shall be instituted on a single bond, a covenant for the payment of money, a bill of exchange, a promissory note, or a signed account, and the defendant shall not plead to issue thereon, it shall and may be lawful upon judgment, without a writ of enquiry, for the clerk of the court to ascertain the amount of interest due by law; and the said amount shall be included in the final judgment of the court, as damages, which judgment is to be rendered therein in the manner prescribed by the aforesaid act.

Uncertainty as to interest to be allowed without writ of enquiry.

II. *And be it further enacted,* That in all cases of executions against goods and chattels, and in the case of insolvent debtors applying for discharge, one bed and its necessary furniture, the property of the defendant or insolvent, shall always be deemed and held exempt from seizure, and be excepted like working tools and arms for muster, in the oath to be taken by the insolvent.

Beds & furniture to be allowed in cases of executions & insolvent debtors.

III. *And be it further enacted,* That any person or persons who may hereafter be imprisoned for debt, and who may be in prison bounds only under the rules prescribed by law, may be admitted to take the oath of insolvent debtors and discharged from the confinement of the prison bounds, on condition that such person or persons shall give the necessary notice, and in all other respects whatever, conform to the rules and conditions heretofore pointed out by law.

Persons in prison bounds may be admitted to take the oath of insolvent debtors.

## CHAP. XII.

An act to restrain Justices of the Peace from holding appointments inconsistent with the nature and duties of their office.

*BE 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 Court of Pleas and Quarter Sessions in this State shall admit to the bar of such court, as a practising Attorney, any person who now holds, or may hereafter hold the office of a Justice of the Peace in said county, until the person shall first tender to the court a resignation of his said office, to be by the said court transmitted to the competent authority.

No Justice of the Peace to be admitted to the bar as an Attorney.

II. *And be it further enacted,* That whenever any practising Attorney in a Court of Pleas and Quarter Sessions, shall accept of the appointment of a Justice of the Peace in the county wherein he so practices, he shall, before he is permitted to take the oath of office prescribed for a Justice of the Peace, cause to be entered on the records of said court a resignation of all claims to practice therein as an Attorney, so long as he shall keep the office aforesaid; and that during the time he may keep the said office, he shall not be heard or received as an Attorney of said court.

When an Attorney accepts of the office of a Justice, he shall resign his claim to practice as an Attorney.

III. *And be it further enacted,* That the following appointments are declared to be incompatible with the office of a Justice of the Peace, that is to say—Clerk of the Court of Pleas and Quarter Sessions, Deputy Clerk thereof, Deputy Sheriff, Constable and County Trustee; and any person who now holds, or may hereafter

Appointments incompatible with the office of Justice of Peace.

1844  
Persons holding  
the office of  
Justice of the  
Peace.

accept the office of Justice of the Peace, and who shall accept of any of those appointments in the same county, shall thereby vacate his said office; and any person holding either of these appointments who shall accept the office of Justice of the Peace in the same county, shall thereby vacate his said appointment; and every person who shall presume to act in any of these offices, contrary to the true intent and meaning of this act, shall forfeit and pay the sum of fifty pounds, to be recovered in any court having cognizance thereof, in the name of the wardens of the poor of such county, and to be applied by them to the use of the poor.

## CHAP. XIII.

An act to enable Women in certain cases to maintain an action of Slander.

Preamble.

WHEREAS it is of the first importance in every free and well regulated government, that the laws which secure to individuals the enjoyment of private character should be plainly defined and clearly understood; and as doubts have arisen whether actions of slander can be maintained in this State against persons who may attempt, in a wanton and malicious manner, to destroy the reputation of innocent and unprotected women, whose very existence in society may depend on the unfulfilled purity of their character,

What shall be  
deemed actionable.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same That from and after the passing of this act, any words spoken of women which may amount to a charge of incontinency, shall be deemed and held to be actionable, and shall subject the person using them to an action on the case, to be prosecuted by the party aggrieved in any court of record having cognizance thereof, under the same rules and regulations as have been heretofore observed in the trials of actions of slander.

## CHAP. XIV.

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 nine.

Tax on land,  
town lots and  
polls.

BE 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 nine, 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.

On stud horses  
& jack-asses.

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.

Who are sub-  
ject to poll tax.

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.

Tax on ped-  
lars.

IV. And be it further enacted, That each and every person who shall hereafter peddle or hawk goods in any of the counties of this State, shall first obtain a licence from the Clerk of some County Court of his 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.

On persons  
bringing slaves  
into this State  
for sale.

V. And be it further enacted, That any person or persons who shall hereafter bring into this State for sale, any negro or negroes, before making any sale or sales, shall apply to the Clerk of some one of the County Courts of this State, and shall give in to said Clerk a list of the names and ages of the negroes so intended to be sold; and shall pay to the said Clerk the sum of five pounds for each negro contained in said list, and shall receive from said Clerk a certificate, certifying that the sum aforesaid has been paid, and that the person holding the same is duly authorized

to sell the negroes contained in said list: Any person or persons selling or offering for sale a negro or negroes brought into this State from any other State, before obtaining such certificate, shall forfeit and pay twenty pounds for each and every negro so sold or offered for sale, one half to the use of the person or persons suing for the same, and the other to the use of the State, to be recovered before any Justice of the Peace or Court of Law having cognizance thereof, by action of debt.

VI. *And be it further enacted,* That the Clerks of the several County Courts shall account for and pay into the Treasury of this State, all sums by them received by virtue of this act, in the same manner and at the same time they settle their other public accounts.

Clerks to account with the Treasury.

VII. *And be it further enacted,* That all merchants, either whole-sale or retail, shall pay a tax of fifty shillings on each and every store in this State at which they shall sell any goods, wares and 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 a list of their taxable property, under the same rules and regulations that other taxable property is given in; which said tax shall be levied, collected and accounted for in the same manner as other taxes.

Tax on stores.

VIII. *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 the said goods and 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.

Tax on persons retailing goods from on board vessels.

IX. *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 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.

Sheriffs how to proceed.

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

No sinking fund tax.

XI. *And be it further enacted,* That it shall not be lawful for the Sheriff to advertise lands for sale in any of the newspapers in this State, where the owner resides in the same county; but in such case, it shall be the duty of the Sheriff to advertise in the same manner as in cases of advertising for sales of land on executions.

Sheriffs not to advertise lands for sale in the newspapers where the owner resides in the county.

*Provided,* That no tax shall be collected on houses for public worship, houses for the education of youth and parish houses, any thing to the contrary notwithstanding.

Exceptions from the tax on town property.

#### CHAP. XV

An act to amend the several laws now in force relative to the Militia.

*BE 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 addition to the offences already enumerated by law, dishonest or ungentlemanly conduct in an officer shall be punished by cashiering and disabling of ever after holding a military commission in this State.

Dishonest or ungentlemanly conduct in an officer to be punished by cashiering.

II. *Be it further enacted,* That the duplicate returns directed in the seventh section of an act entitled, "An act to revise the militia laws of this State relative to the infantry," to be made by the commandant of regiments to the Adjutant General, shall be made on or before the first day of the meeting of the General Assembly in each year, under the penalty therein affixed.

Duplicate returns of Commandants of regiments to be made on or before the meeting of the General Assembly.

III. *Be it further enacted,* That any company officer of infantry, after being commissioned, may take and subscribe the oaths required in the before recited act, in the presence of the Colonel or Commanding Officer of the regiment to which he belongs, any law to the contrary notwithstanding.

Company officers may take the oath in the presence of the Colonel.

IV. *Be it further enacted,* That all commissioned officers of light infantry, grenadiers and riflemen who shall not, within eighteen months from the passing of this act, have enrolled in their companies respectively, forty privates, well armed and equipped, exclusive of non-commissioned officers, their commissions are hereby declared void; and it shall be the duty of the captains of infantry in whose company district they respectively reside, to cause them, as well as their men, to be enrolled in the same manner as though they had never been commissioned; that no person shall hereafter be commissioned in any company of light infantry, grenadiers or riflemen, until they shall have enrolled the number of men aforesaid, well armed and equipped.

The commissions of officers declared void, in certain cases.

Regulation for commissions in future.

1803.

Parents &c.  
liable for fines.

V. *Be it further enacted*, That all parents, masters or guardians within this State, shall, and they are hereby declared to be liable for the payment of any fines incurred by those under their care, as well for non-attendance at company mullers and general reviews, as for not being armed and equipped as pointed out by the above recited act.

Ninth section  
of former act  
repealed.

VI. *Be it further enacted*, That the ninth section of an act entitled "An act to revise the militia laws of this State, relative to the infantry," be, and the same is hereby repealed and made void.

CHAP. XVI.

An act to repeal an act passed at Raleigh in the year of our Lord one thousand seven hundred and ninety-four, to prevent the further importation and bringing of slaves and indentured servants of colour into this State.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the before mentioned act be, and the same is hereby repealed and made void.

CHAP. XVII.

An act to authorise the Public Treasurer of the State of North-Carolina to employ an agent or agents to collect certain arrears due said State.

Preamble.

WHEREAS it is represented to this General Assembly, that there is a number of the late Entry-Takers, Sheriffs, Coroners, Clerks of the late Superior Courts, and a number of other persons who have removed themselves beyond the bounds of this State, considerably indebted to the same, therefore,

The Treasurer  
to appoint an  
agent or agents

*Be 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 Public Treasurer to empower an agent or agents to collect the aforesaid arrears, who shall give bond with approved security for the faithful performance of his or their duties, in double the sum or sums they may receive for collection, agreeable to the provisions contained in this act.

No charge to  
be made for  
costs of suits,  
travelling, &c.

II. *And be it further enacted*, That the agent or agents employed by virtue of this act, shall not be at liberty to charge the State aforesaid for any costs of suit, travelling or other contingent expences which may be incurred in endeavouring to effect the collection of the aforesaid arrears, which shall be one of the conditions contained in his or their bond aforesaid.

Agent to be al-  
lowed one  
third for col-  
lection.

III. *And be it further enacted*, That the agent or agents employed by virtue of this act, shall have, as a compensation for their trouble and expences in collecting the same, the one third part of the sum or sums they or any of them may collect.

Agent to make  
report to the  
Treasurer,  
who shall re-  
port to the Ge-  
neral Assem-  
bly.

IV. *And be it further enacted*, That the agent or agents employed by virtue of this act, shall make his or their report of his or their progress and success in collecting the said arrears, to the Treasurer aforesaid, on or before the first day of December in the succeeding year after the same may be received for collection, who shall report the same from time to time to the General Assembly of the State aforesaid.

Agent to take  
an oath.

V. *And be it further enacted*, That the agent or agents to whom the Treasurer may commit the evidences of the aforesaid arrears, or any part thereof, for collection, he or they shall take and subscribe the following oath or affirmation (to wit,) "I, A. B. do solemnly swear (or affirm, as the case may be) that I will use my utmost endeavours to collect the debts due to the State of North-Carolina, which I am authorized this day by the Treasurer of the same to collect: I, A. B. do further swear (or affirm, as the case may be) that two thirds of the sum or sums collected by me as aforesaid, I will pay into the Public Treasury of the State aforesaid, on or before the first day of December in the year,

Treasurer au-  
thorised to  
commit de-  
mands to the  
agent for col-  
lection with-  
out the limits  
of the State.

VI. *And be it further enacted*, That the Public Treasurer of the State aforesaid is hereby fully authorized and requested to commit to the charge of the said agent or agents, all debts, dues and demands which the State aforesaid has against any person or persons who reside beyond the limits of the State aforesaid.

When a part  
reside in the  
State, and a  
part without,  
the agent may  
proceed a-  
gainst the  
whole.

VII. *And be it further enacted*, That if any part of the debtors to the State aforesaid should be jointly or severally bound in a bond, or other obligation, with a part who reside in this State, then and in that case it may be lawful for the said agent or agents to proceed either in law or equity, or otherwise, to collect of the part within the State, together with those who reside out of the State.

VIII. *Be it further enacted*, That the Treasurer is hereby fully authorized to execute to the agent or agents aforesaid, powers of attorney, authorizing them to

collect the said arrears, and upon the receipt of the same, or any part thereof, to give discharges, all which shall be as obligatory as if given to the Treasurer himself, any law, usage or custom to the contrary notwithstanding.

IX. *And be it further enacted*, That the agent or agents employed in conformity with the provisions of this act, shall be, and are hereby compelled, in case the money cannot be otherwise and speedily collected, to commence suit against all debtors to the Treasury of this State, residing without the same, intended to be comprehended by this act.

1203.

Treasurer authorized to execute power of attorney to the agents.  
Agents to commence suit.

## CHAP. XVIII.

An Act fixing the pay of the Council of State.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, every Councillor of State shall receive the sum of thirty shillings per day for every day he may attend on public business, and thirty shillings for every thirty miles travelling to and from the City of Raleigh, on public business as aforesaid, any law to the contrary notwithstanding.

30s. a day and 30s. for every 30 miles travelling.

## CHAP. XIX.

An Act respecting Sheriffs.

WHEREAS doubts are entertained whether a Sheriff can resign his office with the consent of the Court, by whom he has been elected,

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 and may be lawful for a Sheriff to vacate his office by resigning the same to the Court of Pleas and Quarter Sessions of his county (a majority of the acting Justices being present and accepting of such resignation) and that thereupon the said court may proceed to appoint a proper person as Sheriff until the next annual election, under the same rules, regulations and restrictions as Sheriffs are appointed in other cases.

Sheriff may resign to a majority of Justices.

## CHAP. XX.

An Act to compel Sheriffs and other Officers to give sufficient notice of the time of sale of personal property.

*BE 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 sheriff, constable or other officer shall sell any goods or chattels by virtue of an execution, until he shall have advertised the same for sale ten days at least, in three public places in his county; one of which public places, if the defendant resides within the same county, shall be within the captain's district in which said defendant resides.

Ten days notice at three public places.

II. *And be it further enacted*, That every sheriff having an execution from any Court of Record, shall, in addition to the above places, advertise the day of sale at the court-house of his county.

Executions from Courts of Record to be advertised at the C. H. also.

## CHAP. XXI.

An Act to amend an act passed in the year one thousand seven hundred and ninety-five, directing the mode in which Sheriffs shall be called to a settlement by the County Trustees.

WHEREAS considerable doubts have been entertained of the efficacy of the above recited act to produce the desired effect, and whereas many Counties in this State have sustained considerable injury in consequence thereof, 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 the County Trustees shall annually call on the Sheriffs of their respective counties, for the payment of all monies that may be in their hands due to the Trustees; and if any Sheriff shall fail to account for and pay the same, then it shall be the duty of the said Trustees, at the first court held for their respective counties after the first day of February in each and every year, to move for judgment against such Sheriff failing to settle as above specified, ten days notice being previously given, and the court shall thereupon award immediate execution for the full amount of the tax list furnished said Sheriff, or for such part as shall appear to be due; and any Sheriff against whom judgment is so obtained, shall, over and above his arrearages, forfeit and pay the sum of fifty pounds, to be applied to the use of the county; and if any Trustee shall fail to comply with the requisites of this act, he shall not only be liable for the monies he may then or thereafter have in possession, but shall be subject to the penalty of fifty pounds, to be recovered by suit in any Court of Record, one half to the informer and the other half to the use of the county.

County Trustees to call upon the Sheriffs for payment annually.

If any Sheriff fails to account, the Trustees to move for judgment at the court after the 1st of Feb.

Sheriffs, against whom judgments are obtained to forfeit 50l.

Penalty in Trustees failing in duty.

Sheriffs to be subject to the same rules in their settlement with the Wardens of their counties.

II. *And be it further enacted*, That the Sheriffs of each and every county in this State shall be subject to the same rules, regulations and penalties, in their set-

1808.

Former acts repealed.

tlement with the acting Wardens of their respective counties, as are prescribed for their settlements with County Trustees, any thing to the contrary notwithstanding.

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

## CHAP. XXII.

An Act to authorise the Sheriffs in this State to collect the tax for defraying the expence of the public buildings in each County, and to account with the Treasurer of public buildings for the same.

Entitled to commissions, &amp;c.

To produce a receipt from the Treasurer of public buildings or fore his election.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, every Sheriff shall be authorized and empowered to collect the aforesaid tax, and shall be entitled to the same commissions, and subject to the same rules, regulations and restrictions in their settlements with the Treasurer of public buildings, as they are in their settlements with County Treasurer and County Wardens, and shall return a list, upon oath, of all monies by them received on property not contained in the Clerk's list, and account for the same, any law to the contrary notwithstanding. And no person shall be re-elected Sheriff of any County in this State, who does not at the time of choosing the Sheriff for his County, and before the vote shall be taken, produce to the court a receipt from the Treasurer of public buildings for said county, in full of said money by him collected, or which ought to have been collected, for the use aforesaid and for which he shall have become accountable.

## CHAP. XXIII.

An Act to compel the Clerks of the several County Courts in this State to account for fines and forfeitures collected and paid into their offices.

Preamble.

WHEREAS it frequently happens that Clerks of the County Courts within this State neglect to account for fines and forfeitures paid into their respective offices, which are directed by law to be applied to the use of the counties in which they occur: For remedy whereof,

Clerks to deliver to the County Trustee a statement of fines.

*Be 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 Clerks of the County Courts of this State respectively, to make out and deliver to the County Trustee of his county, on oath, a correct statement of all fines and forfeitures which have heretofore been paid into his office for county uses, on or before the first day of the Court of Pleas and Quarter Sessions which may be held in his county after the first day of May next, under the penalty of one thousand pounds, a correct copy of which shall be immediately put up in the courthouse by the County Trustee.

