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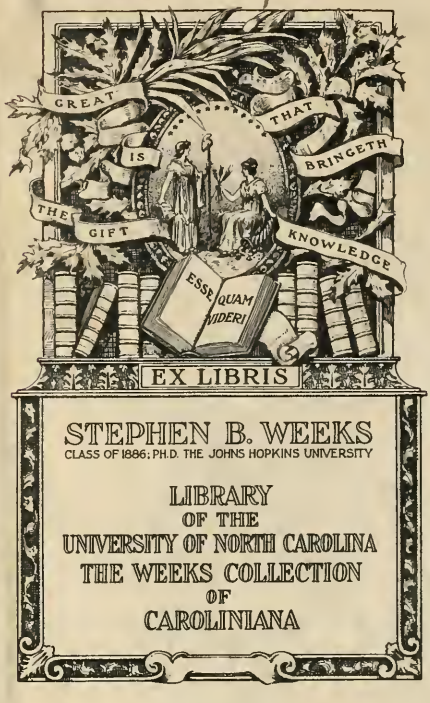

THE

LAWS

OF

THE STATE OF

NORTH-CAROLINA,

ENACTED IN THE YEAR,

1818.

Transmitted according to Law, to

the Clerk of the Sup. Court

~~*One of the Justices of the Peace*~~ *for the county of*

Perquimans Co.

Raleigh:
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1819.

LAWS

OF

NORTH-CAROLINA,

Enacted by a General Assembly *begun and held at* Raleigh, *on the seventeenth day of November, in the year of our Lord one thousand eight hundred and eighteen, and in the forty-second year of the Independence of the said State.* 1818.

JOHN BRANCH, Esquire, Governor.

CHAPTER I.

An Act concerning the Supreme Court.

Three Judges to be appointed.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be appointed by joint ballot of the two houses of this General Assembly, three Judges, being men of integrity and learning in the law, who shall be styled Judges of the Supreme Court of North Carolina; shall be commissioned by the Governor, shall hold their offices during good behaviour, and shall severally receive an annual salary of twenty-five hundred dollars, to be paid half yearly, and the first payment to be made on the last day of June, one thousand eight hundred and nineteen.

Salary $2500.

II. *Be it further enacted,* That it shall be the duty of the Judges appointed pursuant to this act and of their successors in office, to hold the Supreme Court of this State at the City of Raleigh twice in every year, viz: on the twentieth day of May and the twentieth day of November in every year, and that they shall keep the said Court open from day to day (Sundays excepted,) until every cause prepared for a decision shall be heard and decided: *Provided,* That if the 20th. of May or the 20th. of November should be on Sunday, then the Court shall commence on the succeeding day: *Provided further,* That the first term of the said Court shall be held on the first Monday of January next.

Time and place of holding Court.

III. *Be it further enacted,* That all causes of whatever nature or description now pending in, or ordered to be removed to the Supreme Court, before the Judges at present authorised to hold the same, shall be, and the same are hereby referred to the cognizance of the Judges appointed under this act in the Supreme Court to be by them holden, and shall there be placed

Transfer of jurisdiction.

1818 precisely in the same state and condition as that in which they now stand or ought to stand in the Supreme Court under its present form; and the decisions of the Judges appointed under this act, or of the majority of them thereon, shall have in every respect the same legal effect and operation, and shall be certified and carried into effect in the same manner in all respects as though the said decisions had been made in the Supreme Court under its present form, and before the Judges now authorised to hold the same.

Causes to be transferred by appeal.

IV. *Be it further enacted*, That no cause shall hereafter be transmitted to the Supreme Court except as hereinafter provided, but on appeal of one of the parties thereunto from the sentence, judgment, or decree of a Superior Court, and that such appeal may take place in any cause either civil or criminal, on giving bond and adequate security to abide the sentence, judgment, or decree of the Supreme Court, and that such bond may be proceeded on in the same manner as in the case of appeals from a County to a Superior Court: *Provided always*, That no appeal shall be allowed until a final judgment, sentence or decree be allowed in the Superior Court, and *provided also*, That in every case the Supreme Court may render such sentence, judgment, or decree as on an inspection of the whole record it shall appear to them ought in law to be rendered thereon, and may cause the same to be enforced and executed by any proper process.

Equity causes moved by affidavit.

V. *Be it further enacted*, That in any case which now is, or hereafter may be pending in any of the Superior Courts as a Court of Equity, it shall and may be lawful for each Court, on sufficient cause shewn by affidavit, rendering such a removal necessary for the purposes of justice, to order the said cause before a hearing to be removed into the Supreme Court: *Provided*, That such removal shall not be permitted until such cause shall have been set down for hearing; nor shall any parol evidence be received in the Supreme Court either before the Judges thereof or the jury whom they may cause to be impanelled for the trial of any issues of fact.

No parol evidence.

Payments of salaries by tax on auctions.

VI. *And be it further enacted*, That for the purpose of paying the salaries of the Judges, appointed pursuantly to this act, there shall be imposed a tax of two dollars and fifty cents for every one hundred dollars of purchase money arising by sale at auction of goods, wares and merchandize, and at the same rate for any greater or less sum: *Provided always*, That the said tax shall not apply to any sale at auction of goods, wares and merchandize, made pursuant to, or in execution of any order, or judgment of a Court, or made by or on behalf of executors or administrators, or guardians, or made pursuant to any law touching the collection of a public tax or duty, or to a sale of wrecked goods, or to the sale of public property.

Repealing clause.

VII. *Be it further enacted*, That so much of any act or acts as authorises or requires the Judges of the Superior Courts to hold the Supreme Court, and so much of any law as may be in-

consistent with the provisions of this act, be and the same are hereby repealed; and that this act shall commence and be in force from and immediately after the passage thereof. 1818.

CHAPTER II.

An Act supplemental to the Act concerning the Supreme 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 Judges of the Supreme Court of North-Carolina, before they act as such, shall before the Governor for the time being, or some Judicial Officer of the State, severally take the oath to support the Constitution of the United States, the oath appointed for the qualification of public officers, and also the following oath—I, A. B do solemnly swear, that in my office of Judge of the Supreme Court of North-Carolina, I will administer justice without respect to persons, and do equal right to the poor and the rich, to the State, and to individuals, and that I will honestly, faithfully and impartially perform all the duties of the said office according to the best of my abilities, and agreeably to the Constitution and Laws of the State, so help me God. Oath.

II. *And be it further enacted,* That at the first term of the Supreme Court the Judges thereof, shall appoint one of their number to preside therein, who shall thenceforth be styled Chief Justice of the Supreme Court of North-Carolina, and that the said Chief Justice and each and every of the other Judges of the Supreme Court aforesaid shall have, use exercise and enjoy the same powers and authorities, rights, privileges and pre-eminences in every respect as are now had used, exercised and enjoyed by the Judges respectively of the Superior Courts of Law and Equity within this State, except that no Judge of the Supreme Court shall be authorised to hold a Superior Court; and that for the purpose of carrying such powers and authorities into execution, each of the said Chief Justice and Judges of the Supreme Court may make any fiat, may order or issue any process and perform any act which it is lawful for any Judge of the Superior Courts to make, order, issue or perform. Chief Justice.