To pay to the Trustee all monies paid into his office by the 10th July

II. *And be it further enacted*, That it shall be the duty of the Clerks aforesaid, to pay over to the County Trustee all sums of money heretofore paid into his office, on or before the tenth day of July next; and in case he should fail to do so, it shall be the duty of the county Trustee, and he is hereby authorized and required to give said Clerk ten days previous notice in writing; and it shall be the duty of the next Court of Pleas and Quarter Sessions, on motion of the Attorney for the county, to grant judgment and award execution accordingly against the said Clerk.

To pay over annually, by the first court after the 1st of January.

III. *And be it further enacted*, That it shall be the duty of the Clerk aforesaid, on or before the first Court of Pleas and Quarter Sessions which shall happen in his county after the first day of January in each and every year hereafter, to account for, and pay over all fines and forfeitures paid into his office, as directed by this act, under the penalty of two hundred and fifty pounds.

Clerks failing in their duty, to be considered as guilty of a misdemeanor in office.

IV. *And be it further enacted*, That if any Clerk should fail to comply with the directions of this act, he shall be considered as guilty of a misdemeanor in office, and, on conviction, be removed from office.

## CHAP. XXIV.

An Act to compel each County within this State, to support the guarding of its prison and the removing its prisoners to any other County for safe keeping.

Preamble.

WHEREAS great charges are annually brought forward against the State for guarding the prisoners during their confinement in prison, and for removing them to other counties when the same are insufficient—and whereas it is unjust that those counties which have provided themselves with sufficient prisons should in such cases contribute,

County Courts to lay a tax on polls, &amp;c. to pay for guarding prisoners, &amp;c.

*Be it therefore enacted by the General Assembly of the State of North-Carolina*, That from and after the passing of this act, the several County Courts of Pleas and Quarter Sessions within this State shall annually, at the same court at which the county taxes are laid, lay such farther tax on the polls and the other subjects of taxa-

ation, as shall, in the opinion of the court, be sufficient to pay off the expences to be incurred for the guarding the prison in said county, and of removing persons to other counties, which shall be collected in like manner as other county taxes, and paid to the Trustee.

II. *And be it further enacted*, That hereafter all claims for guarding of prisons and conveying of persons, shall be allowed by the court of the county in which such prison is situated, or from which any person is removed, and paid off by the County Trustee out of the monies levied for such purpose, any law to the contrary notwithstanding.

1808.  
All such claims hereafter to be allowed by the County Courts

## CHAP. XXV.

An Act to amend an act passed in the year one thousand eight hundred and four, entitled "An Act to revive and continue in force the acts and clauses of acts heretofore passed, declaring certain entries lapsed, notwithstanding the purchase money may have been paid, in case they are not surveyed and returned into the Secretary's office within a limited time."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all *bona fide* entries of land in this State which have been paid for, as by law directed, shall have until the first day of December, eighteen hundred and ten, for surveys to be made and returned into the Secretary's office.

Time extended for surveys

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

## CHAP. XXVI.

An Act to amend the fourth section of an act passed in the year one thousand eight hundred and four, fixing the time for paying purchase money into the treasury on entries of land.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the fixed and standing law in future shall be, that all entries of land made in the course of any one year shall, in every event, be paid for on or before the fifteenth day of December, which shall happen in the second year thereafter, instead of the first day of November, as prescribed in the above recited act; and all entries of lands not paid for agreeably to the directions of this act, the same shall become null and void, revert to the State, and may be entered by any other person as unappropriated lands.

Lands entered in one year to be paid for the 15th of Dec. in the 2d year thereafter

## CHAP. XXVII.

An Act directing Surveyors to make certain surveys and returns in the time therein required.

WHEREAS by the second chapter of the acts of Assembly passed in the year one thousand seven hundred and ninety-eight, the purchasers of lands sold for taxes are required, within ninety days after such purchase, to present to the Sheriff a fair plat of the land, to be made by the County Surveyor or his Deputy, from actual survey; and by chapter third of the acts of one thousand eight hundred and five, such purchasers are not permitted to survey the lands so bid off, until one year after such sale, and the Surveyor is not obliged by law to make the survey within the time mentioned, by whole neglect or refusal the honest purchaser may lose his land, although the State is fairly paid for the same:

Preamble.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in all cases of such purchase, the County Surveyor, by himself or Deputy, shall, within eighteen months from the passing of this act, and within the same time after every similar purchase, proceed to survey and make return, agreeably to said act of one thousand seven hundred and ninety-eight; in failure whereof, he shall forfeit and pay the sum of twenty five pounds, and the purchaser shall have the further time of six months to cause the lands sold for taxes to be surveyed by any other Surveyor; and on the plat being returned to the Sheriff for the time being, he shall proceed to execute title as if the said survey had been made by the Surveyor of the county, which deed shall be good and valid to all intents and purposes as if the same had been made agreeably to the act of one thousand seven hundred and ninety eight: *Provided nevertheless*, That the County Surveyor shall not be liable to the penalty aforesaid, unless the purchaser apply to him to survey such land so sold for the payment of taxes, within two months after he is at liberty to have the survey made: And that nothing herein contained shall be so construed as to diminish or prevent the right of redemption, as provided in the said act of one thousand eight hundred and five.

County Surveyor's duty.

## CHAP. XXVIII.

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.

**Preamble.** WHEREAS it has been doubted, whether the said act is sufficient to prevent the said abuses, at other places of divine worship, than those of Church or Meeting House yards,

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said act shall extend to, and include all places within half a mile of the same, (licensed Taverns excepted) where persons are assembled for divine worship, and every person offending, by selling spirituous liquors or other articles, or pretending to loan or give the same, shall be subject to the same penalty as if the act was committed at Church or Meeting-House Yards, and in every respect the like proceeding shall be had thereon.

The provisions of former act extended.

## CHAP. XXIX.

An act allowing further time for registering grants, proving and registering deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all grants for lands in this State, all deeds mesne conveyances, powers of attorney, under which any lands, tenements or hereditaments, have been, or may be conveyed, bills of sale, deeds of gift, already proved, as deeds of conveyance are required to be proven, or which may hereafter be proved, shall and may, within two years after the passing of this act be admitted to registration, under the same rules and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale, and deeds of gift, shall be as good and valid as if they had been proved and registered within the time heretofore allowed, any law, usage or custom, to the contrary notwithstanding.

Time of registering extended.

*II. And be it further enacted,* That when ever a deed, for the conveyance of lands within this State, has been or may be executed, in any part or place, without the State, and the subscribing witness or witnesses, are also without the State, that then and in that case, it shall and may be lawful, for the Court of Pleas and Quarter Sessions, of the county in which such lands lie, to direct a dedimus to two or more Commissioners in the State, where the subscribing witness or witnesses reside, empowering them, or either of them, to take the acknowledgment or probate of such deed, and to return the same with a certificate of such probate, or acknowledgment, to the said Court, whereon such dedimus and certificate of probate or acknowledgment, and the deed itself, shall be admitted to registration, which registration, shall be good and effectual to all intents and purposes; and all deeds, as aforesaid, which may have been, before the passing of this act thus proven, or acknowledged and registered, shall be held and deemed to have been effectually proven or acknowledged, and the registration thereof, be valid and complete to every intent and purpose.

Cause to be taken where a deed is executed without the State,

*Read three times and ratified in General Assembly*  
the 23d, day of December, 1808.

JOSEPH RIDDICK, SPEAKER OF THE SENATE.

WILL. GASTON, SPEAKER OF THE HOUSE OF COMMONS.

COPY, WILL. WHITE, Secretary.

## CHAP. XXX.

1808

An Act relative to the Clubfoot and Harlow's Creek Canal.

WHEREAS it has been represented to this General Assembly, that all the shares in the Clubfoot and Harlow's Creek Canal Company are now solely owned by William Gaston and Hannah his wife, of the town of Newbern, and that the said proprietors, although not disposed at their own risk and expense to proceed immediately to the completion of said canal, are nevertheless willing to come to any just arrangement with those who are more interested than themselves in the benefits which are expected to result from it, so that the said canal may be finished as contemplated:

*Be it therefore enacted*, That Bryan Hellen, Joseph Borden, Benner Vail, Belcher Fuller and Elijah Pigott be, and the same, or a majority of them, are hereby appointed commissioners to contract with the said William Gaston and Hannah his wife, as to the terms upon which they the said proprietors will consent to the forming a new company for the purpose of finishing the said canal; and that such contract, when made under the signatures and seals of the said William and wife, and all conveyances by them executed in pursuance thereof, the wife of the said William being first privily examined thereunto, touching her voluntary execution thereof, shall be valid and effectual to all intents and purposes, shall be recorded in the register's office of the county of Craven, and may be proven in any court of justice by the production of a copy from the records of such register.

II. *And be it further enacted*, That when such contract has been made as aforesaid, that the said commissioners, or a majority of them, shall and may open books in the town of Newbern and in the town of Beaufort, or in either of them, after giving notice thereof for twenty days in some public paper printed in the State, for receiving subscriptions for shares in said canal, upon the terms and to the amount which shall have been agreed upon in such contract; and when the shares shall have been fully subscribed, and the terms required of the subscribers according to the said contract shall have been complied with, that then the said subscribers, their heirs and assigns shall be, and they are hereby declared to be incorporated into a body politic and corporate, in the lieu and stead of the present body politic and corporate, and be known and called by the name of the Clubfoot and Harlow's Creek Canal Company, and shall hold and possess, use and be entitled to every right, title, advantage, privilege and emolument, and shall be subject to the same duties and restrictions, and conform to the same rules and regulations as now by law vested in, imposed on, or prescribed for the present body politic or corporate, which has been created for cutting the said canal, in all respects whatever, except as may be herein otherwise provided for.

III. *And be it further enacted and provided*, That there shall be a general meeting of the said company (if created according to the provisions of this act) when called by the commissioners aforesaid, or a majority of them, at such time and place as shall be notified in one of the public newspapers of this State for twenty days before, which may be adjourned from day to day until a majority in interest of the proprietors be present, either by themselves or proxy, who shall then fix the day of annual meeting; and at all other general meetings which may be called as directed by the act of one thousand seven hundred and ninety-five, the presence of proprietors having a majority of the shares shall be necessary to do business, but the meetings may be adjourned by those who attend until such a number of proprietors be present.

IV. *And be it further enacted*, That the said company (when created agreeably to this act) shall have the absolute property in the said canal, and in all its profits and appurtenances, free from any imposition, tax or assessment whatever, until the public shall take the said canal into their hands, which it is declared may at any time be done upon paying to the said proprietors, their heirs and assigns, double the costs and charges of cutting the said canal, and finishing the works and keeping the same in repair, and of all other expenditures thereon or by reason thereof; and it shall be and is hereby declared to be the duty of the said company, to cause to be kept an exact account of all their expenditures, and to lay the same before the legislature of the State, on twenty days notice, whenever it may be called for.

V. *And be it further enacted*, That when the said company shall be incorporated according to the provisions of this act, that then all such laws as are inconsistent with this act be, and the same are declared null and void.

## CHAP. XXXI.

An Act to amend an act passed at Raleigh in the year one thousand eight hundred and four, entitled "An act to authorise Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick B. Sawyer to cut a navigable canal and make a road thereon, through the Great Dismal Swamp, from the Dismal Swamp Canal near the head of the woods in Camden county, to the White Oak Spring Marsh in Gates county, and to demand and receive toll thereon."

WHEREAS Enoch Sawyer and Frederick B. Sawyer, the only surviving members of the corporation, have represented to this General Assembly, that the width and depth of the canal and the breadth of the road, may not be sufficient for the object of the navigation contemplated, and the comfortable and safe passage of carriages as established under the law; and that one acre of land may not be sufficient to be purchased or condemned, at the edge of the high lands west of the White Oak Spring Marsh, for the purpose of procuring earth to cover the said road or roads; and further, that some deviation from the direct lines prescribed in the law may give the advantage of better ground for said canal, better earth for the road or roads, and a better command of the water; and further, that upon the event of the enlargements proposed, an additional toll may be allowed—and lastly, that a longer time may be allowed for the completion of the said canal and works:

*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 ten years longer time be allowed the proprietors of said canal and road for the completion of the work, twelve feet in width in place of ten, and a proportionable depth may, at their option, constitute the width and depth of the said canal; fifty feet of ground in place of thirty for the canal and road, be purchased or condemned, and such deviation from the direct lines prescribed under the law for the course of said canal and road, be used, as may give better ground for the canal, better earth for the road, and better command of the water; and that not exceeding two acres of land, at the edge of the high land west of the White Oak Spring Marsh, for the purpose of procuring earth to cover the said road or roads, be purchased or condemned.

1808 *II. And be it further enacted by the authority aforesaid,* That upon the event of the proposed enlargements being made, an additional allowance of twelve and one half per cent. upon the rates of toll, as established under the law as it now stands, be granted and established to the proprietors of said canal and road (now, and in all future times constituting the corporation body under the aforesaid act) their heirs or assigns, as the fixed and established rate of toll.

#### CHAP. XXXII.

An Act to appoint Commissioners of navigation for the Old Topsail Inlet, and the several sounds in said district, in the county of Carteret.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Abram Piggott, Belcher Fuller, William Thomas, James Stanton and Joseph Robinson be, and they are hereby appointed commissioners of navigation for Old Topsail Inlet, and they, or a majority of them, which on all occasions are hereby declared to be a quorum, shall be, and they are hereby invested with all and singular the privileges, rights and emoluments with respect to the pilotage of the said Old Topsail Inlet and its navigation, which any commissioners of like nature in this State have a right to use or exercise; and the said Commissioners of Old Topsail Inlet, are hereby declared to be invested with all and singular the powers and authorities which any commissioners of navigation have a right to exercise, by an act of the General Assembly passed in the year one thousand seven hundred and ninety-three, entitled "An act to prevent the introduction and communication of contagious diseases," any thing to the contrary notwithstanding.

#### CHAP. XXXIII.

An Act to authorise Thomas Nicholson to cut a Canal and make a Road thereon.

**WHEREAS** it has been represented to this General Assembly that a road from the head of Little River in Perquimons county, through the Desert to Pasquotank River bridge, would render a great convenience to travellers and the inhabitants of Perquimons, Pasquotank and Camden counties—and Thomas Nicholson of Perquimons county having made application for permission to make said road:

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful for the county courts of Perquimons and Pasquotank, and the said courts are hereby required (upon application) that they each appoint a jury of twelve men, who shall be possessed of a freehold in the county appointing the same; and it shall be lawful for the said jury, when appointed, to go on the premises and lay off said road in such direction as to them shall appear most expedient, which juries are also required to adjudge the damages, if any to them shall appear that will be sustained by the owner or owners of any tract or tracts of land, in consequence of said road and canal passing through the same, and make return thereof, each jury to the court by which said jury was appointed; and it shall be the duty of the person or persons making said road, to pay such damages before the said road shall pass through such tract or tracts of land, but shall not be liable until the said canal shall enter the premises.

*II. Be it further enacted by the authority aforesaid,* That it shall be lawful for the said Thomas Nicholson to sell out as many shares of the said road, at the rate of fifty dollars for each one hundredth part thereof, as he may deem necessary for the purpose of raising money to make the same; and the said Thomas Nicholson and the purchasers of such shares, shall assume the name of the Union Canal and Road Company, in which name they may sue and be sued, ask, demand and hold all property of what kind soever acquired by them, in the name and under the firm aforesaid, in as full and ample a manner as any other incorporated company in this State.

*III. Be it further enacted by the authority aforesaid,* That it shall be lawful for said company to meet once in six months, or oftener if necessary, to prescribe rules and make bye laws (not inconsistent with the laws of the United States nor the laws of this State) for the government of the said company, that they shall and they are hereby declared to be incorporated a body politic, with authority to enforce such rules and bye laws as by them shall be made and entered into, agreeable to the restrictions of this act.

*IV. Be it further enacted,* That the said company shall have full power and authority to enter upon the premises after said road shall be laid off as aforesaid, with full privilege to cut a canal not to exceed twelve feet in width, to empty into the waters of Little River and Pasquotank River, for the purpose of draining said road; and that they shall also have authority to open the way for said road on the canal, not to exceed forty feet in width, with the privilege to cut timber most convenient for the making and repairing the said road.

*V. Be it further enacted by the authority aforesaid,* That it shall be lawful for the said company to erect a turnpike or gate across said road, to ask, demand and receive from all persons passing the same, the following toll (to wit) for all carriages of pleasure, seventeen and a half cents for each wheel; for each horse in draught, fifteen cents; for each horse and rider, twenty-five cents; for each horse, mule or jack, drove, twelve and one half cents; for each head of cattle, drove, ten cents; for each head of sheep and swine, three cents; and for each waggon and cart, constructed for the conveyance of goods, wares and merchandize, or other articles, for each wheel, fifteen cents, and for each horse or yoke of cattle in draught, ten cents.

*VI. And be it further enacted,* That the said company shall have full power and authority to erect one or more locks on said canal, for the purpose of making the same navigable; and it shall be lawful for the same to demand and receive for all commodities passing said canal, by water, the following toll (viz.) for each thousand pipe staves, one hundred cents; for each thousand hogshead staves or heading, seventy-five cents; for each thousand eighteen inch shingles, eight cents; for each thousand twenty-two inch ditto, ten cents; for each thousand two feet ditto, fifteen cents; for each thousand and three feet ditto, twenty cents; for each thousand barrel staves, fifty cents; for each barrel of flour, pork, beef, fish, tar, pitch or turpentine, five cents; for each hogshead of rum, molasses or other articles contained therein, twenty cents; for each bushel of wheat, salt, corn, pease, potatoes or other articles generally sold by the bushel, one and a half cents; and for all goods, wares and merchandize in bales, boxes or otherwise, in proportion to five cents for the size of a flour barrel.