III. *And be it further enacted,* That henceforth persons who may apply for admission to practice as Attorneys in any Court shall undergo an examination before two or more of the Judges of the Supreme Court aforesaid, and on receiving certificates from said Judges of their competent law knowledge and upright character, shall be admitted as Attornies in the Courts specified in such certificates. Admission of Attornies.

IV. *And be it further enacted,* That the Supreme Court aforesaid shall have power to issue Writs of Certiorari, Scire Facias, Habeas Corpus, Mandamus and all other writs which may be proper and necessary for the exercise of its jurisdiction, and agreeable to the principles and usages of law. And that it may at its discretion make the Writs of execution, which it may issue, returnable either to the said Court, or to the Superior Court from which the same may have been removed: *Provided al-* Power to issue writs.

1818. *ways*, That when an execution shall be made returnable as last mentioned, a certificate of the final judgment of the Supreme Court shall always be transmitted to the Superior Court aforesaid, and there be recorded: And *Provided further*, That the said Superior Court may enforce obedience to said execution, and in the event of its not being executed may issue any new or further execution or process thereon in the same manner as though the first execution had issued from said Superior Court; And *Provided further*, That in criminal cases the decision of the Supreme Court shall be certified to the Superior Court from which the case was transmitted to the Supreme Court, which said Superior Court shall proceed to Judgment and sentence agreeably to the decision of the Supreme Court, and the laws of the State.

Appointment of Clerk.

V. *And be it further enacted* That the Judges of the Supreme Court aforesaid shall have power to appoint a Clerk of the said Court, who shall hold his office during good behaviour, and who before entering on the duties of his office shall enter into bond with sufficient security, payable to the Governor, for the time being, in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties and for the safe keeping of all records committed to his custody, which bond shall be lodged with the Secretary of State, and who shall also before the said Judges, or one of them, take the same oath as is prescribed by law to be taken by the Clerks of the Superior Courts; and the said Clerks shall perform the same duties and be entitled to the same compensation, as the existing law provides in regard to the Clerk of the Supreme Court.

Compensation.

Appeals.

VI. *And be it further enacted*, That in all cases of appeals to the Supreme Court it shall be the duty of the appellant to file a transcript of the record of the cause, together with the bond given for the appeal on or before the third day of the term next ensuing said appeal, provided fifteen days shall have elapsed since the appeal, and before the commencement of said Term; and if fifteen days have not elapsed as aforesaid, then on or before the twelfth day of said Term, and the Supreme Court may render judgment against the securities for an appeal in the same manner as a Superior Court may on an appeal from the County Court.

Provision when the appellant fails to file the appeal in due time

VII. *And be it further enacted*, That if the appellant shall fail to file the transcript and bond aforesaid as is above described, it shall be lawful for the appellant either to file the same at any time during that or the next succeeding term or to obtain a certificate from the Clerk of the Supreme Court under the seal of the Court of such failure, which certificate of such failure on the part of the appellant, he shall file in the office of the Clerk of the Court from which the appeal was prayed, and it shall be the duty of the said last mentioned Clerk to record the said certificate, and then to issue execution or any other proper process on the judgment rendered in the Superior Court as though no appeal had been prayed taxing double costs against the appellant.

1818.

VIII. *And be it further enacted*, That whenever any cause or causes may be pending in the Supreme Court which in consequence of a personal interest in the event thereof, or of some other sufficient reason, some one or more of the Judges of said Court may be incompetent to decide; and the public interest may therefore demand the aid of other Judges to bring the same to a determination, it shall be lawful for the Governor of the State on being officially informed of this necessity by the Judges of the said Court, and he is hereby authorised and directed to issue a letter missive under the seal of the State directed to and requiring some one or more of the Judges of the Superior Courts to attend the said Supreme Court, and to sit therein as a Judge or Judges on the trial of the said cause or causes: and the Judge or Judges, who in pursuance of such requisition from the Governor, shall set in the Supreme Court aforesaid, shall in regard to the cases specified in such letter missive, have respectively every power, Jurisdiction and authority which belongs to any Judge of the Supreme Court aforesaid, and the Judge of the Superior Court attending as aforesaid shall be paid by the Treasurer on the Warrant of the Governor, a compensation for his services, not exceeding one hundred dollars for the Term.

Provision for appointing assessors where the Judges of the Supreme Court are incompetent.

IX. *And be it further enacted*, That the Judges of the Supreme Court shall prescribe and establish from time to time rules of practice for the Superior Courts, which rules the Clerk of the Supreme Court shall certify to the judges of the Superior Courts who shall cause the same to be entered on the records of the said Courts.

Shall prescribe rules of practice.

X. *And be it further enacted*, That the Judges of the Superior Courts shall allot themselves, one to each of the Judicial Circuits, as they shall think fit, and shall notify the Governor of their allotment, before the first day of February next; and in case no such allotment be made and notified, the Governor shall make an allotment; and from time to time the said Judges may change their allotment, and notify the Governor thereof.—And if in the opinion of the Governor, the public interest shall require any change, not made by said Judges, he may from time to time change their allotment. And in all cases it shall be the duty of the Secretary of state by advertisement continued for three weeks in the Newspapers, printed in the City of Raleigh, to give notice of the allotment at any time made.—*Provided nevertheless*, That no Judge shall ride the same Circuit twice in succession.

Allotment of the Circuits.

Public notice.

XI. *Be it further enacted*, That when any vacancy shall happen in the office of Clerk of a Superior Court of Law, or in the office of Clerk and Master in Equity of any county, the Judge allotted to the Judicial Circuit in which such county is included shall have power to fill such vacancy.

Appointment of Clerks of Superior Courts.

XII. *Be it further enacted*, That the Judges of the Superior Courts of Law and Equity shall be entitled to a compensation of ninety dollars for every term of said Court they shall hold, to

Compensation.

1818.

be paid on certificates of the Clerks of said Courts respectively as heretofore by law directed.

Reporter to be appointed, his duties and compensation.

XIII. *Be it further enacted*, That the Judges of the Supreme Court shall appoint some fit person as Reporter of the decisions of said Court, who shall be entitled to receive from the treasury of this State an annual compensation for his services, the sum of five hundred dollars: *Provided nevertheless*, The said compensation, shall not be paid unless said Reporter shall print and publish, or cause to be printed and published, in a neat type and on good paper the decisions of said Court, made during the time he shall act as such Reporter, within nine months after such decisions shall be made, and shall deliver eight copies of the decisions, so printed and published, to the Secretary of state without any expence to the state. Which copies shall be distributed as follows to wit: to the Secretary of the Governor, to the Clerk of the Supreme Court each one copy, to be retained in their office and handed over to their successors in office; and the residue of said copies shall be deposited in and become part of the Library of this state; and the said Reporter shall also deliver sixty two copies of said reports to be deposited one in the office of the Clerk of the Court of Pleas and Quarter Sessions of each county of the State.

XIV. *Be it further enacted*, That this act, shall commence and be in force from and after the passage thereof.

CHAPTER III.

An ACT to amend and explain the laws relating to Insolvent Debtors.

Doubts as to a prisoner within the rules.

WHEREAS doubts are entertained whether a Prisoner for Debt who hath given bond to keep within the rules of a prison, can on complying with the provisions of the acts made for the relief of Insolvent Debtors, be so discharged from imprisonment as to go beyond the limits of the rules without a breach of the condition of said bond; to remove such doubts in all cases happening hereafter,

Allowing a prisoner within the rules to take the benefit of the insolvent act.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any Debtor shall hereafter take the benefit of the rules of a prison, and such Debtor shall be minded to seek the liberation of his person under the acts made for the relief of insolvent Debtors, it shall and may be lawful for such Debtor to go into close prison, and it shall be the duty of the Sheriff of the county to re-commit the said Debtor to close prison, after which the said Debtor may claim the benefit of all the provisions which have been made by law for the relief of insolvent Debtors; and a discharge from imprisonment agreeably to the provisions aforesaid shall be deemed a due discharge by process of law within the meaning of the bond given for keeping within the rules of the prison.

CHAPTER IV.

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An ACT concerning Solicitors of the Courts of Pleas and Quarter Sessions.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the County Solicitors of each county shall not be entitled to receive any fees in any case whatever unless on conviction of the defendants of the crimes set forth in the bills of Indictment respectively; and in all cases of conviction the said Solicitors shall receive the sum of four dollars for each defendant convicted from said defendant respectively, and in no other way whatever: Any law to the contrary notwithstanding.

Defendants to pay fees

CHAPTER V.

AN ACT to amend an act passed in the year 1741, entitled an act for regulating Weights and Measures.

Be 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 trader buying or selling by Weights and Measures, and every miller, shall before the first day of May next, and at least once in every two years thereafter, cause their Weights, measures & steelyards to be examined and adjusted by the Standard Keeper of the County in which such weights & measures are used, of which examination and adjustment, the Standard Keeper shall give a certificate, stating the Weights and Measures [illegible] examined and adjusted. And every trader buying or [illegible] Weights and Measures, neglecting to comply with the [illegible] of this act shall forfeit the sum of fifty dollars to [illegible] the name of the state, at the instance of the [illegible] one half to the use of the County where the [illegible] the other half to the use of the standard Keeper [illegible] therefor.

Weights & measures to be examined every two years.

Penalty.

II. *Be it further enacted,* That for examining the said Weights and Measures, the Standard Keeper shall be entitled to the following fees, that is to say:

For each pair of Steelyards,	15 Cents.
For every Weight of half a pound and upwards,	5 Cents.
For every sett of Weights below half a pound, including one piece of each denomination,	5 Cents.
For every yard-stick or other measure of cloth,	5 Cents.
For every bushel, half bushel, peck or other measure, used in measuring grain, meal or salt,	10 Cents.
For each measure for liquors,	3 Cents.

And the Standard Keeper shall, when practicable, mark by stamp or brand, the Weights and Measures found or made to agree with the Standard, as by law is now directed.

Price.

III. *Be it further enacted,* That the eighth and ninth sections of the act entitled "An Act for regulating Weights and Measures," be and they are hereby repealed.

Former sections repealed.

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CHAPTER VI.

An ACT directing the manner of taking and certifying affidavits in certain cases.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Clerks of the Courts of Pleas and Quarter Sessions, the Clerks of the Superior Courts of law, and the Clerks and Masters of the Courts of Equity, are authorised and empowered to take and certify affidavits to be used before any Justice of the Peace, Judge, or Court of this State; and that the affidavits to be taken, be certified under the hands of the said Clerks and Clerks and Masters respectively; and if to be used out of the County where taken, also under the seal of the Court of which they are respectively Clerks and Clerks and Masters.

Who is to certify.

And be it further enacted by the authority aforesaid, That the said Clerks and Clerks and Masters may receive for each affidavit by them taken as aforesaid four shillings, and if the seal of the Court shall be necessary thereto, the fee for affixing the seal to other papers.

Fees.

And be it further enacted by the authority aforesaid, That an act passed in October, in the year one thousand seven hundred and eighty four, entitled "An Act for appointing County Commissioners for taking affidavits in cases of Law and Equity," is hereby repealed.

Repeal of former act.

CHAPTER VII.

An Act to provide a Revenue for the payment of the civil list and contingent charges of Government for the year one thousand eight hundred and nineteen.

Be 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 Peace appointed to take the lists of taxable property, within the several counties in this State, according to the directions of the act of Assembly passed in the year one thousand eight hundred and one, entitled "An Act to fix a uniform time for taking the lists of taxable property throughout the State, and for enforcing the collection of taxes," shall after giving due notice thereof according to the directions of the before recited act, require each and every person or persons liable to pay a land tax by lease or otherwise, to list each and every tract of land by him, her or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value including the improvements thereon; and guardians of minors, lunatics, and any person non compos mentis, shall in like manner list the lands of their wards and of such lunatic and person non compos mentis and each and every person or persons, liable and bound to list lands as aforesaid, shall return the said list upon oath or affirmation as the case may be, as it respects the number of acres, and shall affix the value to each tract of land, including the improvements thereon, contained in said list not less than the value affixed to the same by the board of principal

Manner of levying taxes.

Guardians to list the lands of their wards.

Standard of Assessment

assessors, under the last act of Congress providing for the assessment of lands of the U. States, and it shall be the duty of the justices of the Peace, by whom the list of taxables are taken, to return to the clerk of the court with his list of taxables, the abstract of assessment furnished him by the clerk: and in all cases where by reason of improvements made on the said lands, since the said assessment was made, or by any other cause, the justice receiving such list shall be of opinion that the said assessment is below the real value of said land with its improvements, he shall appoint two freeholders, acquainted with said land, to value said land upon oath, and such persons shall receive a compensation for their services of one dollar each, for every day they may be engaged in valuing said lands, to be paid by the owners of lands, provided the valuation made by such persons shall exceed that returned to the Justice by the owner of the land; and in case the valuation shall not exceed that returned by the said owner, the compensation as aforesaid shall be paid by the County; *Provided*, that when a tract of land shall be partly in two or more Counties, the person who shall be bound to list the same, shall list the same in the County where he or she resides, if he or she resides in either of the Counties, and if not, then he or she may list the same in either of the said Counties.

Assessors.

II. *And be it further enacted*, That at the term of the Courts of Pleas and Quarter Sessions, to which the lists of taxables are returned, the said Court, not less than seven Justices being present, shall appoint three respectable freeholders, as a board of appeal, to whom the Clerk of said Court shall deliver the lists of taxables returned to his Office; who before they enter on the duty assigned them by this act, shall take an oath before some Justice of the Peace, to discharge said duty to the best of their judgment and ability: said board shall meet at the Court House of their County on the Monday following said Court; shall hold their sitting on every day of that week, unless the Court shall limit their sitting to a less number of days, and shall hear the complaints, not only of those who feel aggrieved by the valuation affixed to the lands returned by them for taxation, but also the complaints of any other person who shall represent that Justice has not been done to the State by the reason of the low assessment of the lands of any person. Such board shall have power to administer oaths; may require the oath of the complainant, and after hearing the evidence produced, shall affix such valuation to any lands or town lots as they believe just; shall return their valuations to the Clerk of the Court, and such decision shall be final; said board shall receive a reasonable compensation, not less than two dollars per day to be paid by the Court appointing them, and be paid from the County Treasury.