**VII.** *And be it further enacted,* That it shall be lawful for said company to erect a mill or mills on the said canal or near the mouth thereof, and that it shall be lawful for the county court in which county they shall purpose building such mill or mills, to appoint a jury in manner as is mentioned in the first section of this act; which jury shall go on the premises and adjudge and lay off for said company, one acre of land, in such manner as they may deem expedient, and at the same time adjudge the value thereof, which the company shall pay, and in the payment thereof, the right of said land shall be vested in them and their successors for the purpose of erecting such mill or mills upon; and it shall be lawful for them to demand and receive toll in the same manner and at the same rates that other mills in the district of Edenton are entitled to.

**VIII.** *And be it further enacted by the authority aforesaid,* That the sole right, use and benefit of the said canal and road, shall be, and the same is hereby declared to be vested in the said Union Canal and Road Company and their successors for and during the term of ninety-nine years from and after the passing of this act: *Provided nevertheless,* That if the said Thomas Nicholson shall, for the space of six months from and after the first day of January next, cause notice to be given in the Edenton and Elizabeth papers of the same, and that the said canal and road is to be disposed of in shares as is mentioned in the second section of this act; and at the end of the said six months there should not become purchasers of at least eighty shares, that in such case it shall be lawful for the said Thomas Nicholson, and he is hereby authorised to make one or more lotteries for the purpose of raising a sum of money, not to exceed five thousand dollars, to enable him to carry the same into effect: And the said Thomas Nicholson and his successors shall, in that case, have all the privileges and advantages which are mentioned to be vested in the said company, and the same are hereby declared to be vested in him the said Thomas Nicholson, and his successors, for the aforesaid term of ninety-nine years.

#### CHAP. XXXIV.

An Act supplementary to the fourth section of an act, entitled, "An Act to improve the navigation of the Catawba River," passed at Raleigh one thousand eight hundred and one.

**WHEREAS** it has been represented to this General Assembly by petition from the North Carolina Catawba Company, that they have fully complied with the regulations of the act incorporating said company, and have considerably progressed in rendering said river navigable; but there are delinquent shareholders, who have failed for two and three years past to make payments as prescribed in the 4th section of said act, which shares are therein directed to be sold at public auction—which sales cannot be effected, thereby tending to retard and embarrass the procedure of said company, &c. For remedy of 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 it shall and may be lawful for the president of the said company, at said company's expense, to issue a notice in writing to said delinquent share holders, his or her agent or attorney, requiring said arrearages to be paid, which notice shall be served by a legal officer, and a due return made thereon; and if said share-holder, his or her agent or attorney, shall not settle up and pay said arrearages in six months from the service of said notice, his or her said share or shares shall revert to the company, and be considered as a vacant share, liable to be subscribed for; and that a registration on the company's books of said notice, with the officer's return thereon, shall be deemed conclusive evidence.

#### CHAP. XXXV.

An Act to amend an act entitled, "An Act to regulate the River Yeopim as far as respects fisheries, and to prevent imposition," passed in the year one thousand eight hundred and six.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the county court of Chowan to direct the surveyor of said county, with the surveyor of Perquimons, to stake out the channel of said river Yeopim, so as to leave one third of the river for the free passage of fish up the same; and after the same is staked out and laid off as aforesaid, no person shall be liberty to haul any seine on said river, extending the same more than two thirds across the said river, staked out as aforesaid, or remove a stake or stakes when so established; but shall forfeit and pay for every offence the sum of fifty pounds, to be recovered before any jurisdiction having cognizance thereof; one half to be applied to the use of the county, the other half to the use of the person suing for the same.

#### CHAP. XXXVI.

An Act to regulate the seine fisheries on Blount's Creek, in Beaufort County.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the county court of Beaufort, at the first term happening after the first day of January next, be, and is hereby directed to appoint five commissioners (three of whom shall be sufficient to act) whose duty it shall be to proceed without delay to stake off Blount's Creek in said county, leaving one third of the main channel for the free passage of fish up the same; and when it is staked out by the said commissioners, no person in hauling for fish shall extend their seines beyond the bounds reserved for the free passage of fish as aforesaid, or otherwise obstruct the same, under the penalty of of twenty five pounds for each offence, to be recovered before any jurisdiction having cognizance thereof; and the sum so recovered shall be solely applied to the use of the person suing for the same.

**II.** *And be it further enacted,* That the person or persons owning the seine, or the person having the direction thereof, or either of them, shall be liable for the forfeiture incurred by this act.

#### CHAP. XXXVII.

An Act to regulate the drawing of seines on Conahy Creek, in Washington 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 not be lawful for any person or persons to haul or draw a seine or seines, either at the mouth or on any part of Conahy Creek, without leaving one third of the width of said creek open for the passage of fish; which creek shall be staked by five commissioners, or a majority of them, summoned by the sheriff of said county, by an order from two justices of the peace, granted on complaint on oath of any person holding land on said creek; and after the same shall be staked, it shall not be lawful

1868 for any person or persons to draw or extend a seine or seines over the said bounds, under the penalty of one hundred pounds for every day he or they extend their seine or seines across the bounds so staked by said commissioners, to be recovered by action of debt in any court of record by the party complaining against the owner or owners of such seines or fisheries, one half to the use of the informer the other half to the State.

#### CHAP. XXXVIII.

An Act to prevent any person or persons from working seines, skimming with nets, or of setting nets in Tar River, on Sundays and Sunday nights, and on Thursdays and Thursday nights in every week, from the fifteenth January to the twenty-fifth March in each and every year.

WHEREAS a number of the citizens of Tar river, many of whom are owners of seines, have petitioned this General Assembly to pass a law to prevent any person or persons hereafter from working a seine or skimming net, or setting a net in said river, on Sundays and Sunday nights, or on Thursdays or Thursday nights, in every week, from the fifteenth January to the twenty-fifth March in each and every year: Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future no person or persons shall work a seine or skimming net, or set a net, in Tar river, from the fifteenth January to the twenty-fifth March, on Sundays or Sunday nights, or on Thursdays or Thursday nights, inclusive, in each and every year, under the following penalties, that is to say—that any person or persons who shall be found working a seine on those days or nights, contrary to the true intent and meaning of this act, shall, for each and every offence, on conviction, forfeit and pay the sum of thirty pounds; for working a skimming net or setting a net, on conviction thereof, the sum of five pounds, to be recovered before any competent jurisdiction, to the sole use of any person who may prosecute for the same, together with the forfeiture of any skimming or setting net, that may be found setting or working contrary to the true intent and meaning of this act, to any person who may make due proof of the same.

II. *And be it further enacted,* That if any slave or slaves shall be convicted before any justice of the peace, of having violated this act, he or they shall receive thirty lashes on his or their bare backs, and the masters or owners shall be subject to pay the cost of prosecution and whipping said slave.

#### CHAP. XXXIX.

An Act for the removal of all obstructions to the free passage of fish up the Six-runs, as high as William Kirby's Bridge.

WHEREAS the inhabitants residing near the Six-runs have been at considerable trouble in clearing out and making navigable the Six-runs for the free passage of fish up the same: Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of February next, all persons obstructing the navigation of the river aforesaid, by erecting dams or wiers, or by any means preventing the free passage of fish up the same, shall forfeit and pay for every such offence, the sum of five pounds, to be recovered before any justice of the peace in the county of Sampson.

#### CHAP. XL.

An Act to establish a Public Landing on Bogue Banks, 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 a public landing is hereby established on the north shore on Bogue banks, opposite Long Island, in the county of Carteret, and shall hereafter be known by the name of Long Island Landing; when so established, shall be for the whole use of the proprietors of said banks.

#### CHAP. XLI.

An Act to amend an act passed in the year one thousand eight hundred and one, granting Philip Hoodenpile and Job Barnett a Turnpike in the county of Buncombe.

WHEREAS the fine imposed by the before recited act is found insufficient to prevent persons from breaking through or going round the turnpike aforesaid, contrary to the intent and meaning of the said act: Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, any person or persons breaking through or going round the turnpike aforesaid, contrary to the intent and meaning of this act, upon conviction thereof before any justice of the peace or other jurisdiction having cognizance thereof, shall forfeit and pay the sum of fifty shillings, to the said Philip Hoodenpile and Job Barnett, their heirs or assigns, any law to the contrary notwithstanding.

#### CHAP. XLII.

An Act to compel certain persons in the county of Duplin to work on the river.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the Court of Pleas and Quarter Sessions for the county of Duplin, to appoint districts wherein the inhabitants shall in future work on the north-east of Cape Fear river, who shall work under the same overseers that they work under on the public roads, subject to the same rules that persons heretofore appointed to work on the river in said county were, any law to the contrary notwithstanding.

#### CHAP. XLIII.

An Act to secure from injury the bridge across Scuppernon river, in the county of Tyrrell, opposite the town of Columbia.

WHEREAS it is possible that the bridge across Scuppernon river in the county of Tyrrell may sustain injury by persons navigating the said river, 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 from and after the passing of this act, any person or persons who may damage the bridge across Scuppernon river, opposite the town of Columbia in the county of Tyrrell, by persons navigating the said river, or otherwise, shall forfeit and pay for such damages as hereafter directed.

*II. And be it further enacted,* That when any person or persons shall make information to any justice of the peace in the county aforesaid, that the said bridge has sustained damage from any person whatever, it shall be the duty of the said justice to issue his warrant against the person or persons so complained of, commanding him or them to appear before him or some other justice of said county to answer the complaint; and upon due proof being made to the justice before whom the warrant is returned, it shall be his duty to issue his summonses and cause three freeholders to appear before him, unconnected with the parties, who shall assess the damages, upon oath, which the said bridge has sustained, and the justice shall enter up judgment accordingly; and the money, when collected, shall be applied to the use of repairing the said bridge: *Provided however,* That nothing herein contained shall affect or prevent the right of appeal, as secured in such case by the laws of this State.

## CHAP. XLIV.

An Act to empower the County Court of Tyrrell to lay a tax for the purpose of building a bridge across Little Alligator Creek, in said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county court of Tyrrell is hereby authorised and empowered, at the first court to be holden for said county after the first day of April next, to lay a sufficient tax to defray the expenses of building a bridge across Little Alligator Creek, where the road now crosses; and said tax shall be levied, collected and accounted for in the same manner and at the same time as other county taxes are collected and accounted for.

*II. And be it further enacted,* That Samuel Spruill, John M'Clees and Paul Thoroughgood are hereby appointed commissioners, and they, or a majority of them, are hereby empowered to contract with certain persons to build the said bridge, who shall give bond with sufficient security for the due and faithful performance previous to their beginning to build said bridge.

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

## CHAP. XLV.

An Act to authorise John Blanks of New-Hanover County to build a Bridge over Smith's Creek, at the place where the last bridge stood in New-Hanover County.

*WHEREAS* a bridge over Smith's Creek at the place where the last bridge stood, would be convenient to travellers and productive of much public good; and John Blanks being desirous of building one there at his own expence, on condition of having the benefit thereof for the space of fifty years:

*Be 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 said John Blanks, his heirs, executors, administrators or assigns, to erect and build a good, substantial bridge over Smith's Creek at the place aforesaid; and after building a bridge as aforesaid, it shall and may be lawful for the said John Blanks, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons who pass over the same the following rates (to wit) for every footman, two cents; for every man and horse, five cents; for every horse and chair, twelve and a half cents; for every four wheel riding carriage, including horses drawing the same, twenty-five cents; for every carriage of burthen, four cents per wheel; for every horse drawing the same, four cents; for every led horse, three cents; sheep, hogs, cattle, two cents.

*II. And be it further enacted,* That after the said bridge is built and completed as aforesaid (provided the said bridge shall be so done within two years after the passing of this act) it shall not be lawful, during the time the said bridge is kept in repair and fit for travellers and carriages to pass and repass over the same, for any person or persons whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep over the said creek for fee or reward, within two miles of the same, during the term aforesaid, under the penalty of five pounds for each and every offence, to be recovered by the said John Blanks, his executors, administrators or assigns, in an action of debt, by warrant before any justice of the peace; and during the said time, the right and property of the said bridge is hereby vested in the said John Blanks, his heirs, executors, administrators or assigns.

*III. And be it further enacted,* That when the aforesaid bridge shall be built, the aforesaid John Blanks, his heirs, executors, administrators or assigns, shall keep the same in good order, and fit for passing over during the term aforesaid: *Provided always,* that no toll shall be received for public waggons conveying public stores, nor for any person or persons who may have occasion to attend general or private musters, or elections for members of Assembly.

## CHAP. XLVI.

An Act to provide for building a new Goal in the town of Concord, in the county of Cabarrus.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Mains, Paul Barringer, Robert Ferguson, John R. Carson and Joseph Phifer, be, and they are hereby appointed commissioners to contract with a person or persons to build a goal in said county, in the town of Concord, 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 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 not exceeding three shillings on every hundred pounds value of town property, and not exceeding ten shillings on every tavern licence, and not exceeding twenty-five 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 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 surplus money collected (if any) shall be disposed of in such manner as a majority of the acting justices of said county may direct.

V. *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 here by authorised to allow them a reasonable compensation for their trouble, to be paid out of the monies arising from said tax.

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

#### CHAP. XLVII.

An Act authorising the County Court of Wilkes, if they think it expedient and necessary, to lay a tax for the purpose of building a new Jail in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the county court of Wilkes, if they should deem it necessary, to lay a tax for the year one thousand eight hundred and nine, and for the year one thousand eight hundred and ten, and one thousand eight hundred and eleven, not exceeding two shillings on every poll, eight pence on every hundred acres of land, two shillings on every hundred pounds worth of town lots, with their improvements; and when said tax is laid, it shall be levied, collected and accounted for as all other taxes are.

II. *Be it further enacted,* That when the sheriff of said county shall collect the taxes aforesaid, he shall pay the monies so collected to the treasurer of public buildings, and by him to be applied for the purpose of building said jail.

III. *And be it further enacted,* That the commissioners hereafter named shall let out said building to the lowest bidder, as soon as they find there is a sufficient sum collected for the purposes aforesaid.

II. *And be it further enacted,* That William P. Waugh, George Jones, sen. John Foster, James C. O'Riley and James Wellborn, are hereby appointed commissioners for fixing on a proper place within the bound of the public square of Wilkesborough whereon to build said jail; and when said jail is let out as aforesaid, they shall take bond with sufficient security from the undertaker of said public buildings, to complete the said jail agreeable to the plan then laid down by the commissioners aforesaid, any law to the contrary notwithstanding.

#### CHAP. XLVIII.

An Act to empower the County Court of Pasquotank to lay a tax on the Inhabitants of said County for the purpose of building a House for the reception and employment of the Poor thereof, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the court of said county are hereby authorised to lay a tax annually for three years, if it should be deemed necessary by the said court, that is to say—for the years one thousand eight hundred and nine, one thousand eight hundred and ten, and one thousand eight hundred and eleven, not exceeding two shillings on each poll; and eight pence on every hundred acres of land, and two shillings on every hundred pounds worth of town property within said county, to be levied collected and accounted for as other county taxes.

II. *And be it further enacted,* That the said county court have full power to appoint such commissioners, or as many of them as they may think proper, to purchase such land, at or near Elizabeth City, as the court may direct for the purpose of erecting suitable buildings for the reception of the poor of said county, and take a deed thereof from the former proprietors or owners to the wardens of the poor of said county; and commissioners are hereby further authorised to use their discretion with respect to the size and dimension of said house, and manner of erecting the same.

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

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

V. *And be it further enacted,* That the said court shall have full power and authority to lay a tax not exceeding two shillings on each poll, eight pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, for the purpose of paying the arrearages due the former wardens of the poor of said county, to be levied and collected by the sheriff as other taxes are collected, and by him to be paid over to the present wardens of said county.

#### CHAP. XLIX.

An Act to authorise the Wardens of the Poor of the county of Montgomery, to erect a House for the accommodation of the Poor of said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the wardens of the poor of Montgomery county, or a majority of them, are hereby authorised and empowered at any time after the passing of this act, if they may deem it necessary, to make application to the court of pleas and quarter sessions of said county, and the court is hereby di-

rected and required to lay a tax, not exceeding one shilling on every poll and four 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, or a majority of them, to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, in any part of said county they may think proper, and building a house thereon of such size and construction as they may think necessary for the reception and accommodation of such poor of said county as are or may become chargeable on the parish of said county; 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 such regulations as may from time to time be established for the well ordering and governing of said poor, which regulations the said wardens are hereby empowered to make. And the keeper or overseer is hereby required to put to moderate labour, or other employment, such of the poor under their care as they and the wardens may judge capable of performing; and the said keeper or overseer, for his services, shall be allowed from time to time such compensation as the wardens of said county may deem sufficient, to be paid out of the tax laid for that purpose; and the said keeper or overseer shall, at the end of each and every year, account to the wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, which shall be deducted from the sum that the wardens may have allowed him for the support of such poor as are under his care.

II. *And be it further enacted,* That if the said keeper or overseer should neglect to provide sufficient cloathing and diet, and affording other proper attention that may be adjudged necessary by the wardens, it shall be in the power of said wardens to dismiss such overseer or keeper from their employment, upon allowing him for the time he has been under their employment; and if the wardens should dismiss such overseer or keeper, they are hereby authorised and required to engage another for the like purpose, any law, usage or custom to the contrary notwithstanding.

#### CHAP. L.

An Act to empower the County Court of Brunswick to build a House for the reception and employment of the Poor thereof, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the court of said county is hereby authorised (a majority of the acting justices being present) to lay a tax not exceeding four pence on every hundred acres of land, one shilling on every poll, and the same sum on every hundred pounds value of town property, per annum, for the purpose of building a house in said county for the reception and employment of the poor thereof.

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

III. *And be it further enacted,* That when the commissioners shall report that the said house is fit for the reception of the poor, the court shall appoint one discreet person to superintend and manage the same, whose duty it shall be to keep a regular account of the expenditures and earnings of the poor, and return a just statement thereof to the court at the first term of each year, under the penalty of three hundred pounds and a liability to be superceded by the appointment of a successor; and the said manager shall give satisfactory security for the performance of his duty, and have power, with the consent of the court, to employ such persons as may appear proper and necessary for the benefit of the institution; and it is hereby declared to be the duty of the wardens of the poor to send unto the said house, all such persons as in their opinion deserved the aid of the county, and also to assist the manager of the said house (if necessary) in the management thereof.

IV. *And be it further enacted,* That if any person shall be convicted as a vagrant in said county, that it shall be the duty of the justice who acted on the trial to commit such vagrant to labor, under the directions of the manager of said house, until the next court of said county, where he or she shall be brought before the court, and, at the discretion of the same, be released; or again committed, so that such commitment shall not exceed ninety days.

V. *And be it further enacted,* That in case of the death, removal, inability or refusal to act of any of the commissioners, the court shall supply the vacancy by proper appointment.

VI. *And be it further enacted,* That the wardens of the poor of the county aforesaid, shall not lay a tax exceeding four pence for each hundred acres of land, one shilling for each poll, and the same for each hundred pounds value of town property, but with the consent of the majority of the acting justices of the court, nor shall they proceed to lay a new tax until the preceding taxes have been accounted for to the satisfaction of the court, at the first term of every year which shall happen after the first day of July next; at which term, on the second day of the court, an election for wardens of the poor shall be held, in the year one thousand eight hundred and nine, and every following year.

And whereas a list of jurors was not made in said county agreeably to the act of last session,

VII. *Be it enacted,* That the county court of Brunswick shall, at their next term, proceed to make out the list as required by said law, which shall be good and valid to all intents and purposes, any law, usage or custom to the contrary notwithstanding.

VIII. *And be it further enacted,* That James Smith, Isaac Etheridge, John Waid, sen. William Simons and John Jeanrett, be, and they are hereby appointed commissioners to fix on a proper place for the elections to be held in the Wacamaw District, and John Gause, jun. Samuel Bell, Philip Hewett, John White and Samuel Taylor, to fix on a proper place for the elections to be held in the Lockwood-Folly District, who shall certify the appointed places to the county court at or before next July term; and that the officers of the second battalion, assisted by the field officers of the county, shall appoint a proper place for the musters of said battalion, the determination of a majority in each of the above cases to be sufficient.

IX. *And be it further enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county court of Brunswick shall be, and is hereby fully au-

1808<sup>th</sup> authorised and empowered, by one or more lottery or lotteries, under such scheme or schemes as the court may direct, to raise a sum of money not exceeding one thousand pounds for the purpose, of erecting a marine hospital, and of assisting to erect the poor-house before mentioned, in Smithville.

X. *And be it further enacted*, That the county court aforesaid shall, within five months after the passing of this act, appoint five persons as managers of the lottery or lotteries aforesaid, who shall give bond and security to the chairman of the said court for the payment of the prizes and profits thereof, according to the scheme or schemes which may be adopted or established, after deducting such charges as shall be deemed reasonable by the county court, to be applied in the first instance to erecting said hospital, and secondly, to aid the subscriptions for said building for the reception of the poor; and the commissioners of said buildings shall account with the before mentioned court, from time to time when called upon, and a majority shall be sufficient to act in all cases and fill up vacancies that may happen:

*Provided nevertheless*, That any person appointed to fill up a vacancy shall be subject to the same rules, and have the same privileges and powers as the commissioners first appointed.

#### CHAP. LI.

An Act to authorise the Wardens of the Poor of Beaufort County to lay a further Tax to defray the expences of the Poor of said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the wardens of the poor for said county be, and they are hereby authorised, to lay a tax not exceeding two shillings and six-pence on every poll, two shillings and six-pence on every hundred pounds value of town lots, with their improvements, and ten-pence on every hundred acres of land; which tax, when laid, shall be levied, collected and accounted for by the sheriff as other county taxes are in said county.

#### CHAP. LII.

An Act to authorise Joseph H. Bryan of the town of Windsor, and such persons as may associate with him for that purpose, to raise, by way of lottery, a sum of money to enable him to carry on a manufactory of Sal within this State.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said Joseph H. Bryan and such persons as he may associate with him for said purpose be, and they are hereby empowered to raise, by lottery or lotteries, for the purpose aforesaid, a sum not exceeding four thousand dollars.

II. *And be it further enacted*, That the said Joseph H. Bryan and his associates shall, before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond and security to the satisfaction of the county court of Bertie, payable to the chairman thereof, and his successors, to be accountable for the fair conducting of the said lottery or lotteries, according to such scheme or schemes as they shall adopt, and for payment, in reasonable time and according to such scheme or schemes, of the prizes which shall be drawn; which said bond may be put in suit for the benefit of any person injured, without assignment. And whereas the said Joseph H. Bryan and his associates may, by death and other accidents, be deprived of the benefit of their efforts, after they have expended much time and money in pursuit of the aforesaid object before they shall have accomplished it: For prevention whereof—

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

#### CHAP. LIII.

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

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That instead of eight shillings as heretofore allowed, the jurors duly appointed and summoned, and who may hereafter attend the superior and county courts of Halifax county, shall receive the sum of twelve shillings and six pence for each and every day they shall attend said courts as such; but they shall not be allowed mileage as heretofore.

II. *And be it further enacted*, That the county court of Halifax aforesaid shall have power, and they are hereby required, a majority of the justices thereof being present, to lay a tax not exceeding one shilling on each and every poll, four pence on each and every hundred acres of land, and one shilling for every hundred pounds value of town property, for the purpose of paying the jurors aforesaid, to be collected by the sheriff and accounted for by him as other county monies.

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

#### CHAP. LIV.

An Act to authorise the County Courts of Craven, Rutherford, Iredell and Granville to cause the Books of the Registers of said Counties to be transcribed.

*BE 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 counties of Craven, Rutherford, Iredell and Granville, respectively, be, and are hereby authorised, provided a majority of the acting justices of said county be present, to appoint three proper persons commissioners to examine the books of the registers of said counties, respectively, and make report to the succeeding term of the said courts how far it may be proper and expedient to transcribe the said books.

II. *And be it further enacted*, That after the report made to the said courts as aforesaid, it shall and may be lawful for said courts, respectively, to appoint, or authorise the said commissioners to appoint some suitable person to transcribe the said books, or so much of the said books as the courts may severally deem proper, in such manner and on such terms as may be most advantageous to the counties respectively.

411. *And be it further enacted*, That so soon as the transcribing the books aforesaid shall be completed, it shall and may be lawful for the said courts, respectively, and they are hereby required to appoint three commissioners to examine into the correctness of the work of the transcribers, who shall take an oath in open court for the faithful performance of their duty; and after the said commissioners, or a majority of them, shall have reported that the books have been correctly transcribed, then and from the time of such reports received by the court, the transcribed books shall have the same legal validity and efficacy as the original books of the register had and were entitled to; and all authenticated copies from the transcribed books shall and may, in all instances, be received in evidence in the same manner as copies taken from the original books, which original books shall thenceforth be deposited in the office of the clerks of said courts, respectively, and shall not thenceforth be used by the registers for the purpose of granting copies therefrom.

IV. *And be it further enacted*, That it shall and may be lawful for the said courts, respectively, after appointing commissioners as herein first mentioned, to impose a tax not exceeding one shilling on each and every deed thenceforth recorded in said counties respectively, which tax shall first be paid to the clerks of the courts before the register shall record such deed, and which tax may be discontinued by order of the court whenever, in their judgment, a sum has been collected therefrom sufficient to defray the expenses occasioned by the transcribing of the books of the registers, respectively.

V. *And be it further enacted*, That the aforesaid courts may fix such compensation for the services of the commissioners appointed under this act as they may deem just, and may, by order, direct the same to be paid by the county treasurers of the said counties, respectively.

#### CHAP. LV.

An Act directing the manner in which Jurors to the Superior Court in Sampson County shall prove their Tickets in future.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for jurors to the superior court in Sampson county, or the clerk thereof making out a certificate of their return and attendance at any term, to prove their mileage, and the sums necessarily expended in crossing ferries, before any justice of the peace for said county, out of court, any law, usage or custom to the contrary notwithstanding.

#### CHAP. LVI.

An Act to authorise and enable the Securities of Kenith M'Iver, Sheriff of Cumberland County for the years one thousand eight hundred and four and one thousand eight hundred and five, to collect the arrears of taxes due from the inhabitants of said county for the years aforesaid.

WHEREAS Kenith M'Iver, late sheriff aforesaid, having left this State, and it being the belief of the members of Assembly from said county, that there is a considerable arrears of taxes due to the said Kenith from many of the inhabitants of said county, and it also being within the knowledge of the members of this General Assembly from said county, that Philemon Hodges, Hector M'Alister, Nathan King, Abner Bowell and Donald M'Rae, securities for the said Kenith M'Iver, sheriff as aforesaid, hath had to pay, by virtue of executions issued against them; sundry sums of money for and on account of the said Kenith M'Iver: Therefore,

*Be it enacted by the authority of the General Assembly of this State*, That it shall and may be lawful for the said Philemon Hodges, Hector M'Alister, Nathan King, Abner Bowell and Donald M'Rae, from under their hands, to appoint some one or more persons to collect the arrears of taxes due by the inhabitants of Cumberland county for the years aforesaid; and that the said collector or collectors so appointed by the securities aforesaid, shall be governed by the tax lists heretofore made out for the said sheriff by the clerk of said court, which said original list shall be deposited with the clerk of the county court of Cumberland, who shall inspect the same and make out a copy therefrom of every person's name, polls and property, by them returned, that shall not be crossed, marked paid, or any other mark or writing which may go to shew that any part of said tax is due; for which service the clerk shall be allowed by the county court of Cumberland out of the monies so collected.

II. *And be it further enacted by the authority aforesaid*, That the old tax lists shall remain in the custody of the clerk of the county court of Cumberland, and may be given in evidence in any dispute or controversy that may arise out of this act, and in all cases where it shall appear from the old tax lists aforesaid, that any person in arrears, after application made to them by the collector or collectors, and not producing to the said collector or collectors, satisfactory proof of his having discharged the same, he is hereby authorised and empowered to bring a warrant, in the name of the securities aforesaid, before a justice of the peace for the amount so due; and either party dissatisfied with the judgment of the justice, may have a right of appeal to the county court: *Provided nevertheless*, It shall not be lawful for said collector or collectors to demand or collect taxes from the executor or administrator of any deceased person's estate, or from any person who will make oath before any justice of the peace, that he hath paid his said taxes for the said years of one thousand eight hundred and four and one thousand eight hundred and five, or either of them.

III. *And be it further enacted*, That it shall be the duty of the person or persons appointed by the securities aforesaid, to give bond and security to the said securities to pay into the hands of the clerk of the county court of Cumberland, all such sums of money by him or them collected by virtue of this act, on or before the first day of December, one thousand eight hundred and nine, first deducting from said taxes so collected, the commissions agreed upon between the said collector or collectors and the securities aforesaid; which monies shall be divided by order of the county court of Cumberland among the said securities, in proportion to the amount of monies by them paid for and on account of the said Kenith M'Iver, in his official capacity as sheriff, and when it shall be required, the person so claiming, mentioned in this act, for monies paid, shall make out a regular statement of the same and swear to it in the county court of Cumberland, and where either of the securities shall be indebted to the said Kenith M'Iver, he shall credit the same in the account by him rendered.

1863 IV. *And be it further enacted*, That the bond or bonds taken from the collector or collectors shall be lodged with the clerk of said county, before they enter upon the collection of said arrears of taxes; and the said collectors, on their settlement, shall make out a list of the several sums by them collected, and swear to the same in open court.

## CHAP. LVII.

An Act to repeal an act passed in the year one thousand eight hundred and seven, entitled, "An Act to alter the time of holding the Courts of Pleas and Quarter Sessions in the Counties therein mentioned," as far as respects 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 after the second Monday in February next, so much of the before recited act as respects the county of Surry be, and is hereby repealed and made void; and that after the aforesaid second Monday in February, the court of pleas and quarter sessions in the said county of Surry shall be held as formerly (viz.) on the second Monday in May, August, November and February 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 February next after the passing of this act, be continued and stand adjourned to the time herein before fixed for holding said courts.

## CHAP. LVIII.

An Act to alter the time of holding the County Courts in Richmond County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the county courts of Richmond county, after the first day of February next, shall be held on the third Monday in March, June, September and December, and every process issuing therefrom shall be made returnable accordingly.

II. *And be it further enacted*, That when the superior courts happen on the same week, it shall be the duty of the sheriff to open and adjourn the county courts from day to day, at ten o'clock A. M. until the business of the superior court may be finished.

III. *And be it further enacted* That it shall be the duty of the justices of the county courts respectively, when the county courts and the superior courts may happen in the same week, to direct the sheriff to summon the jurors that are appointed to be summoned for the superior court, to attend the county courts under the same fines and penalties as are by law directed: *Provided always*, when it shall so happen that a justice of the peace is drawn to serve as a juror at the superior court, the county court shall appoint another person to serve as a juror instead of any justice who is drawn.

IV. *And be it further enacted*, That it shall be the duty of the clerks of the superior and county courts, respectively, to grant certificates to every juror who may hereafter attend the said courts, respectively, and allow such juror five shillings per day for every day's attendance, and the like sum for every thirty miles travelling to and from court: *Provided always*, That nothing herein contained shall be so construed, that no juror or witness who may attend when the said courts happen in the same week, shall be entitled to one mileage certificate only.

V. *And be it further enacted*, That all laws and clauses of laws coming within the meaning of this act, are hereby declared null and void as far as relates to the aforesaid county of Richmond.

## CHAP. LIX.

An Act to alter the times of sitting of the County Court of Pasquotank County.

**WHEREAS** the present arrangement of the superior courts interferes with the sittings of the county court of Pasquotank, and great injury and delays happen thereby to the suitors and others having business in the said court,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the justices of the county court of Pasquotank shall have power and authority, whenever the said court interferes with the sittings of the superior courts of the county of Currituck, in the months of March and September, to adjourn the times of holding of the said court at the terms of June and December, unto the fourth Monday in February and August instead of the first Monday in September and March, at which times the said courts are at present held; and that all acts and things done upon the said adjournments shall have the same force and operation as they would have at the terms presently established by law, any thing to the contrary in any wise notwithstanding.

## CHAP. LX.

An Act authorising the County Courts of Lincoln, Rutherford and Buncombe, in certain cases, to adjourn from the Court-house to other places.

*BE 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 said counties of Lincoln, Rutherford and Buncombe, where the superior and county courts may happen in the same week, the county court may, during the sitting of the superior court, adjourn to any other place in the town where the same is held, for the transacting of any business except jury trials, any law to the contrary notwithstanding.

## CHAP. LXI.

An Act to alter the time of holding the Courts of Pleas and Quarter Sessions for the County of Stokes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That every writ and other process which may issue from the county court of Stokes at their next March term, in the year one thousand eight hundred and nine, shall be made returnable and be returnable to the second Monday of June then next following, and all causes continued and recognizances taken at the same term, shall be continued and taken to the second Monday of June aforesaid; and it shall be the duty of the officer adjourning the next March court, to adjourn the same to the second Monday of June following.

II. *And be it further enacted*, That the court of pleas and quarter sessions for the county of Stokes shall hereafter be holden on the second Monday of June, September, December and March, to begin on the second Monday of June, one thousand eight hundred and nine; and the courts hereby established shall have all the powers and authorities which other courts of pleas and quarter sessions have in this State, and such powers and regulations as by different acts of the General Assembly have been established for the county courts of Stokes county.

## CHAP. LXII.

An Act to alter the times of holding the County Courts of Pleas and Quarter Sessions in the County of Tyrrell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the court to be held in the county aforesaid on the first Monday in February next, the courts of pleas and quarter sessions thereafter to be held in said county shall happen and be held on the fourth Mondays in March, June, September and December in each year: *Provided however*, That the first court to be held in said county in conformity with this act, shall happen on the fourth Monday in June next, any law or usage to the contrary notwithstanding.

## CHAP. LXIII.

An Act to alter the time of holding the County Courts in the County of Carteret, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future the county courts in the county of Carteret shall be held on the first Monday in March, June, September and December in each and every year hereafter, subject to the same rules and regulations as are already established by law relative to said courts; and all process and proceedings subject to said courts shall be returnable in the same manner as heretofore.

II. *And be it further enacted*, That when the county and superior courts shall happen on the same days, the justices composing said county courts shall have power to adjourn to any other place in the town of Beaufort, in said county.