Board of appeal.

Their duty.

III. *Be it further enacted*, That the Clerks of the respective Courts of Pleas and Quarter Sessions in every County, shall by public advertisement notify the inhabitants of their Counties of the term to which the lists of taxables will be returned, and that

Return of the list.

1818 the board of appeal will meet at the Court House on the Monday following said term, and of the number of days said board will sit to hear appeals.

Penalty for not serving.

IV. *And be it further enacted*, That every person appointed a member of the board of appeal and failing to attend and act in such appointment, unless unable to attend, shall forfeit one hundred dollars to be recovered in any Court having jurisdiction thereof, and the vacancy in the board shall be filled by the remaining members of the board; and every justice upon the return of his list of taxables by him received shall take and subscribe on oath that in said duty he has acted to the best of his judgment, as well for the State as for the citizen.

Double tax, failing to give in.

V. *Be it further enacted*, That if any person holding lands, or any guardian of a minor, lunatic or person non compos mentis shall fail to list the lands which he is bound to list by this act, he or she shall pay a double tax, to be collected by the Sheriff, out of his or her property by distress or other mode heretofore used in such cases.

Return to be made to Comptroller.

VI. *Be it further enacted*, That the Assessors appointed as aforesaid, shall make out a fair copy of the lists and valuations taken, in alphabetical order, with the number of acres and valuation annexed, and return the same, together with the lists of other taxable property by them taken, to the Clerk of the County Court, at the next succeeding Court which may happen after the time prescribed by law for taking the lists of taxable property; and the Clerks of the several County Courts are hereby required under the same penalties, regulations and restrictions as are already by Law enjoined, to return to the Comptroller, on or before the first day of September, in each and every succeeding year thereafter, an abstract of such lists, shewing the number of acres of land so listed, the valuation thereof, the valuation of Town property; the number of white polls, the number of black polls, of wholesale Stores, of retail Stores, of Stud Horses, Jack Asses, of Gates, and every species of property separate and distinct, liable to pay a tax, and which shall be contained on said lists.

List furnished Justices.

VII. *Be it further enacted*, That it shall be the duty of each of the Clerks of the County Courts in this State to apply to the principal assessors appointed under the late Act of Congress, for laying and collecting a direct tax, for the district in which his County be situate, for a copy of the valuation of lands in said County, made by the assessors under the said act; and it shall be the duty of said assessors to furnish such copy, for which he shall be paid a sum not exceeding ten dollars: and for neglect or refusal to furnish such copy, the said principal assessor shall be subject to indictment; and upon conviction shall be fined, not less than one hundred dollars: and the Clerk shall furnish each Justice of the Peace appointed to take the list of taxable property in his County, with an abstract of said copy, shewing the assessed value of each tract of land in the district for which the said Justice shall be appointed to take the lists of taxable property.

VIII. *Be it further enacted*, That the Clerks of the several County Courts, shall within twenty days after the Justices shall have made their returns, deliver to the Sheriff of their respective Counties a fair and accurate copy of the returns made by the Justices aforesaid, in alphabetical order, and shall annex to the valuation of each persons property, the amount of taxes due thereon, and in case of failure thereof, be under the same rules and penalties as are already prescribed by Law; and the respective Sheriffs shall proceed, after the first day of April in each and every year, to collect the said taxes, and shall account for the same, on or before the first day of October in each and every year, under the same rules, regulations and penalties as are now by law prescribed. 1818

Clerks required to furnish sheriffs with lists

IX. *Be it further enacted* That if any person owning lands in any county within this state, or any non resident shall fail to return either by himself or agent, to the Justice appointed to take the list of taxable property in the district in which the land of such owner or non resident may be situated, a list of his or her lands with the number of acres, and their valuation in manner herein before prescribed, it shall be the duty of the said Justices to appoint a freeholder acquainted with the lands to value the same on oath, within five days, and return the valuation to the said Justice; and the said freeholder shall receive a compensation of one dollar for each tract by him valued, to be levied and collected by the Sheriff at the time he collects the taxes on said land, if not previously paid by the owner, and under the same rules, regulations and restrictions.

Lands of non-residents.

X. *Be it further enacted*, That where any person shall have failed either by himself, agent or guardian, to list his, her or their lands, and the Justice appointed to take the list of taxable property shall have failed to have the same assessed according to the provisions aforesaid, it shall be the duty of the Sherin within the time prescribed for collecting taxes, to summon one free holder near to, or acquainted with the lands, whose duty it shall be, within five days after such notification, to value said lands on oath, which oath the Sheriff, or his lawful deputy is hereby authorised to administer; and it shall be the duty of such free holder, summoned as aforesaid, to transmit under his hand, a fair transcript of such valuation to the Clerk of the County Court, at or before the succeeding County Court, and also to deliver to the Sheriff another transcript of the same within ten days after the valuation aforesaid, and that the said free holder shall receive a compensation for his services as assessor of one dollar for every tract of land by him assessed, to be levied and collected by the Sheriff, at the time he collects the taxes on said land, if not previously paid by the owner; and the Clerk of the County Court shall incorporate the returns made by the free holders aforesaid, with those made by the Justices.

Where land has not been listed or assessed.

XI. *Be it further enacted*, That where any person owning lands in any County in this State shall have failed to give in the same for the year one thousand eight hundred and nineteen, or

1818 where the same has been given in, but no value affixed thereto, it shall be the duty of the Sheriff at the time he collects the taxes for the said year, to summon a freeholder acquainted with said land, to value the same upon oath, which free holder shall be allowed one dollar for each tract by him valued, and the Sheriff shall collect and account for the taxes due on said land under the same rules, regulations and restrictions, as are provided by Law for collecting and accounting for taxes due on property not listed, and shall at the same time levy, collect and pay over to the said freeholder the sum due to him for making the valuation aforesaid.

Valuation to be made in dollars & cents.

XII *Be it further enacted*, That the valuation of lands and their improvements as required by this act, shall be made in dollars and cents, and the lands liable to be sold for taxes shall be sold under the same rules, regulations and restrictions, as are by Law already established, and town property shall be given in and assessed in the same manner prescribed in this act for real estate.

Penalty fifty dollars for refusing to assess.

XIII. *Be it further enacted*, That any person, summoned or appointed by the Justices or Sheriffs as aforesaid, to value lands, who shall refuse or fail to perform the duties required by this act. shall forfeit and pay the sum of fifty dollars, to be recovered in the name of the County Trustee, to the use of the County.

Tax of six cents on every $100 value.

XIV. *Be it further enacted*, That for the year one thousand eight hundred and nineteen, there shall be levied and collected from all the real property with the improvements thereon within this State, subject to taxation, the sum of six cents on every hundred dollars value thereof.

On stud horses and jacks.

XV. *Be it further enacted*, That a tax on all stud horses and jack asses within this State, 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, collected and accounted for, in the same manner as such taxes have heretofore been levied, collected and accounted for; and all stud horses and jack asses, who are not stationed in any one County, and all those that may be brought from another State, to stand for a less term than the season, in this State, shall pay the sheriff of some County, the amount of the season as soon as the season of such horse, or jack ass, shall commence ,or produce a certificate from the justice of the peace of the county from whence such horse or jack ass came, (if in this state) that such horse or jack ass has been listed for taxation : and it shall be the duty of the sheriff to collect the said tax, and on failure of the owner of such horse or jack ass to pay the same when demanded, it may be lawful for the said sheriff to destrain for the same by seizing the said horse or jack ass, and make sale thereof for the tax.

On Pedlars

XVI. *Be it further enacted*, That each and every person who shall peddle or hawk in any county in this state, and not on a navigable stream, goods, wares, or merchandise, not of the growth or manufacture of this State, or jewelry, shall pay to the

sheriff of each and every county in which he, she or they shall so peddle or hawk, goods, wares or merchandise or jewelry, the sum of ten dollars on every cart, waggon or other vehicle employed in the transportation of the said goods, wares or merchandise; *Provided*, that should two or more persons employ one cart, waggon, or other vehicle, to transport their goods, wares or merchandise, each and every of them shall pay the aforesaid tax on the said cart, waggon or other vehicle by them employed; nor shall any thing in this act be construed to authorise two or more persons, under the pretence of being partners in trade, to hawk or peddle goods, wares or merchandise under the same licence—which tax shall be accounted for by the sheriff in like manner as other taxes; and on paying such tax, and obtaining a receipt therefor, such person shall be authorized and permitted to peddle or hawk goods, wares or jewelry, as aforesaid in such county and no other, for the term of one year thereafter, and every person who shall peddle or hawk goods, wares or merchandise, not the growth, or manufacture of this state, except vegitables, and other articles of provisions of the produce of the United States, on any navigable stream in this state, shall pay the sheriff of each and every county, in which he shall so hawk or peddle, twenty five dollars, as a tax to the state, to be levied and accounted for as above, and on payment thereof shall be authorized and permitted to peddle and hawk goods as aforesaid in such county and no other for the term of one year thereafter; and each and every person who shall hawk or peddle in any county without having previously paid the tax thereon, and having obtained a licence as hereinafter directed, or who shall refuse or neglect upon request of the sheriff or his lawful deputy, or any justice of the peace, to shew a licence therefor, shall be liable to forfeit two hundred dollars to be collected by the sheriff of the county where such offence shall be committed, by distress, and sale of the property of such delinquent, and to be applied, one half to the use of the state, and the other half to the use of the sheriff; *Provided*, nevertheless, that nothing in this act contained shall intend to tax persons who sell books only.

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Penalty $200.

XVII. *And be it further enacted*, That the Comptroller shall issue to the respective sheriffs, blank licences to hawk and peddle goods, within this state, who shall upon application of any person or persons desirous to hawk and peddle goods countersign and issue the same to the persons so applying, upon his paying the taxes hereby imposed, and that all licences so issued by the Comptroller, and delivered to any sheriff, shall stand as a charge against said sheriff for the amount of said licences; and the sheriff shall be entitled in the settlement of his public accounts to a credit for all licences not issued and countersigned which he shall return to the Comptroller, and that the Comptroller shall issue and deliver to the members of the General Assembly, to be delivered to the respective sheriffs, not less than twenty licences for each county before the rise of the General Assembly;

Mode of issuing licences.

1818

and should any sheriff who shall have received any licences as aforesaid, resign or the term of his office have expired without having issued the licences so delivered to him, he shall deliver the same to his successor and the receipt of such successor shall be allowed said sheriff in his settlement with the Comptroller.

On wholesale and retail stores.

XVIII. *And be it further enacted*, That every merchant, who shall sell goods, wares and merchandise, not of the growth and manufacture of this state, in any store to the amount of four hundred dollars in one year, shall pay a tax on each and every such store, if a wholesale merchant twenty dollars, and if a retail merchant, six dollars, and every such merchant shall give such store or stores in the list of his taxable property under the same rules and regulations as other taxable property is given in, and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: *Provided always*, That no retailer of spirituous liquors by the small measure, shall be liable to pay an additional tax imposed on said retailers, by this [illegible] sellers, [illegible] and merchants [illegible] stores, and provided [illegible] to demand and collect the tax imposed by this section, [illegible] persons also as keep stores for a less time than [illegible] shall therefor the amount herein before specified, [illegible] stores were open on the first day of April.

One hundred dollars on Billiard Tables.

XIX. *And be it further enacted*, That owners of Billiard Tables shall hereafter give them in, in the same manner as other taxable property, and shall pay for each billiard table a tax of one hundred dollars. And after the first day of April next, no billiard table shall be erected or kept up, until said tax shall be paid to the sheriff of the county in which said table is erected and kept up; and a licence to erect or keep up the same shall be first granted by said sheriff, and if any table is erected or kept up without such licence, the sheriff of the county where the same is so erected and kept up shall seize and destroy the same; and the person erecting or keeping up the said table, shall be subject to indictment, and on conviction shall be fined not less than two hundred dollars, and be imprisoned at the discretion of the Court.

On Itinerant players, &c.

XX. *And be it further enacted*, That every company of itinerant stage players, rope dancers and wire dancers, and each and every itinerant person or company who shall exhibit artificial curiosities of any sort or kind for a reward, shall previously to performing or exhibiting in any county in this state, pay to the sheriff thereof, twenty dollars as a tax to the state to be accounted for by the sheriff as other taxes; and on paying such tax, and obtaining a receipt therefor; such company or person shall be authorized and permitted to perform or exhibit as aforesaid in such county, and no other for the space of one year thereafter; and each and every itinerant stage player, rope dancer, tumbler or wire dancer, or exhibiter of artificial curiosities who shall perform or exhibit in any county in this state without previously

having paid the tax herein directed, shall be liable to a forfeiture of one hundred dollars to be collected by the sheriff of said county, by distress and sale of property of such delinquent, and be applied one half to the use of the state, and the other half to the use of the sheriff. 1813.

XXI. *And be it further enacted*, That a tax of five dollars, be and the same is hereby laid on gates which have been, or which hereafter may be at any time erected across any public road within this state, and the owners of such gates shall give in the same at the same time they give in their taxable property, and the tax shall be levied, collected and acccounted for in the same manner as other taxes. On public Gates.

XXII. *And be it further enacted*, That for the year one thousand eight hundred and nineteen, a tax of twenty cents on each and every free poll, and a tax of twenty cents on each and every black poll, shall be levied and collected under the same rules regulations and restrictions as poll taxes heretofore have been collected. Poll Tax.

XXIII. *And be it further enacted*, That all free males between the ages of twenty one and forty five years, and slaves between the ages of twelve and fifty years shall be subject to a poll tax, and all such shall be listed in the county where they reside.