III. *And be it further enacted*, That when any civil cause shall be hereafter determined by a jury in the county or superior courts, it shall be the duty of the clerks to proceed and charge in the bill of costs the sum of twenty shillings for every suit so determined; and it shall be the duty of the sheriff to collect the same, and pay the amount thereof, when so collected, to the county treasurer, who is hereby directed to apply the same towards defraying the expences and allowances made to the petit jurors.

IV. *And be it further enacted*, That each juror summoned and shall attend the county or superior courts in the county of Carteret, shall receive seven shillings and six-pence for every thirty miles travelling to and returning from said courts, and the sum of seven shillings and six-pence for every day they attend the same until discharged therefrom.

## CHAP. LXIV.

An Act to remove the Courts of Brunswick County from Lockwood's Folly to Smithville.

WHEREAS it has been represented to this General Assembly by petition from a large majority of the inhabitants of Brunswick county, that many beneficial effects will result from a removal of the courts thereof to Smithville,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the said courts shall be removed from Lockwood's Folly and held in the town before mentioned, as soon as a court-house, jail and stocks, at least equal to those now standing at Lockwood's Folly, shall be erected on one of the angular lots reserved in the plan of the said town for public purposes, to be designated by the intendant or magistrate of police and commissioners of Smithville, or a majority of them; and that Benjamin Smith, Edward Sullivan, Jeremiah Westcoat, Joseph Russ, Isaac Etheridge, Thomas Fink, Joshua Potts, Benjamin Blaney, Wilson Davis, Samuel Potter and Charles Betts be, and they are hereby appointed commissioners to contract for and carry on the said buildings; and it shall be the duty of the last mentioned commissioners, when the same are completed fit for the reception of the courts and persons legally ordered into confinement, to notify the same to the sheriff and clerks of the courts of the said county, and furthermore, to the people at large by advertisements put up in at least one public place in every captain's district in the county; from which time all suits, pleas, process and proceedings shall be returned to, made and had at Smithville, under the same rules and regulations as have been heretofore prescribed by law: *Provided nevertheless*, That the said buildings be erected by voluntary subscription, without any tax being laid on the county for their completion, which particulars shall be specified by the building commissioners in the notification before directed.

II. *And be it further enacted by the authority aforesaid*, That the said building commissioners shall have full power and authority, and they are hereby required to sell, at public auction, the present court-house, prison and stocks at Lockwood's Folly, together with the public ground thereunto appertaining, at the first court which shall be held after the notification aforesaid, on such terms as they shall deem most beneficial, and to make title for the same to the purchaser or purchasers on the price being paid or sufficiently secured; and the monies arising from the sale, after deducting reasonable charges to be allowed by the county court, shall be paid to the county trustee, who shall account for the same in like manner as other public monies and applied towards lessening the county taxes, and in all the actings and doings of said building commissioners a majority shall be sufficient to perform any of the duties herein required; and in case of the death or refusal to act of any of the commissioners herein named, the vacancy shall be supplied by the appointment of those commissioners who undertake to act in pursuance of the present law.

III. *And be it further enacted by the authority aforesaid*, That two and one half cents shall be allowed to each juror for every additional mile he shall necessarily travel to and from Smithville, further than he is now obliged to do in attending the courts at Lockwood's Folly, any law to the contrary notwithstanding; for which each juror shall receive a certificate from the clerk of the court he attends, to be paid off by the county treasurer or trustee, under the same rules as have been prescribed heretofore for the payment of jurors to the district courts.

1808

## CHAP. LXV.

An Act to appoint Commissioners for the Town of Jameston.

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

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same;* That the freeholders of the said town of Jameston shall meet at some convenient place in the town aforesaid, and there, under the inspection of one justice of the peace and two freeholders, shall elect, by ballot, three freeholders, residents of said town, commissioners thereof.

II. *Be it further enacted;* That the commissioners so appointed shall have full power to adopt such rules, regulations and bye laws as may to them appear necessary for the regulation and good government of said town: *Provided,* such rules and bye laws be not inconsistent with 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 aforesaid commissioners, such vacancy may be filled in the manner above directed, any law to the contrary notwithstanding.

## CHAP. LXVI.

An Act to incorporate the Town of Beaufort, in the County of Carteret, and to direct the mode of appointing Commissioners for said Town.

*BE 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 freemen residing in the town of Beaufort, in the county of Carteret, on the first Monday in May next in each and every year, to assemble at the court-house in said town, and then and there elect three freeholders of said town to be commissioners thereof for the ensuing year; and it shall be the duty of one of the justices of the peace and two freemen of said county, to attend at the court-house on the said first Monday of May in each and every year, for the purpose of receiving the votes of the said freemen; and in holding the said election, they shall conform to the rules and regulations which are directed to be observed generally in elections in this State.

Those commissioners, so elected, shall be empowered and authorised to make bye laws and adopt such rules for the regulation and government of said town, as are not inconsistent with the laws and constitution of this State.

## CHAP. LXVII.

An Act to incorporate the Town of Williamaborough in the County of Granville.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same;* That the freeholders of the town of Williamaborough, in the county of Granville, shall meet at some convenient place in said town on the first Monday of January in each and every year, and elect seven commissioners, residents of said town, who shall be empowered and authorised to make bye laws and adopt such rules for the regulation and government of said town, as may be necessary for the good order and police of said town, not inconsistent with the laws and constitution of this State.

## CHAP. LXVIII.

An Act for the better regulation of the Town of Greenville, in the County of Pitt, to authorise the Commissioners to lay a Tax on the Lots or on the Inhabitants thereof, to defray the Expence of repairing Wells and keeping the Streets open and repairing them in said Town.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same;* That from and after the passing of this act, it shall and may be lawful for the commissioners of the town of Greenville, in the county of Pitt, for the time being, to lay a tax on the lots or on the inhabitants of said town for the purpose of defraying the contingent charges of said town, for keeping the wells and streets in repair and removing nuisances, and for other uses as the said commissioners may think proper, so that the tax shall not exceed one dollar on each person liable to pay tax in said town; which said tax shall be collected by the trustee of the commissioners or by the town constable, and he shall be allowed for his trouble one shilling in the pound; and the monies, when collected, shall be paid to the commissioners.

II. *And be it further enacted;* That no person or persons shall keep up or run fences across the streets in said town, under the penalty of twenty shillings for every such offence, to be collected as other fines and forfeitures, to be paid to the said commissioners for the use of the said town, unless they be permitted by the commissioners, any law, usage or custom to the contrary notwithstanding.

## CHAP. LXIX.

An Act to repeal An Act passed at the last General Assembly to repeal An Act passed in the year one thousand eight hundred and three, empowering the Commissioners of the Town of Hillsborough to lease out the Town Common.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same;* That the before recited act be, and it is hereby repealed and made void.

## CHAP. LXX.

An Act for altering the Name of a Town on Broad River, in Rutherford County, from that of Burr to that of Ervinsville.

WHEREAS it hath been represented to this General Assembly by petition from the inhabitants of Rutherford county, praying that the name of the town on Broad River, known heretofore by the name of Burr, be altered to that of Ervinsville,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same;* That from and after the passing of this act, the town aforesaid, on Broad River, in the county of Rutherford, shall be known and called by the name of Ervinsville, any law to the contrary notwithstanding.

## CHAP. LXXI.

An Act to repeal an Act passed in the year one thousand seven hundred and fifteen, entitled "An Act for appointing a Town in the County of Bath, (now the County of Beaufort) and for securing the Public Library belonging to St. Thomas's Parish in Pamlico."

*BE 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 act passed in the year one thousand seven hundred and fifteen, entitled "An Act for appointing a town in the county of Bath, and for securing the public library belonging to St. Thomas's Parish in Pamlico," be, and the same is hereby repealed, and that all other acts respecting the town of Bath are hereby repealed and made void.

## CHAP. LXXII.

An Act to amend an Act entitled "An Act to establish an Academy in the City of Raleigh," passed in the Year one thousand eight hundred and one.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the present trustees of the Raleigh Academy be authorised and empowered, whenever they shall deem it necessary for the promotion of the interests of the said institution, to elect three additional trustees to the number which are prescribed by the above recited act, who, when thus elected, shall possess the same powers with the present trustees of the said academy.

## CHAP. LXXIII.

An Act to authorise the Trustees of the Elizabeth Town Academy, in Bladen County, to rent out the Fishery on the Town Commons, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the trustees of the Elizabeth town academy, in the county of Bladen, be, and they are hereby authorised and empowered to rent out the fishery on Cape Fear river in the commons of the said town of Elizabeth, for the term of three years, and they are hereby directed to apply the money arising therefrom to the benefit of said academy.

*II. And be it further enacted,* That the trustees of said county of Bladen be directed to pay to the trustees of said academy, or their successors, such money as may arise from the stray books, and that they apply the same as above mentioned.

## CHAP. LXXIV.

An Act to establish an Academy on Richland Swamp, in Robeson County.

**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 Matthew Watson, John Watson, Neil Brown, John Buie, Malcolm Brown, Daniel Buie and Neil Murphy 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 Zion Parnassus 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.

*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.

## CHAP. LXXV.

An Act to establish an Academy in Beaufort County, adjoining Washington.

**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 William Kennedy, William Ross, John G. Blount, Walter Hanrahan, Frederick Grist and Slade Pearce 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 Washington Academy, and by that name shall have perpetual succession; and they, or their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given for the use of said academy, and the same apply according to the will of the donor; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors, forever, any lands, rents or tenements of what kind or nature soever, in special trust or confidence that the same or the profits thereof be applied to and for the purpose of establishing and endowing said academy, and shall be capable of pleading or being impleaded for any money which may be subscribed for the promotion of this institution.

*II. And be it further enacted,* That the said trustees, or a majority of them, shall have power to appoint such professors and tutors as to them shall appear necessary, and also a treasurer and secretary, upon such conditions and with such restrictions as they may deem proper; and the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of the said academy, and for the preservation of order and good morals therein, as they may deem necessary.

*III. And be it further enacted,* That upon the death, removal, inability, refusal to act or resignation of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect other trustee or trustees in the room of such as die, remove, resign or refuse to act; and the trustee or trustees so elected shall have equal power, authority and capacity with the trustees hereby appointed.

*IV. And be it further enacted,* That the said board of trustees shall be, and are hereby declared to be vested with full power and authority to raise a sum not exceeding one thousand pounds by one or more lottery or lotteries, by such scheme or schemes as they shall think proper, to be applied towards defraying the expenses of the building and completing said academy.

1808 V. *And be it further enacted*, That the said trustees shall have, and they are hereby declared to have full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes as they may deem necessary, any law, usage or custom to the contrary notwithstanding.

## CHAP. LXXVI.

An Act to authorise the Commissioners of the County of Guilford to make use of such materials of their old Jail as they may deem expedient in building a new one.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners appointed by the General Assembly in the year one thousand eight hundred and seven to superintend the public buildings of said county, shall have full power and authority to make use of such of the materials of their old jail as a majority of them may deem useful in building a new jail, and that so much of the said law as compels the said commissioners to sell the old jail is hereby repealed.

II. *And be it further enacted*, That the balance of the money arising from the sale of the lots of the town laid out by the said commissioners, after paying for the building of the new court house, they shall appropriate to the use of building the jail.

III. *And be it further enacted*, That the town laid out by the commissioners aforesaid shall be called and known by the name of Greensborough.

## CHAP. LXXVII.

An Act appointing Commissioners to run and establish the Boundary Line between the Counties of Wake and Franklin.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Philemon Southerland, Kempsey Powell, Green Hill, Duke W. Davis and Thomas Snipes, surveyor of Chatham, or a majority of them, be, and they are hereby appointed commissioners, with power to employ such artist, chain carriers and attendance as they may deem necessary, to enable them to run, ascertain and mark the boundary line between the counties of Wake and Franklin, agreeable to the act by which the county of Granville was laid out and established, and the laws passed since respecting the boundaries of the two counties; and the line, after being so run and marked, shall be, and the same is hereby declared to be the dividing line between the said counties; and the said commissioners, within six months after running the said line, shall make out two plats thereof and return one to each of the county courts of Wake and Franklin, which shall be recorded.

II. *And be it further enacted*, That the commissioners hereby appointed, for their trouble in superintending and running of the aforesaid line, shall be entitled to the sum of thirty shillings for each and every day's attendance while running it, and the artist, chain carriers and such other persons as they may necessarily employ, shall be entitled to receive, for their services, such sum per day as the commissioners aforesaid shall agree to give them, which shall be certified under the hands and seals of the commissioners; and upon their producing such certificates, the county treasurer of each of the said counties shall pay one half the expences.

## CHAP. LXXVIII.

An Act to divorce James Norcum of the Town of Edenton, from his Wife Mary Norcum.

*BE 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 Norcum of the town of Edenton be, and he is hereby divorced from his wife Mary, and that the marriage tie between the said James and Mary be annulled and dissolved as fully, completely and entirely as if the said James and Mary had never been married.

*Provided nevertheless*, That this act shall not be construed to affect a suit now pending in the superior court of Pasquotank wherein Mary Norcum, by her next friend Frederick B. Sawyer, as plaintiff, and James Norcum, defendant, any thing to the contrary notwithstanding: *Provided*, That nothing in this act contained shall be construed to render the children born during the marriage of the said James Norcum and Mary his wife illegitimate.

## CHAP. LXXIX.

An Act to amend the third section of an act passed in the year one thousand eight hundred and six, entitled "An Act to establish the mode of Elections in future in the County of Johnston."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the inspectors of the several separate elections in the county of Johnston shall in future make their returns to the sheriff, or his lawful deputy, at the court-house, on or before four o'clock of the day following, instead of two o'clock as expressed in the third section of the above recited act, any law to the contrary notwithstanding.

## CHAP. LXXX.

An Act to alter the Time of holding the separate Elections in the County of Franklin.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the different elections for members of Congress and members of the General Assembly in the county of Franklin, shall hereafter be held at the places heretofore established by law, on the first Friday after the second Thursday of August in each and every year, subject to the same rules and regulations as have been heretofore prescribed respecting the same.

II. *And be it further enacted*, That the sheriff and those appointed to receive the votes at the respective separate elections and court-house, shall count out the same and meet the day following, compare the list of votes which have been received, and ascertain the state of the poll.

## CHAP. LXXXI.

An Act to alter the Place and Time of holding the Elections in the County of Nash.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the elections for a representative to Con-

gress and members of the Legislature of this State, be held on the first Thursday in August in each and every year, at the dwelling house of Joel Williams, on the south side of Tar River, and on the same day at the house of James Manning, on the north side of Swift Creek, and on Friday the next day at Nash court-house, under the same rules and regulations prescribed by law for holding elections for said county.

II. *And be it further enacted*, That it shall be the duty of the sheriff, or his deputy, to open and hold an election for electors to vote for President and Vice-President of the United States at the aforesaid places, on the days which now are or hereafter may be appointed by law for the purpose of electing an Elector, any Law to the contrary notwithstanding.

## CHAP. LXXXII.

An Act to establish six separate Elections in the County of Orange, and to alter the Time of holding all the Elections already established by Law in said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in addition to the elections already established by law in said county of Orange for the purpose of electing members of the General Assembly, members of Congress and electors to vote for a President and Vice-President of the United States, six other elections shall hereafter be held at the following places—one at the house of the widow Nunn, in the village of Chapel Hill; one other at the house of Richard Cate, where the road from Hillsborough to Woodley's ferry crosses the Fayetteville road; one other at the house of Jacob Moulder, wheelwright, west of Haw River; one at a store-house, at Canon's mill on Stony Creek; one at the house of Walter Murry, senr. near the cross road meeting-house; and one at the house of Doctor Benjamin Bullocks, on Flat River.

II. *And be it further enacted by the authority aforesaid*, That the sheriff of Orange county, for the time being, by himself or lawful deputy, shall open and hold all the elections in the county of Orange on the second Thursday of August in each and every year, under the penalty of fifty pounds, and that the polls shall be open at ten o'clock and kept open until sunset.

III. *And be it further enacted*, That it shall be the duty of the court of said county, at the court next preceding the day of any election, to appoint two freeholders as inspectors of the polls for each election in said county, whose duty it shall be, together with the sheriff or deputy, to superintend said elections, which shall be held under the same rules, regulations and restrictions as elections have heretofore been.

IV. *And be it further enacted*, That the sheriff or deputy, together with the inspectors, shall proceed immediately after the polls are closed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by one of them returned at or before two o'clock on Friday the next day to the sheriff 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 said Friday to receive the returns so made, and on the returns being made to the sheriff, he shall proceed, in the presence of the inspectors of the election held at the court-house, to add together the whole number of the votes thus to him returned, together with those taken at the court-house, and the person having the greatest number of votes shall be declared duly elected, and the sheriff shall immediately make proclamation accordingly.

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

VI. *And be it further enacted*, That it shall be the duty of the clerk of said county to deliver copies of the names of said inspectors to the sheriff, whose duty it shall be to give them notice as soon as may be necessary of their appointment; and the sheriff is hereby required to advertise said elections at some public place in each district, and at the court house, at least twenty days previous thereto.

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

VIII. *And be it further enacted*, That elections for electors to choose a President and Vice-President of the United States shall be held at all the places appointed by this act, and at those heretofore appointed in said county, on the second Friday in November, and returns made on Saturday the next day at the court-house.

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

## CHAP. LXXXIII.

An Act to establish four separate Elections in the County of Caswell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*. That from and after the passing of this act, there shall be opened and held four separate elections in the county of Caswell, that is to say, one in each district, at such places as the commissioners hereinafter named shall appoint and agree upon, which elections shall be held on the second Thursday in August annually.

II. *Be it further enacted*. That Robert Parks, William Mizzall, William Lea, John Hightower and Thomas Turner, or a majority of them, shall be appointed commissioners to fix on a suitable place for holding the election in Gloucester District; and Robert Blackwell, Joseph Scott, Malan Stacey, Lewis Shepherd and Jethro Brown, or a majority of them, shall be appointed commissioners to fix on a suitable place for holding the election in St. David's District; and Dudley Gatewood, Gregory Durham, Josiah Womack, John Cobb and John Green, or a majority of them, shall be appointed commissioners to fix on a suitable place for holding the election in Caswell District; and Josiah Lamuel, John Burton, Thomas Harrison, Captain John Lea and John Johnston, or a majority of them, shall be appointed commissioners to fix on a suitable place for holding the election in Richmond District.

III. *And be it further enacted*, That it shall hereafter be the duty of the court of said county, at the court next preceding the day of every election, to appoint one justice of the peace, and two freeholders

in each district to act as inspectors of the polls, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned by this act for holding said elections; which elections shall be opened and held in the same manner, and under the same rules, regulations and restrictions as are observed in other cases of elections in this State.

IV. *Be it further enacted*, That the inspectors shall open the polls of the said elections at eleven o'clock in the forenoon, close them at four o'clock in the afternoon, and immediately proceed to count out the votes; a correct statement of which, together with a list of the voters names, shall be by them returned at or before two o'clock on Friday, the day after the second Thursday, to the sheriff of said county or his lawful deputy, at the court-house; and it is hereby declared to be the duty of said sheriff, or his deputy, to attend at the court-house on the Friday following the said Thursday in August to receive the returns so made by the inspectors; and on their being made to the sheriff, he shall proceed, in presence of the inspectors, to add the number of votes to him returned together, and the persons having the greatest number of votes, shall be deemed lawfully elected; and the sheriff shall immediately at the court-house door, make proclamation accordingly.

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

VI. *Be it further enacted*, That it shall be the duty of the clerk of the said county court, to deliver copies the appointments of the said justice and inspectors, to the sheriff, whose duty it shall be to notify them, as soon as possible; and it shall be the duty of the sheriff of said county, to advertise said elections, in every district, and at the court-house door, at least thirty days previous to said elections.

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

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

IX. *And be it further enacted*, That it shall be the duty of the sheriff, or his lawful deputy, to attend at the court-house of said county, on the day specified in this act, for holding the different separate elections in said county, for the purpose of receiving the votes of the persons attending the same; and the polls of the said elections, shall be closed at four o'clock the same day.

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

#### CHAP. LXXXIV.

An Act to establish a separate Election at the House of Mary Gregory, in the County of Chowan, and for altering the Time of holding the Elections at the Court-house of said County.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the sheriff of the county of Chowan, or his lawful deputy, shall open and hold an election at the house of Mary Gregory, in said county, on the second Thursday in August in each and every year, to vote for members of the General Assembly and representatives to Congress; and the election for electors shall be held at the aforesaid place on the day fixed upon by law for holding the same, which elections shall be opened, held and conducted under the same rules, regulations and restrictions, as all other elections for the like purpose in this State.

II. *And be it further enacted*, That in future, no election shall be opened or held at the court-house in the town of Edenton, on the second Thursday in August annually, as heretofore held; but shall hereafter be holden on the Friday after the second Thursday in August only; and the votes there taken on that day, shall be added to the number taken at the separate elections hereby established, and the candidates having the greatest number of votes, shall be declared duly elected, any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXXXV.

An Act for the better regulation of the Elections of Montgomery County.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in future the elections for members of the General Assembly of this State, for 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 of 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 of the peace 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 polls 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 justices 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 poll, and declare the person having the greatest 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 to act with himself, 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 of the peace.

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 General Assembly, and members of Congress; and shall be under the regulations and restrictions, that are required by law.

VI. *And be it further enacted,* That if any person should give an illegal vote, at any of the 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, any law, usage or custom to the contrary notwithstanding.

## CHAP. LXXXVI.

An Act granting to the Inhabitants of Stokes County, the privilege of separate elections.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future, all elections for members of the General Assembly, for the county of Stokes, shall be held in each and every year, on the second Thursday in August, at the following places, (to wit,) in Germanton, Salem, at the cross Road Tavern, now occupied by Thomas Adams, at the House of John Hutchens, on Beloe's creek; on Snow Creek, at the house of widow Dodson; at the house of Thomas Ships, and at Vienna: and the elections for members of Congress, shall be held on the same days and places.

II. *And be it further enacted,* That it shall hereafter be the duty of the court of said county, at the next court preceding the day of any election, to appoint one justice of the peace, and two freeholders, who shall be sworn to act as inspectors of the polls, and whose duty it shall be to attend at the places for which they were appointed, on the day mentioned in this act, for holding said elections, which elections shall be held by them in the same manner, and under the same rules, regulations and restrictions, as are observed in other cases of elections within this State, without the assistance or interference of the sheriff.

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

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

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

VI. *And be it further enacted,* That if any person should give an illegal vote, at any of the aforesaid elections, or vote twice on the day of election, he shall, on conviction before any justice for said county, forfeit and pay the sum of five pounds, one half to the person suing for the same, and the other half to be applied to the use of the poor in said county.

VII. *And be it further enacted,* That the elections for electors, to vote for President and Vice-President of the United States, shall be held in said county, at the aforementioned places, on the second Friday in November; the inspectors, or either of them, to be appointed in manner and form aforesaid, shall deliver a correct statement of the polls, under their hands and seals, to the sheriff, or his lawful deputy, in Germanton, on the next day.

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

## CHAP. LXXXVII.

An Act to amend an Act, passed last session of the General Assembly, entitled "An Act to regulate the mode of Elections in the County of Tyrrell."

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the two separate elections established by the above recited act in the county of Tyrrell, at the house of Joseph White and Samuel Mydgett, shall in future be held at the aforesaid places on the following days, (to wit) the election established at the house of Joseph White shall be held on the Saturday next preceding the day of the annual election in said county in each and every year, and the election established at the house of Samuel Mydgett shall be held on the Wednesday next preceding the annual election aforesaid in each and every year, the polls of which election shall be opened at ten o'clock and closed at four; and it shall be the duty of the sheriff, or his lawful deputy, to attend each of the said elections, and as soon as the polls are closed, he shall proceed to count out the votes in presence of the inspectors, and a correct return of which shall be by him made at the court-house on Friday, the day of the annual election; on which day and place all the votes taken shall be added together, and the persons having the greatest number of votes shall be declared duly elected; and the elections established in said county shall be conducted under the same rules, regulations and restrictions as other elections of the like nature in this State.

1808 *IL. And be it further enacted,* That the elections for representatives to Congress shall be held at the aforesaid places on the same days which are hereby established for the elections of members to the General Assembly and the election for electors to vote for President and Vice President of the United States shall be held at the aforesaid places on the day fixed on by law for holding the same, which shall be conducted by the former rules and regulations, any law to the contrary notwithstanding.

## CHAP. LXXXVIII.

An Act to alter the place of holding one of the separate Elections 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 from and after the passing of this act, the separate election heretofore established and held at the dwelling house of Margaret Davidson in Mecklenburg county shall hereafter be held at the dwelling house of Joseph Maxwell in said county, under the same rules, regulations and restrictions as it has been held at the first mentioned place, any law, usage or custom to the contrary notwithstanding.

## CHAP. LXXXIX.

An Act to alter the Place of holding a separate Election in the County of Duplin, and to establish one other separate Election in said County.

*BE it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that the election established at the house of Austin Bryant in the county of Duplin be held at the house of Henry Newkirk, on the second Thursday in August in each and every year, under the same rules, regulations and restrictions in every respect as other separate elections, established by law, are holden in said county.

*II. And be it further enacted by the authority aforesaid,* That one other separate election be established in said county at the house of James Lanier, sen. to be holden on the same day in each and every year, and under the same rules, regulations and restrictions as other separate elections, established by law, are held in said county, any law to the contrary notwithstanding.

## CHAP. XC.

An Act to amend the former Act respecting the separate Election in the County of Pasquotank, in the Town of Nixonton.

*BE 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 formerly held in the court house in the town of Nixonton, shall in future be held in the academy in said town.

## CHAP. XCI.

An Act to establish three separate Elections in Craven County, and to regulate the Time and Mode of holding the Elections already established 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 three following separate elections be, and are hereby established in the county of Craven, that is to say, one at the dwelling house of John Smaw, near Beard's Creek Mill; one at the dwelling house of John Tilmans, on Bay River; and one at the house now occupied by John Ives, on the south side of Neuse, and on the main road from Newbern to Beaufort, which shall be holden and conducted under the following rules and regulations (to wit) the separate elections hereby established, the separate elections heretofore established, and the election at the court-house shall all be holden on the second Thursday in August, and shall be closed the same day, for the purpose of receiving votes for members of the General Assembly and a representative to Congress, and shall all be holden and closed as aforesaid the second Friday of November, or on such day as may be by Law directed for the purpose of receiving votes for an elector of President and Vice President of the United States.

*II. And be it further enacted,* That as soon as the several elections as aforesaid are closed, the sheriff, or his deputies severally conducting the same, shall, in presence of the inspectors thereof, proceed to count out the votes, and shall return a correct statement of the votes so taken, together with a list of the voters names, on or before three o'clock in the evening of the Saturday following, when the said elections have been holden for members of the General Assembly or for a representative to Congress, and on or before nine o'clock in the morning of the Monday following, when the said elections have been holden for an elector of President and Vice President, to the sheriff, or his deputy, at the court-house, whose duty it shall be then and there to attend for that purpose; and the said sheriff, or deputy, shall then and there proceed to add up and compare the votes which have been taken for the several candidates, and shall then and there publish and declare the result thereof.

*III. And be it further enacted,* That the election at the court-house shall commence at ten o'clock in the morning, and it shall be the duty of the sheriff, or his deputy holding the same, on the close thereof, to count out first the votes which have been given for a member to represent the town of Newbern in the General Assembly, and on the same evening to declare the person who may have received the greatest number of votes for a representative of said town, duly elected.

*IV. And be it further enacted,* That it shall be the duty of the sheriff and his deputy holding the several elections in said county, to conform, in all other respects than herein directed, to the rules, regulations and restrictions which are directed to be observed generally in elections; and that all laws coming within the meaning and purview of this act be, and the same are hereby repeated and made void.

## CHAP. XCII.

An Act to amend An Act entitled "An Act granting separate Elections in the County of Wilkes," passed in the Year one thousand eight hundred and six.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future the separate elections heretofore held at the house of Cornelius Sails, near Humolin's old Store, shall be held at the house of Henry Martin, on the same day as heretofore held at said Sails, and be conducted in the same manner, and under the same rules, regulations and restrictions as all other separate elections are held in said county.

*II. And be it further enacted,* That so much of the above recited act as authorises the said election to be held at Cornelius Sails is hereby repealed and made void, any thing to the contrary notwithstanding.

## CHAP. XCIII.

An Act to alter the Place of holding one of the 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 the separate election in said county, heretofore held at the house of Zadock Riggs, shall in future be held at the house of Shelton Gentry, under the same rules and regulations as heretofore prescribed by law, any thing to the contrary notwithstanding.

## CHAP. XCIV.

An Act to establish separate Elections in the County of Iredell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the sheriff of Iredell county, or his lawful deputy, shall open and hold the elections for members of the General Assembly, representatives to Congress and electors to vote for a President and Vice President of the United States, at the court-house in said county; at the house of Robert Hughs, on the waters of Davidson's creek; at Frank Young's store, known by the name of Mount Grove; at the widow Bogle's; and at the house of James Patterson, on the road leading from Statesville to the Cove Gap, under the same rules, regulations and restrictions, as the elections were heretofore held at the court-house of said county; and the votes taken at the said elections shall be immediately counted out, in the presence of the inspectors, and a true statement of the different elections shall be transmitted by the person who conducts the same, on or before three o'clock of the next day to the court house; and it is hereby declared to be the duty of the sheriff of said county to receive the same, and add the votes in favor of each candidate taken at each separate election together, and the person having the greatest number of votes shall be deemed duly elected, and the sheriff shall make proclamation accordingly.

II. *Be it further enacted,* That the act of Assembly heretofore authorising the election to be held on Thursday and Friday, is hereby repealed so far as respects Friday, and no more.

## CHAP. CXV.

An Act for the removal of the Elections and Battalion Musters from Stanton Harold's, in the County of Beaufort, to the House of Jesse Robason, on Hickory Point in the County aforesaid.

*BE 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 elections and battalion musters heretofore directed by law to be held at Stanton Harold's, in the county of Beaufort, shall hereafter be held at the house of Jesse Robason, on Hickory Point, under the same rules, regulations and restrictions, as are already prescribed by law.

## CHAP. CXVI.

An Act to repeal part of An Act made in the Year one thousand eight hundred and six, directing the Mode of Election in the County of Guilford, 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 all elections in future to be held in the county of Guilford for members of the General Assembly, representatives to Congress, and for electors to vote for a President and Vice-President of the United States, shall be held at such times and places as hereinafter mentioned, and in the following manner, to wit, at the court-house in Greenborough, at Jamestown, at the dwelling houses of Finley Stewart and George Waggoner, and at such other place in the north-west part of said county as Robert Bell and John Ballinger, Esquires, Jeremiah Cunningham, Wyatt Peebles and William Brittain, or a majority of said commissioners, shall fix upon for holding said election, which election, when established by said commissioners, shall be held for the same purposes, and subject to the same rules and regulations and restrictions, as are observed in other cases of elections in this State.

II. *And be it further enacted,* That elections shall be held at each of said places, annually, for members of the General Assembly, on the Thursday preceding the second Friday in August, at said places on said day every second year hereafter for representatives to Congress, and at said places on the second Friday in November every fourth year hereafter, for electors to vote for a President and Vice-President of the United States; and it shall 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 act as inspectors of the polls, at each place of election heretofore mentioned, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned in this act for holding said elections, which elections shall be held for the same purposes, and subject to the same rules, regulations and restrictions as are observed in other cases of elections in this State.

III. *And be it further enacted,* That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by one or both of them returned at or before two o'clock next day, to the sheriff of said county, or his legal deputy, and it is hereby declared to be the duty of the sheriff, or his deputy, to attend at the court-house the day succeeding the day of election, to receive the returns so made by the inspectors; on the returns being made to the sheriff, or his deputy, he shall, in the presence of the inspectors, proceed to add together the number of votes thus to him returned, and the person having the greatest number of votes shall be declared duly elected, and the sheriff, or his deputy, 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 inspectors as aforesaid, or any of them should die, remove, or refuse to act, then and in that case it shall be lawful for any justice of the peace and two freeholders to appoint them, and when so appointed, shall have the same powers and be subject to the same restrictions as if they had been appointed by the court.

V. *And be it further enacted,* That it shall be the duty of the clerk of said court to deliver copies of the appointment of said inspectors to the sheriff whose duty it shall be to give them notice, as soon as may be necessary, of their appointment; and the sheriff is hereby required to advertise said elections at the different places where they are to be held at, at least twenty days previous thereto.

1808 VI. *And be it further enacted*, That if any person shall vote at more than one election in said county, or vote more than once at any election, he shall, on conviction before any justice of the peace for said county, forfeit and pay the sum of five pounds, one half to the person suing for the same, and the other half to the use of the poor of said county.

VII. *And be it further enacted*, That as soon as the commissioners appointed to superintend the public buildings of the said county, or a majority of them, shall make known to the court that the new court-house in Greensborough is sufficient to hold court therein, the court shall adjourn thereto, and be thereafter held in future.

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

#### CHAP. XCVII.

An Act to establish the Mode of Elections in the County of Jones.

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

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

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

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

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

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

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

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

#### CHAP. XCVIII.

An Act to remove the separate Election heretofore held at the House of Jesse Scofield, in the County of Pitt, to the House of Palmer Canons, of said County.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the separate election held at the house of Jesse Scofield in the county of Pitt, shall hereafter be held at the house of Palmer Canons of said county, on the same days, and under the same rules, regulations and restrictions as they have heretofore been held at the said Jesse Scofield's, any thing contained in the law establishing said separate election to the contrary notwithstanding.

#### CHAP. XCIX.

An Act to establish a separate Election in the County of Perquimans.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, there shall be a separate election held at the house of Charles Townsend, on Saton's creek in said county, on the second Thursday in August in each and every year, to elect members for the General Assembly of this State and representatives to Congress, and electors to vote for a President and Vice President of the United States.

II. *And be it further enacted*, That it shall be the duty of the sheriff, by himself or deputy, to open and hold an election at the said Townsend's, under the same rules and restrictions as are heretofore prescribed by law for other elections in this State; and at the close of said election, it shall be the duty of the sheriff immediately to proceed, in presence of the inspectors, to count out the votes and make out a certificate setting forth the number of votes that was given for each candidate, which certificate shall be signed by the inspectors and sheriff, and by them be sealed up; and it shall be the duty of the sheriff to have the said certificate on Friday the following day at the court-house, in the town of Hertford, to be numbered with the votes that shall or may be received at the election there, which election shall be held on the second Friday in August only, instead of Thursday and Friday as heretofore; and the person or persons as the case may be, having the greatest number of votes shall be considered duly elected, and the sheriff shall make proclamation accordingly, any law, usage or custom to the contrary notwithstanding.

CHAP. C.