XXIV. *And be it further enacted*, That all persons who shall bring negro slaves in from another state, into this state for sale, or shall take negro slaves through any part of this state for sale shall pay to the sheriff of some one of the counties the sum of ten dollars upon each negro slave so brought; and it shall be the duty of the respective sheriffs in this state, and their deputies to collect the tax hereby imposed; but if the said person or persons shall produce to the sheriff of any one county, the certificate of the sheriff of any other County duly authenticated under the seal of the Clerk of the county in which such sheriff resides, that he has paid the tax hereby imposed, he or they shall be permitted to proceed without the payment of any further tax; and it shall be the duty of the sheriff and his deputy, of each county into which any such negro slave shall be carried by any person or persons whatsoever to seize every such negro slave until the tax hereby imposed is paid, or until the person or persons in whose possession said negro slave may be, shall produce to the said sheriff or his deputy the receipt of the sheriff of some other county duly authenticated as above, that the tax hereby imposed has been paid, or until he shall produce to the sheriff or his deputy, a certificate from the Clerk of some court of record of the state from which said negro slaves may have been removed, duly certified according to law, that said negro slaves are not removed for sale; which certificate shall contain the name or names of each and every negro slave so removed, and the owners or possessors of all such slaves so seized, shall pay to the sheriff or his deputy all expences that may accrue, in consequence of seizing keeping and feeding such slaves. On Negro Traders of $10 for each slave.

1818.

Tax on U. S. Bank.

XXV. *And be it further enacted*, That a tax of five thousand dollars be levied on the Branch of the United States Bank in this state, to be collected as the taxes on the other Banks in this state.

Sheriff's oath.

XXVI. *And be it further enacted*, That each sheriff upon settling his accounts with the comptroller, county trustee and county wardens within their respective counties for the preceding year, shall make and subscribe an affidavit that he has duly accounted in his settlement for all taxes received by him under this act upon any occupation, article or thing not included in the lists of taxable property furnished him by the clerk of his county, and shall append to the said affidavit a list of all such taxes so by him received, and the names of the persons from whom he received the same, and set forth opposite to each item the occupation, article or thing for which the said taxes were received.

XXVII. *Be it further enacted*, That in addition to the oath heretofore required to be taken by the sheriff on settling with the comptroller, said sheriff shall swear, that if he collects any delinquent tax beyond those accounted for in said settlement he will render a true account thereof to the comptroller within one year after such collection, and if it shall be discovered that any sheriff, or any person by virtue of having been a sheriff shall collect delinquent taxes, and not account for the same as herein required, such sheriff or other person, shall be liable to pay fourfold the amount of the sum collected and not accounted for, to be recovered in the name of the state before any jurisdiction having cognizance thereof.

XXVIII. *And be it further enacted*, That the sheriffs of the several counties in this state shall in future, be allowed the sum of three dollars for every day they may be engaged in making their settlements with the treasurer, to be paid by the treasurer.

CHAPTER VIII.

An Act laying duties on Sales at Auction of merchandize.

2 1-2 per cent on Auctions.

Be 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 session of the Court of Pleas and Quarter Sessions of the several counties in this State which shall be holden after the first day of February, there shall be levied, collected and paid for the use of the state upon all sales by way of auction as hereinafter described, which shall be made within this state, a rate and duty of two dollars and fifty cents for every hundred dollars of the purchase money arising by sale at auction of goods, wares and merchandize, and the same rate for any greater or lesser sum except as hereinafter excepted; the respective rates and duties to be paid by the Auctioneer or person making such sales at auction, out of the money arising from each and every sale: *Provided always*, That nothing in this act contained, shall extend to any sale by auction of goods, wares, and merchandise, made pursuant to or in execution of a-

Proviso.

ny rule, order, decree, sentence or judgement of any Court of the United States, or of any court of this state; or made in consequence of any general assignment of property and effects for the benefit of creditors, or made by or on behalf of executors, administrators or guardians, or made pursuant to the direction of any law of this state, or of the United States, touching the collection of any tax or duty or of any wrecked goods. 1818.

II. *Be it further enacted*, That the several courts of Pleas & Quarter Sessions of this State at any session of said courts in the year eighteen hundred and nineteen may appoint such number of persons, not more than three in each county, as they shall think fit to be auctioneers in said county, until the term of appointing Sheriffs in said counties, and the said courts shall thereafter annually at the term of appointing Sheriffs (a majority of the Justices of said county being present) appoint not more than three persons to exercise the trade or business of auctioneers in their said counties for the term of one year, each of such persons giving bond to the State of North Carolina, with one or more securities to the satisfaction of said court, in the sum of two thousand dollars, with condition that he will, on the first day of April, July, October and January, in each year while he shall continue to exercise the said trade or business, render to the clerk of said court, a true and particular account in writing of the monies or sums for which any goods, wares, or merchandize, made liable to duty by this act, have been sold at every sale at auction by him made, and of the several articles, lots, and parcels which he shall have sold, the price of each article, lot or parcel in every such sale, by whom bought, so long as he shall continue to exercise his said trade or business; and also shall pay such sums of money as shall be due to the state upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorised and directed to retain out of the produce of such sale made as aforesaid. The said auctioneer at rendering his account to the clerk of the court as herein required, shall take & subscribe an oath on said account, that the same is true to the best of his knowledge and belief, and shall annually, in the month of October, pay to the public treasurer the amount of duties upon sales at auction by him made in the preceding year, and shall be entitled to return a commission of five per cent. upon the amount thereof for his trouble in and about the same

Appointment of Auctioneers.

Their Oath

III. *And be it further enacted by the authority aforesaid*, That the clerks of the several courts of Pleas and Quarter Sessions shall annually in the month of October transmit to the Comptroller of this state an abstract of the accounts returned to his office by the several auctioneers in the preceding year, and it shall be the duty of the comptroller to charge each auctioneer for the amount of the duty due to the state upon such accounts by the auctioneers respectively; & if any auctioneer shall fail to pay the public Treasurer at the time herein before appointed

Clerks duty.

1818. the sums from him due to the state upon his accounts as aforesaid, the Treasurer is hereby required to move for, and the Courts of this State are authorised and required to render judgment against said delinquent auctioneer and his securities, as by the existing laws judgment may be had without notice against delinquent revenue officers.

IV. *Be it further enacted by the authority aforesaid*, That, from and after the first sessions of the Court of Pleas and Quarter Sessions of the several counties in this State, which shall be holden after the first day of February next, no person shall exercise the trade or business of an auctioneer by the selling of any goods, wares or merchandise whatsoever by auction, or any other mode of sale whereby the best or highest bidder is deemed to be the purchaser unless such person shall be appointed an auctioneer pursuant to this act, on pain of forfeiting for every such sale at auction the sum of two hundred dollars: *Provided however*, that nothing herein contained shall be construed to require sales to be made by auctioneers, of any estate, goods, chattels or other thing which by this act are not made liable to duty or are exempted from duty.

Penalty for violation.

V. *Be it further enacted*, That the auctioneers appointed under this act, shall be entitled to ask and receive such compensation from the persons for whom they may make sales at auction as may be agreed on between them, not exceeding two and a half per cent on the amount of such sales.

Compensation.

VI. *Be it further enacted*, That all acts of the general assembly heretofore passed authorising the appointment of auctioneers and appropriating the duties levied on sales at auction, be, and they are hereby repealed.

Repeal of former acts

VII. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

CHAPTER IX

An ACT to extend the time for the registration of Grants, 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 of Mesne Conveyance, Powers of Attorney under which any lands, tenements or hereditaments have been, or may be conveyed, and all other Powers of Attorney which require to be proven and registered by any former act of this State, all Bills of Sale, Deeds of Gift, already proved as Deeds of Conveyence 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, regulations and restrictions 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 proven and registered within the time heretofore allowed: any law to the contrary notwithstanding.

Two years allowed.

II. *And be it further enacted*, That all Grants or Deeds issued from the office of the late Earl Granville and not already registered, may have a further time of twelve months allowed for registration, and the proof necessary thereto shall be by parity of lands, which shall be good and valid in law. Any law to the contrary notwithstanding. 1818.

CHAPTER X.

An Act repeal so much of the fourth section of an Act passed in the year one thousand eight hundred and fourteen, concerning Divorce and Alimony, as requires the interference of the Legislature to ratify the judgment, Sentence or Decree of the Superior Courts.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the fourth section of the above recited Act, as requires the sanction of the Legislature before any judgment, sentence or decree of the Superior Courts can be final in dissolving the bonds of matrimony, be, and the same is hereby repealed; and the judgment of the Superior Courts in such cases, shall be conclusive as other judgments of the said Court, saving to the parties a right of appeal as in other cases decided in said Courts. Judgment in Superior Court conclusive.

CHAPTER XI.

An Act granting further time to perfect titles to lands 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 time for perfecting titles to all entries of vacant lands made within this State, and entered since the year one thousand eight hundred and ten, and upon which the purchase money shall be or may have been paid in due time, shall be, and the same is hereby extended to the first day of January one thousand eight hundred and twenty one: *Provided*, that nothing contained in this act shall affect the rights of persons claiming under grants bonefide issued since the year 1810. Allowed till 1821.

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

CHAPTER XII.

An ACT fixing the sum hereafter to be paid to the State for vacant lands.

Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That ten cents per acre, shall be paid to the treasurer for every acre of land hereafter entered in this State; any law to the contrary notwithstanding. Ten Cents per acre.

CHAPTER XIII.

An Act to vest in the Superior Courts of this State, the exclusive power of emancipating Slaves.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the power of emancipating slaves be, and is hereby exclusively vested in the Superior Courts of Law of this State; and to be governed by the

1818. same rules, regulations and restrictions as are now prescribed by law, relative to the emancipation of slaves by the several County Courts.

II *And be it further enacted*, That so much of the existing laws as authorize the Courts of Pleas and Quarter Sessions of this State to emancipate slaves, be, and the same is hereby repealed and made void.

Repeal of former acts

CHAPTER XIV.

An Act concerning the trial of Slaves in capital cases

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all slaves on trial for capital offences, shall by themselves, masters or counsel, have the same right to challenge Jurors, that a free man is now entitled to by law, and that all laws coming within the meaning and purview of this act, are hereby repealed.

Right of challenge.

CHAP. XV.

An ACT to change the compensation of the Attorney General, Solicitor General and the Solicitors of the State, in the Superior Courts for their services in said 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 all acts and clauses of acts, whereby a compensation for the term is given to the Attorney General, Solicitor General and Solicitors of the State in the Superior Courts, for their services in the Superior Courts, be and the same are hereby repealed.

II. *And be it further enacted*, That the Attorney General shall receive a salary of one hundred dollars as a full compensation for his attendance on the Supreme Court; and that the Attorney General and Solicitors shall receive the following compensation, viz. on every Indictment for a felony whereupon the defendant shall be convicted in a Superior Court there shall be taxed the sum of ten dollars; and on every indictment for a misdemeanor whereupon the defendant shall be convicted in a Superior Court there shall be taxed the sum of five dollars as a fee to the prosecuting officer in behalf of the State, to be paid by the party convicted, and in no event by the State or by the County in which the prosecution was instituted; and that henceforth no fee shall be taxed for the prosecuting officer on any indictment whereon the defendant shall not be convicted.

Compensation.

CHAP XVI.

An Act to prevent negro slaves from selling Spiritous Liquors.

BE 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 if any negro slave, shall presume to sell any spiritous liquors by retail or otherwise, such slave so offending shall be taken before a magistrate of such County, where he may have committed such offence, and if found guilty, shall receive not exceeding thirty nine lashes, on his or her bare back.

Penalty, 39 lashes.

CHAP XVII.

An ACT to amend the second section of an Act passed at the last Session of the General Assembly entitled "An Act to revise and amend the Laws respecting Wrecks and Wrecked property in this State. 1818.

Be 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 words contained in the latter clause of the second section of the above recited act, to-wit. "except such part thereof as may be in a damageable and perishable situation as to require an immediate sale," be and the same are hereby repealed and made void.

II. *And be it further enacted,* That the County of Carteret shall be divided into four districts, to-wit, the first or easternmost district, to commence at the Currituck line and thence to include Ocracock Island, (so called); the second district from Ocracock Island to Cedar Inlet: the third district from Cedar Inlet to old Topsail Inlet; the fourth from old Topsail Inlet to the Onslow County line:—And for the additional district hereby created, a commissioner of Wrecks shall be appointed, commissioned and qualified, and shall enter into bond as is prescribed for other commissioners of Wrecks in the act herein before recited. Four dis-tricts:

CHAP. XVIII.

An Act in addition to the Acts concerning public roads.

Be 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 earth shall be needed for raising or covering a causeway on a Public Road, and the same cannot be conveniently procured on either side of the causeway, it shall and may be lawful for the overseer of the road to take the earth required from any adjoining land, and he shall not be liable to any action or penalty therefor.

II. *And be it further enacted,* That the owner of the land thus used may if he deem himself injured, file his petition in the Court of Pleas and Quarter Sessions of the county wherein the causeway thus raised or covered is situate, and pray indemnification; and it shall be the duty of the Court after a proper examination of the facts to make the petitioner such compensation out of the county funds as shall be adequate to the injury sustained. *Provided,* That this act shall in no wise be construed to apply to the lands adjoining or contiguous to the causeway or great road leading across Eagles' Island to Wilmington.

CHAP. XIX.

An Act to amend an Act passed in the year one thousand eight hundred and sixteen, entitled an Act for removing logs, shoals, and other impediments in the Tar River, below the Town of Washington in the County of Beaufort, 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 collector of the customs of the United States for the Port of Washington in the County of Beaufort, be and he is

1818. hereby authorised and required to collect and receive from the master, owner, or agent of any and every vessel arriving at, and departing from said Port, the following duties on the tonnage of the said vessel; that is to say, upon each ton, above sixty tons, if a registered vessel the sum of eight cents: and upon each ton above fifty, if a vessel not registered the sum of two cents; and if the master, owner, or agent of any vessel arriving at, or departing from the said port, shall refuse or neglect to pay the said duty, he shall forfeit the sum of one hundred dollars, to be recovered with costs of suit by the said collector, and in his name in any Court of this State; which sum when recovered shall be applied to the same uses with the tonnage duties imposed by this act.

Duties on tonnage.

II. *Be it further enacted*, That the first section of the Act recited in the caption to this act, be and the same is hereby repealed: And this act shall take effect as soon as the consent of the Congress of the United States is obtained thereto: and his Excellency the Governor is hereby requested to take measures to obtain the same.