An Act for altering the Places of holding two of the separate Elections and a Battalion Muster in the County of Randolph.  
*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore established at the house of Gideon Macon, in the County of Randolph, shall in future be held at the house of John Harris; and the separate election and battalion muster heretofore established at the house of John White, shall hereafter be holden at the house of Jeremiah Yorks, on the same days, and under the same rules, regulations and restrictions as have heretofore governed them.*

CHAP. CI.

An Act to repeal the second Section of An Act passed in the Year one thousand eight hundred and six, entitled "An Act to alter the Place of holding one of the separate Elections in the County of Currituck, and establish two other separate Elections in said County."  
*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the second section of the above recited act be, and the same is hereby repealed and made void.*

*II. And be it further enacted, That the separate election heretofore established at the house of John Williams, in the county of Currituck, shall be hereafter held at the house of David Jones, on Knott's Island, in the county aforesaid, under the same rules, regulations and restrictions as other separate elections in said county.*

CHAP. CII.

An Act to grant two separate Elections in the County of Buncombe and to alter the Place of holding one other Election in said County.  
*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be an election held at the dwelling house of Luke Barnett, on the waters of Caney River, and one other election at the dwelling of William Robinson, on the north fork of Turkey Creek, 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 William Finley, shall hereafter be held at the dwelling house of John Halcombe, on the waters of Big Ivey, any law, usage or custom to the contrary notwithstanding.*

CHAP. CIII.

An Act to establish a separate Battalion Muster 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 the militia companies commanded by John Little, Daniel Campbell, Archibald M'Ray, Archibald M'Parater and Neal Buie, be, and they are hereby authorised to muster in battalion at the house of Neill M'Nelly, on Raft Swamp, in said county; and it shall be the duty of the commandant of the regiment to order the same accordingly, under the same rules, regulations and restrictions as have been heretofore prescribed, any law to the contrary notwithstanding.*

CHAP. CIV.

An Act to direct when and where Elections shall in future be held, in the County of New-Hanover.  
*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of New-Hanover county shall by himself, and his deputies, hold elections to elect members to Congress, members to represent said county, and town of Wilmington, in the General Assembly, under the same rules and regulations by which they were formerly held, on the second Thursday in August, in each and every year, at the following places, to wit: at Sandy Run, on Topsail Sound, where the elections are now held; at the house where John Pugh Williams formerly lived on Hollyshelter, near Shaking Creek Mills; at South Washington; at the house of Thomas Rogers on Black River; at the house of Anthony Williamson, on Long Creek Bridge, and at the court-house in Wilmington.*

*II. And be it further enacted, That the sheriff and his deputies, shall close the polls at sun-down, and shall immediately after, in presence of the inspectors, proceed to count out the votes, and make due return thereof, on Saturday following, to the sheriff at the court-house, whose duty it shall be to attend then and there for the purpose of receiving the same; and immediately after comparing the polls, shall declare the persons having the greatest number of votes duly elected, and give a certificate accordingly: Provided always, That the votes taken for a member to represent the town shall first be counted out, and the persons having the greatest number of votes, shall on the same evening be declared duly elected.*

*III. And be it further enacted, That the said deputy sheriffs, shall be entitled to such compensation for their trouble, as the county court shall think proper to allow.*

*IV. And be it further enacted, That if the said deputy sheriffs, or either of them, should fail or neglect to perform the duty as aforesaid, they or either of them, so failing, shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt, before any jurisdiction having cognizance thereof, in the name and to the use of him or them, who shall sue for the same; and be further liable to an action for damages to the person injured.*

*V. And be it further enacted, That the elections to elect electors, to vote for President and Vice-President of the United States, shall be held on the second Friday in November, at the same places and under the same rules and regulations, which govern other elections, and make due return thereof, on Saturday following to the sheriff, as in other cases directed.*

*VI. And be it further enacted, if the said deputy sheriffs, or either of them, should from sickness, or any other unavoidable accident, fail to attend as aforesaid, then one justice of the peace, and two freeholders are hereby authorised to appoint some discreet person to supply his place, and to act in conjunction with the inspectors, who shall, in both cases, be sworn to discharge their duty faithfully.*

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

## CHAP. CV.

An Act to establish a separate Election in the County of Columbus, 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 a separate election be and is hereby established at the house of Moses Williams, in Captain Stevens's militia district, in the county of Columbus, which shall be held and conducted, in the same manner, and for the same purposes, as other separate elections in said county.

II. *And be it further enacted,* That the separate election and battalion muster, which has been established and held at the house of John P. Stakesbury, shall hereafter be held at James B. White's Store, instead of the place aforesaid; any law to the contrary notwithstanding.

## CHAP. CVI.

An Act to alter the times of holding elections; to vote for Electors to vote for President and Vice President of the United States in Chatham County.

WHEREAS doubts have arisen with respect to the time appointed by law, for holding elections in the county of Chatham, to vote for Electors to elect a President and Vice-President of the United States,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the elections to be held in the county of Chatham, to vote for electors to elect a President and Vice-President of the United States, shall be opened and held on the second Friday in November, at the usual places appointed by law, for holding elections to vote for members to the General Assembly and Representatives to Congress, under the same rules, regulations and restrictions, as at other elections are held in said county.

II. *And be it further enacted,* That the votes taken at the different elections, which shall be holden on that day, in said county, shall be counted out in the presence of the inspectors, by the person appointed to conduct the same, and the number of votes in favour of each candidate, shall be transmitted or conveyed to the sheriff at the court-house, on Saturday the day following, on or before twelve o'clock of that day, by the inspectors or conductors of said elections, under the penalty of twenty pounds, to be recovered before any jurisdiction having cognizance thereof; to be applied to the use of the county, and it is hereby expressly declared, to be the duty of the sheriff, or his lawful deputy, to attend at the time and place aforesaid, for the purpose of receiving the votes taken at the different separate elections in said county, returned as herein directed.

## CHAP. CVII.

An Act authorising the forming the Cavalry of the Counties of Washington and Tyrrell, into one Company.

WHEREAS it appears that the counties of Washington and Tyrrell, are too thinly populated to raise in each a company of Cavalry, and whereas it is expedient and proper to encourage a spirit of military enterprize and discipline,

*BE 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 Cavalry of the counties aforesaid, are hereby attached and connected, and shall and are hereby declared to form one company of Cavalry, to be regulated by the laws now in force on that subject.

## CHAP. CVIII.

An Act for the relief of the Inhabitants in Captain Jonathan Merrell's Company District, in the fourth Rowan County Regiment of Militia.

*BE 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 Jonathan Merrell's company in the fourth regiment of the militia of Rowan county, be, and they are hereby attached to the second regiment of militia of said county; any law to the contrary notwithstanding.

## CHAP. CIX.

An Act to authorise Willie Fennell to keep Gates across the Public Road.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be lawful for Willie Fennell, of Wake county, to erect and keep up gates across the public road leading through the land whereon he lives, any law to the contrary notwithstanding.

## CHAP. CX.

An Act to authorise William Watts Jones to erect and keep up a Gate on the Road passing through his Prospect Plantation in Brunswick County.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That William Watts Jones, of New-Hanover county, be, and he is hereby authorised to keep up a gate at the head of his cause way, on the main road in Brunswick county, leading to Mount Misery Ferry, any law, usage or custom to the contrary notwithstanding.

## CHAP. CXI.

An Act to authorise Elisha Andrews, of Bladen County, to erect and keep up two Gates on his own Land on the Road leading from Cape Fear to South River.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Elisha Andrews be, and he is hereby authorised and empowered to erect and keep up (on his own land) two gates, on the road leading from Cape Fear to South River, in Bladen county: *Provided,* That nothing herein contained shall be construed to obstruct the passage of persons travelling said road.

## CHAP. CXII.

An Act authorising certain Persons in the County of Rutherford to keep up a Gate or Gates.

*BE 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, Arthur McClure and Isaac Lutter, junior, or either of them, shall have authority to erect and keep up a gate across the road leading from Rutherfordton to McClure's Ford on Main Broad River: *Provided,* the construction of such gate will admit of the easy and convenient passage of carriages, and provided such gate shall stand within one quarter of a mile from the north bank of the said river.

II. *And be it further enacted,* That Richard McClure is hereby authorised to keep up a gate across the said road, on the south side of said river, not exceeding eight hundred yards therefrom, provided such gate be con-

structed with equal convenience and ease for the passage of carriages as is before directed, any law, usage or custom to the contrary notwithstanding.

## CHAP. CXIII.

An Act to authorise Silas Haley, sen. to erect a Gate on the Road leading from Rockingham, in Richmond County, to his Ferry on Pee Dee 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 Silas Haley, of the county of Richmond, be, and he is hereby authorised to erect a gate, on his own land, on the road leading from Rockingham, in Richmond county, to his Ferry on Pee Dee River, any law to the contrary notwithstanding.

## CHAP. CXIV.

An Act to encourage the Destruction of Wolves in the County of Richmond.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of January, one thousand eight hundred and nine, any person who may kill or destroy any wolf or wolves in the said county of Richmond, on producing the scalp in open court and swearing that he caught and killed the wolf from which the said scalp was taken, within the limits of the said county, with a reference to the year, he shall be entitled to receive from the clerk of the court a certificate allowing the sum of ten dollars for every grown wolf, and the sum of one dollar for every young wolf under six months old (taken and destroyed in said county) to be accounted for and paid by the county treasurer or sheriff out of the monies arising from strays; which money, after the passing of this act, shall be collected by the sheriff of said county and applied to the express purpose of discharging all such claims until one year shall expire wherein no claim for wolves' scalps as aforesaid shall be exhibited, after which time the said monies may be applied for defraying county contingencies.

## CHAP. CXV.

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, Nancy Wood of Buncombe county, Dussilla Byars of the county of Rutherford, Ruth Chappell of the county of Randolph, Elizabeth Davis of the county of Warren, Lucy Self of the county of Anson, Mary Pittman of the county of Edgecomb, Ann Gunter of the county of Wilkes, Elizabeth Stephens of the county of Robeson, Jane O'Bryant of the county of Mecklenburg, Stephen Starling of the county of Robeson; Lucy Crocker of Person county, Patience Dollar of the county of Sampson, Sally Foster of Person county, Betsey Wormoth of Franklin county, Sarah Rogers of Wake county, Milly Farrar of Chatham county, Della Snipes of Wake county, Mary Skidmore, wife of John Skidmore, Elizabeth Redding, wife of William Redding, both of Randolph county, Elizabeth Bradley of Rutherford county, Elizabeth Nash of Camden county, and Mary Gregory of the county of Edgecomb, 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 and wives herein named, free and clear from the claims of their said husbands and wives or any of their creditors; and they, respectively, shall have full power and authority to prosecute or defend any suits, either in law or equity, in their own names, in the same manner as if they had never been married, any law to the contrary notwithstanding.

## CHAP. CXVI.

An Act to alter the Names of the Persons 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 name of Pouney Hunt of Cabarrus county, be, and it is hereby altered to the name of Thompson Hunt; and the name of Kinsey Kelly, of Burke county, be, and it is hereby altered to that of Kinsey Swanggin; and the name of James Swezzy, of Rutherford county, be, and it is hereby altered to the name of James Brison; and the name of Jordan Rix Potter Stegall, and John Marshall Potter Stegall, of Franklin county, be, and they are hereby altered to the names of Jordan Rix Sherwood and John Marshall Sherwood; and that of John Banks, of Wilkes county, to that of John Yold; and the name of William Henry Williams, of Halifax county, be altered to that of Joseph John William Henry Williams; 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; and Louisa Page, of Wake county, be altered to that of Louisa Dillard, and enjoy and possess the privileges above recited.

## CHAP. CXVII.

An Act to alter the Names and legitimate the Persons 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 names of John Anderson and Elizabeth Anderson be, and they are hereby altered to the names of John Barnes and Elizabeth Barnes; and the names of Henry Puckett, Elizabeth Puckett and William Puckett be, and they are hereby altered to the names of Henry Wyatt, Elizabeth Wyatt and William Wyatt; and the names of Jenny Chesnut and David Chesnut, of the county of Sampson, be, and they are hereby altered to the names of Jenny Duncan and David Duncan; and the name of Mary Richardson, of Johnston county, be, and it is hereby altered to the name of Mary Godwin; and the names of William Price and Henry Price, of Jones county, be, and they are hereby altered to the names of William Rhodes and Henry Rhodes; and the name of George Bright, of Greene county, be, and it is hereby altered to the name of George Bryan Evans; and the name of Stephen Lane, of Wayne county, be, and it is hereby altered to the name of Stephen Bracewell; and the name of Silas Strickland and Josiah Strickland, of Sampson county, be, and they are hereby altered to the names of Silas Lee and Josiah Lee; and the names of Levi Morris and Melinda Morris, of Hyde county, be, and they are hereby altered to the names of Levi Foley and Melinda Foley; and the name of Christopher Ritter, of Greene county, be, and it is hereby altered to the name of Christopher Linch; and the names of Joseph Mercer, John Mercer, Betsey Mercer, Margaret Mercer, Thomas Mercer and William Mercer, of Camden county, be, and they are hereby altered to the names of Joseph Stephens, John Stephens, Betsey Stephens, Margaret Stephens, Thomas Stephens and William Stephens; and the names of Jacob Howard and Thomas Howard, of Camden county, be, and they are hereby altered to the names of Jacob Iclott and Thomas Dazier; and the name of Larkin Newby Barnes, of Robeson county, be, and it is hereby altered to the name of Larkin Newby Biedsoe; and the name of Edney Alexander, be, and it is hereby altered to the name of Edney Roughton; and the name of Riddick Hobbs, of Wake county, be, and it is hereby altered to

1808 Riddick Lassiter; and the name of Jesse Ragsdale, of Randolph county, be, and it is hereby altered to the name of Jesse Thornbury; John Banks, of Wilkes county, to that of John Gold; Frederick Lipsey, of Jones county, be, and it is hereby altered to the name of Frederick Foy; and the names of Samuel Edwards, Polly Edwards, Sarah Edwards and Elizabeth Edwards to be altered to Samuel Moody, Polly Moody, Sarah Moody and Elizabeth Moody; and that the name of John Tarlton to that of John Pearce, and Gideon Broadstreet to that of Gideon Perry of the county of Johnston; and Richard Pendleton, Jeremiah Pendleton and Curtis Pendleton, to be altered to that of Richard Beason, Jeremiah Beason and Curtis Beason, of Surry county; the name of Anderson Green Paulden, of Granville, to that of Anderson Green Harris.

## CHAP. CXVIII.

An Act to legitimate the Persons 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* Thomas Staten and Frederick Staten, sons of Jesse Staten of Edgecomb county, be, and they are forever hereafter 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. CXIX.

An Act to emancipate Joseph Blackwell of the County of Brunswick.

*WHEREAS* it is represented to this General Assembly, that Blackwell M<sup>r</sup> Alister, of Brunswick county, was manumitted and set free for meritorious services by him rendered; and that he has purchased and paid for his grandson, Joseph Blackwell, and that he is desirous that the said Joseph should be emancipated by an act of this Legislature,

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That* Joseph Blackwell, of the county of Brunswick, be, and he is hereby emancipated and set free, and declared to possess all the rights, privileges and advantages, in as full and ample manner as if he the said Joseph had been born free, any law to the contrary notwithstanding.

## CHAP. CXX.

An Act to emancipate Charlotte Greene and Leon Greene of Chowan County.

*WHEREAS* it is represented to this General Assembly, that Rose, a free woman of color, late the property of Angus Cabarrus, of Chowan county, was emancipated by the court of said county; and that the said Angus Cabarrus has since made, to the said Rose, a deed of gift of her two children Charlotte and Leon,

*Be 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 negro slaves Charlotte and Leon, be, and each of them is hereby emancipated and set free; and they and each of them may hereafter take and use the surname of Greene, 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.

## CHAP. CXXI.

An Act to restore to Credit John Stark of the County of Granville.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That* John Stark, of the county of Granville, be, and is hereby restored to the rights and privileges of a citizen, in as full and ample a manner as if he had never forfeited his right by a conviction; and he is hereby declared capable to depose and testify in any court of record, and before any jurisdiction whatever, any law to the contrary notwithstanding.

## CHAP. CXXII.

An Act to restore to Philip Halcombe, of Buncombe County, the Privileges of a Citizen.

*BE 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 privileges of a citizen be, and are hereby restored to Philip Halcombe, of the county of Buncombe, and is made able and capable in law to sue and be sued, plead and be impleaded, and 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 the said Philip had never forfeited such rights by a conviction of any crime whatever, any law to the contrary notwithstanding.

*Read three times and ratified in General Assembly,  
the 23d, day of December, 1808.*

JOSEPH RIDDICK, SPEAKER OF THE SENATE.

WILL. GASTON, SPEAKER OF THE HOUSE OF COMMONS.

COPY,

WILL. WHITE, Secretary.

# BILLS

ORDERED BY THE GENERAL ASSEMBLY TO BE PRINTED AND STITCHED UP WITH THE ACTS, FOR PUBLIC INFORMATION.

## *A BILL concerning Divorce and Alimony.*

WHEREAS it is the design of marriage and the wish of parties entering into that state, that it should continue during their joint lives, yet where the one party is under natural or legal incapacities of faithfully discharging the matrimonial vow, or is guilty of acts and deeds inconsistent with the nature thereof, the laws of every well regulated society ought to give relief to the innocent and injured person:

*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 when a marriage hath been heretofore, or shall be hereafter contracted and celebrated between any two persons, and it shall be adjudged in the manner hereinafter mentioned, that either party, at the time of the contract, was, and still is, naturally impotent, or that either party lives in adultery, in every such case it shall and may be lawful for the innocent and injured person to obtain a divorce, not only from bed and board, but from the bond of matrimony itself.

*II. Be it further enacted,* That if any person hath been or shall be injured in any of the ways above mentioned, the husband, in his own proper person, or the wife, by her next friend, may exhibit his or her petition or libel to one of the judges of the superior courts of law, in this State, in term time, or to one or more of the same judges in the vacation, at least thirty days before the next term, setting forth therein particularly and specially the causes of his or her complaint, and shall, together with such petition or libel, exhibit also an affidavit, on oath, taken before one of the same judges, or before some justice of the peace, where he or she resides, that the facts contained in the said petition or libel are true to the best of his or her knowledge and belief, and that the said complaint is not made out of levity or by collusion between the said husband and wife, and for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in the said petition or libel; and thereupon a subpoena may and shall issue from the said court, directed to the person so complained against, commanding him or her to appear at the next superior court to answer the said petition or libel; and upon due proof at the return of the said process that a copy thereof was served either personally on the said party, and the original shewn to him or her under seal of the court, or that he or she could not be found, and that a copy thereof was left at his or her usual and last abode, at least fifteen days before the day of the said return, inclusive; if he or she shall refuse or neglect to appear, then an alias subpoena shall issue, returnable the first day of the next term, and be served personally in manner aforesaid; but if he or she cannot be found, then proclamation shall be publicly made by the sheriff on three several days in term time, at the court-house, for the party to appear and answer as commanded by the subpoena, and that notice thereof be given in two newspapers, published nearest to the said court, for three months; and in the mean time the said court shall and may make such preparatory rules and orders in the cause, that the same may be brought to issue or a hearing at the succeeding term, when the court may determine 'ex parte' if necessary. But if the defendant shall appear and answer agreeably to the rules of the court, and either of the parties shall desire any matter of fact, that is affirmed by the one, and denied by the other, to be tried by a jury; the same shall be tried accordingly at the bar, or in the county where the said fact is charged to have arisen, and in case the ground of the petition or libel be for the cause of adultery committed within this State, then and in such case, an authenticated transcript of the record of the conviction and attainder of the said offence, shall be filed, together with the said petition or libel, and shall be admitted as good evidence thereof at the hearing, but if the offence is charged to have been committed within this State, and that the party fled before conviction, or that it was done beyond seas, or without the limits and jurisdiction of this State; then the same may be put in issue and tried by a jury at bar, if either party shall desire the same, or if not desired to be tried, may be enquired into by the court in the presence of the parties, or if either of them will not attend, then 'ex parte' by the examination of witnesses or interrogatories exhibited, or other legal proof had either before or at the hearing.

*III. Be it further enacted,* That if any husband or wife, upon any false rumour, in appearance well founded, of the death of the other (where such other has been absent for the space of four whole years) hath married or shall marry again, he or she shall not be liable to the pains of adultery.

*IV. Be it further enacted,* That if any action or suit, commenced in the said court for a divorce for the cause of adultery, if the defendant shall alledge and prove, that the plaintiff has been guilty of the like crime, or has admitted the defendant into conjugal society or embraces, after he or she knew of the criminal fact, or that the said plaintiff (if the husband) allowed of the wife's prostitution and received hire for them, or exposed his wife to lewd company, whereby she became ensnared to the crime aforesaid, it shall be a good defence, and a perpetual bar against the same.

*V. Be it further enacted,* That it shall and may be lawful for the superior court aforesaid, after hearing any cause commenced before them, by virtue of this act, to determine the same as to law and justice shall appertain, by either dismissing the petition or libel or sentencing and decreeing a divorce and separation from nuptial ties or bonds of matrimony, or that the marriage is null and void agreeable to the prayer thereof, and that after such sentence nullifying or dissolving the marriage, and all and every the duties, rights and claims according to either of the said parties at any time, therefore in pursuance of the said marriage shall cease and determine, and the said parties shall severally be at liberty to marry again in like manner as if they had never been married.

*Provided always,* That he or she who hath been guilty of the adultery may not marry any person whatsoever during the life of the former husband or wife. *Provided also,* That nothing herein contained shall be construed to extend to or affect or render illegitimate any children born of the body of the wife during the coverture.

*VI. Be it further enacted,* That if any husband shall maliciously either abandon his family or turn his wife out of doors, or by cruel and barbarous treatment endanger her life, or offer such indignities to her person, as to render her condition intolerable, or life burthensome, and thereby force her to withdraw from his house and family, it shall and may be lawful for the Superior court upon complaint and due proof in manner aforesaid, at the first or any subsequent term, to grant a divorce from bed and board, and also to allow her such alimony as her husbands circumstances will admit of, so as the same do not exceed the third part of the annual profits or income of his estate, or of his occupation or labors, or to decree but one of them as the justice of the case shall require; which shall continue until a reconciliation shall take place, or until her husband shall by his petition or libel offer to receive and cohabit with her again, and to use her as a good husband ought to do, and then and in such case the court may either suspend the aforesaid sentence or decree, or in case of her refusal to return and cohabit under the protection of the court, to discharge and annul the same accordingly to their discretion. And if he fails in performing his said offers and engagements, the former sentence or decree, may be revived and enforced, and the arrears of the alimony ordered to be paid.

*VII. Be it further enacted,* That the said court may award costs, to the party in whose behalf the sentence or decree shall pass, or that each party shall pay his or her own costs as to them shall appear reasonable and just.

A BILL to establish a mode of settlement of the Estates of deceased 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 the several county courts in this State shall, respectively, at their next court, when they are authorised by law to elect a sheriff, proceed to appoint two persons of skill and integrity, who shall be styled auditors of estates, for their respective counties, and shall hold their appointment for the term of two years: and in the same manner in every second year thereafter, at the time when the sheriffs are or may be directed by law to be elected, the several county courts shall, respectively, appoint two auditors of estates: *Provided* That when a vacancy shall by any means happen, the county court shall at any term appoint a suitable person to fill the same. The persons appointed auditors shall, before entering on the duty of their appointment, take and subscribe the following oath, to wit: "I (A. B.) do solemnly swear, that I will well and truly discharge my duty as auditor of estates, and that I will make all settlements truly and impartially and according to law and evidence, to the best of my skill and judgment, so help me God."

II. *And be it further enacted*, That the clerks of the several county courts, respectively, shall procure a well bound blank book, for which he shall be allowed by court; in which book all settlements made under this act shall be entered at length; and the said clerks, respectively, in their proper counties, together with one or both of the auditors, shall have full power and authority to examine all legal testimony which may be offered in the settlement of the estate of any deceased person, and to make a settlement of such estate in whole or in part; and it shall be the duty of the said clerks to enter in the said book of settlement of estates every item on both sides, plainly and intelligibly, provided the same be sufficiently established. And the clerk and auditor or auditors who shall make any settlement, shall sign their names to the same in the said book of settlement; and it shall be the duty of the said clerk to keep a correct journal of the several adjournments and other proceedings in each case, which shall be entered together with the settlement; and the said clerk shall affix an index to the said book, referring to each case.

III. *And be it further enacted*, That the said clerk shall have power and authority to issue subpoenas for witnesses, who shall be entitled to the same fees and liable to the same forfeitures as witnesses who are summoned to attend the county courts in this State; and the several clerks aforesaid shall have full power and authority to administer all oaths which may be deemed necessary in conducting any settlement under this act, and to take depositions in any case pending before them, which depositions shall be evidence so far as respects the settlement wherein the same were taken, in any suit between the executor or administrator, or their representatives, and those who are made parties thereto in the manner hereinafter directed, or their representatives; provided such depositions be taken at the time and place notified, or at any time and place of regular adjournment; and the said clerks shall have authority to issue commissions to take depositions relative to any case of settlement pending before them.

IV. *And be it further enacted*, That any executor or administrator wishing to make a settlement under the authority of this act, shall apply to the clerk of the county court wherein his letters testamentary or letters of administration (as the case may be) may have been granted, at any time after one year from the granting thereof, and shall, at the same time, furnish the said clerk with a list of the names of the legatees of the deceased, and of such persons as are entitled to distributive shares of the estate, setting forth such as are minors and the names of their guardians; and in case any such minor be without a guardian, the court of the county shall appoint a guardian, as in case of guardians appointed *pendente lite*: such clerk shall then issue a notice, setting forth the nature of the application and the day and place of settlement, requiring the said legatees, distributees and all creditors to come forward and become parties to the settlement; a copy of which notice the executor or administrator so applying shall cause to be served, at least ten days before the day of settlement, on all the legatees and distributees, or their guardians, who reside within this State; as a proof of which service, the persons serving the same shall make affidavit thereof, which the clerk shall file with the original notice; another copy of such notice shall be set up at the door of the court-house of the said county, and there remain during the term of the superior or county court preceding the day of settlement, to be proved by affidavit to be taken and filed as aforesaid; and the above proceeding shall be deemed a good service of notice as to such legatees, distributees and creditors as reside within this State; but as to such thereof as reside without this State, such notice as aforesaid shall be published in the State Gazette for the space of four successive weeks, the last of which shall be at least thirty days before the day of settlement; and such publication shall be considered as sufficient service of notice on all such legatees, distributees and creditors as reside without this State; and as evidence of such publication, the clerk shall make a minute thereof.

V. *And be it enacted*, That the clerk shall attend on the day and place notified as aforesaid, and shall notify one of the auditors to attend, and they shall proceed on their duty of making settlement: *Provided*, That the clerk or auditor shall have power to adjourn from time to time and to such places as shall deem necessary to procure a fair and just settlement.

VI. *And be it enacted*, That the said book shall be considered a record of the county court, and the same or a certified copy thereof, shall be good evidence between any executor or administrator, or his representatives, who shall have his settlement made therein agreeably to the rules herein set forth, and the parties, or their representatives, who shall have been notified as aforesaid, before any jurisdiction: *Provided nevertheless*, That any person against whom such settlement is given in evidence, may impeach any part thereof by shewing he same to be erroneous through fraud or mistake, first having served the opposite party with a notice of the parts or items which he may intend to impeach.

VII. *And be it enacted*, That where the clerk or auditors are parties to a settlement, or may be near of kin to the parties, the county court may, in their discretion, appoint other persons to act as clerk or auditors for that special purpose alone, who shall proceed in the same manner as the clerk and auditors are required to proceed, and shall have the same power and authority so far as relates to that particular case, as are herein given to the clerk and auditors, respectively; and their proceedings and settlement shall be evidence in the same manner as if the same had been conducted by the regular clerk and auditors, and they shall be entitled to the same fees and compensation, respectively, as are by this act allowed to the clerk and auditors, to be paid by the applicant.

VIII. *And be it further enacted*, That the clerk shall be entitled to the following compensation for his services, to wit: for each original notice, ten shillings; for issuing subpoenas, commissions to take testimony and other services, the same fees as for similar services rendered in court, to be paid by the party applying for the same; and the clerk and auditor or auditors who shall have assisted in any settlement, shall each be entitled to shillings, to be paid by the applicants: *Provided*, That in any case where the amount of the estate shall exceed two hundred and fifty pounds, if the compensation herein allowed shall be considered inadequate, the county court may, on application of the clerk or auditor, allow them an additional compensation, not exceeding pounds.

IX. *And be it enacted*, That all fees and compensation allowed to the clerk and auditors, shall be collected as follows, to wit: the clerk may introduce to the next county court, after the settlement may have been finished, a list of the services rendered, together with the book of settlement of estates, and on inspection thereof, the court shall enter judgment for the same, and execution may issue against the party who is liable by this act to pay the same.

## A BILL for the equal Division and Distribution of Insolvent Estates.

**BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,** That when the personal estate of any person deceased shall be insolvent, or insufficient to pay all the just debts which the deceased owed, the same shall be sold, and the avails thereof be divided and distributed to and amongst all the creditors, without regard to dignity of debt, in proportion to the sums to them respectively owing, so far as the estate will extend, and saving that the debts due to this State, and for the necessary funeral charges of the deceased are to be first paid.

**II. Be it further enacted by the authority aforesaid,** That it shall not be lawful for any suit, either by writ or warrant, to be brought against any executor or executrix, administrator or administratrix, as such, until the expiration of six months from his or her qualification; and if any suit shall be brought contrary to this prohibition, the same shall be abated, *ex officio*, by the court or justice of the peace, as the case may be; and if at the expiration of six months from their qualification (after giving notice to creditors by advertisement to make known their claims, as by law they are now required to do) it shall appear to the executor or administrator that the testate or intestate estate, as the case may be, is insolvent, or that the personal estate is insufficient to discharge the debts of the deceased, it shall be the duty of the executor or executrix, administrator or administratrix, to report such insolvency or insufficiency of assets to the county court where he or she shall have qualified; and it shall be the duty of said court, at the same term at which the said report shall be made, to appoint three good men of said county (not being creditors of said deceased) to act on oath as commissioners of such insolvent estate, whose duty it shall be forthwith to call upon all creditors of such deceased, by advertisement in some public gazette most convenient, and at the public places in the county where the deceased last resided, to exhibit their demands before them within twelve months, together with such evidence of their validity as may be required, and to judge of and pass upon all claims so exhibited; and at the first county court of said county, after the expiration of twelve months aforesaid, the said commissioners shall report to said court an accurate list and amount of claims passed upon and allowed by them as aforesaid, saving that either the creditor or the representative of the deceased may appeal to the county court from the decision of the commissioners on any claim, and there have the case tried by a jury at the first court, upon an issue to be made up between the parties; and it shall be the duty of the executor or executrix, administrator or administratrix, at the court to which the commissioners are hereby required to report the claims as aforesaid, to render to said court a full and fair schedule of all monies, debts and evidences of debts, in his or her hands, or owing to him or her as representative of the deceased.

**III. Be it further enacted by the authority aforesaid,** That at the court when any executor or executrix, administrator or administratrix shall report the assets in his or her hands to be insufficient to pay the debts of the deceased, the said representative shall obtain from said court an order for the sale of all such property, real or personal, as shall be made assets in his or her hands, either by law or the will of the deceased, except such part as shall be allotted to the widow according to law; and by virtue of such order shall sell the same by public auction, at six months credit, first giving notice as is by law required.

**IV. Be it further enacted by the authority aforesaid,** That the list of claims reported by the commissioners, and the schedule rendered by the representatives of the deceased, as by this act required, shall be recorded by the clerk of the court in his office: And it shall be the duty of said clerk, upon the receipt of said report and schedules, (where no appeal is pending from the decision of the commissioners, or upon the termination of all such appeals, where any have been taken) to apportion the assets so rendered to the claims so allowed; and to strike the several dividends in proportion to the amount of the respective claims allowed, including such as may be found by verdict on appeal from the commissioners: *Provided nevertheless*, All sums due to this State, or for necessary funeral expenses of the deceased, or such as may be allowed to the commissioners and to the representatives of the deceased, shall first be taken out of the assets, and deducted from the amount rendered. And the record so made by the clerk of the debts allowed by the commissioners, shall have and possess all the binding force of judgments, as against executors and administrators, to the amount of the respective dividends ascertained as aforesaid, in like manner as though assets had been found by the verdict of a jury. *Provided nevertheless*, That before it shall be lawful to sue out execution thereon, scire facias shall issue against the executor or administrator to shew cause; and upon such scire facias the executor or administrator may avail him or herself, by plea, of such losses in the collection of debts, or of such other proper matters as are or may be allowed in the law for their protection; and the costs on such scire facias shall abide the event of the issue thereon; the representative paying the same out of his own proper estate, where no defence shall be made, or where the issue shall be found against him.

**V. Be it further enacted by the authority aforesaid,** That the remaining part of the debts allowed and found as aforesaid, after deducting the dividends aforesaid, shall be considered as judgments when assets shall come; and a joint scire facias shall and may issue thereon in the name of all such recorded and judgment creditors, against the heirs and devisees of said deceased, reciting each debt; to which the said heirs and devisees may plead and defend as in other cases of scire facias; and when judgment shall pass against such heirs or devisees, execution shall and may issue thereon, directing the sheriff to sell as much (or all should it be necessary) of the real estate of the deceased, in the hands of the heirs or devisees, or so much of the proper estate of the said heirs or devisees, (where they shall be charged with assets by the verdict of a jury, or judgment of a court, having regard to the amount of assets so found in their hands) as may be necessary to satisfy the judgment so obtained against the heirs or devisees; and in case the real assets prove also insufficient to the discharge of the balances of debts aforesaid, the said real assets or proceeds of sale shall be applied and paid to the several and respective plain fits in the scire facias, in the same ratio as is herein prescribed for the distribution of personal assets; reserving however, and first deducting so much of said real assets as shall be lawfully condemned for costs.

**VI. Be it further enacted by the authority aforesaid,** That all debts and demands against the estates of deceased persons, not exhibited before the commissioners according to the provision of this act, shall be postponed and perpetually barred, except as to assets which shall come to the hands of the executors or administrators, or to the heirs or devisees, as the case may be, after the assets shall be chargeable according to the true intent of this act.

**VII. Be it further enacted by the authority aforesaid,** That the commissioners to be appointed by virtue of this act, shall be allowed by the court a reasonable compensation for their services.

**VIII. Be it further enacted by the authority aforesaid,** That this act shall not affect any case where a testator or intestate shall have died previous to the time when it shall go into operation.

**IX. Be it further enacted by the authority aforesaid,** That all laws and clauses of laws which come within the purview, and are repugnant to this act, are hereby repealed.

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