CHAPTER XX.

An ACT to repeal the second Section of an Act, passed in the year 1816, Chap. IV. entitled an "Act making it the duty of sheriffs to serve notices of the Clerks of Courts, and Clerks and Masters in Equity to parties concerned to attend on the days of reference at making up reports, and for other purposes."

Whereas much inconvenience and unnecessary expence have arisen to parties at Law in consequence of the mileage allowed sheriffs by the second section of the above recited Act.

BE it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of same, That from and after the passage of this act, the second section of the above recited act be and the same is hereby repealed and made void.

II. *Be it further enacted*, That the sheriffs severally within this State, shall be entitled to the same fees for their services prescribed in the first section of the above recited act, as are now allowed by law to Sheriffs for arrests.

CHAP. XXI.

An act to amend an act passed in the year one thousand eight hundred and sixteen, entitled an act concerning the navigation of Tar 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 Jas. Hill, Wm. Moore, Jno. J. Inge, John D. Hawkins & Nathan Patterson be, and they are hereby appointed Commissioners for opening books to receive subscriptions to the amount of seventy five thousand dollars, for improving the navigation of Tar River, and of the several rivers and creeks which run into the same. And the said commissioners or a majority of them shall prepare books for receiving the said subscriptions, and shall o-

open the same on or before the first day of April next, at such places and under the direction of such persons as they shall designate for that purpose: which books shall remain open until the first Monday of June next, at which time the several persons, under whose direction books shall be opened as aforesaid, shall return the same to the said commissioners in the town of Louisburg; and on the said first Monday of June next, there shall be a meeting of the subscribers in the town of Louisburg, and such meeting may be continued from day to day until the business be finished. If it appear to the said commissioners, upon the return of the said books, that the sum of $30,000 has been subscribed, the said subscribers their heirs and assigns from the time of their said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name of "The Tar River Navigation Company," and as such may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal: and such of the said subscribers as shall be present at the said meeting or a majority of them, are hereby empowered and required to elect a President and five Directors, for conducting the said undertaking and managing all the said company's business and concerns for and during the term of one year, and thence until the next general meeting of the stockholders; and in counting the votes at all general meetings of the said company each member shall be allowed one vote for every share as far as ten shares; and one vote for every five shares above ten shares, by him or her holden at the time in the said company: and any proprietor, by writing under his or her hand executed, before a subscribing witness and acknowledged or proven before a justice of the Peace, may depute any member to act as proxy for him or her at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes, as the presence and acts of his or her principal could or might be.

Opening Books.

Election of Officers.

Sec. 2d. *Be it further enacted*, That the act passed in the year one thousand eight hundred and sixteen, entitled "An Act concerning the Navigation of Tar River" be and the same is hereby revived and declared in force except so far as the same is altered by this act and except so much of the said act as gives power and authority to said president and directors to open and improve said river, or the water courses emptying into said river below Tarborough.

Revival of former act.

Sec. 3d. *And be it further enacted*, That books of subscription for stock in said capital, shall be opened in the town of Tarborough, under the direction of Joseph Bell, Spencer D. Cotton and Lewis D. Wilson, which subscription shall be made and the books thereof opened and returned in the same manner as is prescribed in the first section of this act.

CHAP. XXII.

An act concerning Constables.

Be it enacted by the General Assembly of the State of North C.

1818. *Carolina, and it is hereby enacted by the authority of the same* That every person hereafter appointed a constable shall be required to give bond with sufficient securities in the sum of two thousand dollars payable to the governor of the State, and his successors in office, which bond shall be conditioned as well for the faithful discharge of his duty as constable, as for his diligently endeavouring to collect all claims put into his hands for collection, and faithfully paying over all sums thereon received either with or without suit unto the persons to whom the same be due.

To give bond in $2,000.

II. *And be it further enacted*, That on every bond given as aforesaid, and for all monies received on claims as aforesaid there shall be the same remedy in all respects as may be now had on bonds given in the mode heretofore prescribed and for monies received in virtue of the office of Constable.

III. *And be it further enacted*, That if any Constable after the expiration of the term for which he has been appointed shall presume to act as such in any case wherein he is not by law authorised, he shall be liable as for a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the Court.

CHAPTER XXIII.

An ACT to authorize the County Courts in this State to direct the Sheriff to sell any slave that may be taken up and confined in any jail as a runaway, after certain length of imprisonment, and public notice.

Be 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 any negro Slave shall be taken up in this State as a runaway and confined in any jail for the space of twelve months, and the apprehension and confinement of said slave has been advertised in the State Gazette at least six months, and the owner or owners does not apply to prove property in said time, then it shall be lawful for the Court of Pleas and Quarter Sessions of the County in which said runaway is confined to command their sheriff to expose said negro slave to public sale for ready money, giving three months notice in some public newspaper in this State, at the court-house door, and at two other public places in the said County, of the time and place of sale, and of the circumstances under which said slaves are to be sold.

Six months notice to be given.

II. *And be it further enacted*, That the said Sheriff shall be allowed two and a half per centum on the amount of sales made under this act.

2 1-2 half per cent allowed.

III. *And be it further enacted*, That the bill of sale of the sheriff shall vest in the purchaser an absolute right to said slave; and said Sheriff is hereby directed to pay over the residue of the amount of sales after deducting his commissions and prison charges to the county trustee to be applied as county taxes for the use of said county.

IV. *And be it further enacted*, That upon petition of the owner of said slave or slaves to the court of the county where the

proceeds of said sale are deposited, and upon satisfactory evidence of the right of property of said petitioner or petitioners to said slave, the said Court shall direct the payment to the said petitioner or petitioners of the sum paid into the county treasury taking bond and security from such petitioner or petitioners when they think proper, payable to the chairman of said Courts and his successors in office to refund said money with interest to the real owner of said slave, should it thereafter appear that such petitioner or petitioners were not the owners of such slave

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The money shall be refunded in certain cases.

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

CHAPTER XXIV.

An Act to amend an act passed in the year one thousand eight hundred and twelve entitled "an act relative to the power of Courts of Equity in cases of Partition, 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 whenever any joint tenant or tenants in common, or the guardian of such, shall on oath or affirmation, and by a petition or bill, to which all the joint tenant or tenants in common shall be made parties, state to a Court of Equity that the lands of such joint tenant or tenants in common are required for public purposes and that the interest of the proprietors requires that a sale should be made thereof: if the said alleged facts shall be ascertained to be true by the verdict of a jury duly empannelled to try the same: and if the said verdict shall receive the sanction of the said Court, it shall then be lawful for the said Court, to order a sale of the said lands, or of such parts thereof as it may judge necessary, in such manner, and on such terms as it shall deem expedient; and it shall be the duty of the said Court, to direct that the part of the proceeds of such sale, to which any infant, feme covert or person non compos may be entitled, to be so invested as that the same shall be effectually secured to the person so entitled, or to his or her real representatives.

Sale of land.

II. *Be it further enacted*, That in all cases arising under this act, or which have arisen or shall arise under the act passed in the year one thousand eight hundred and twelve, entitled "An Act relative to the power of Courts of Equity in cases of partition." the deed of the Clerk and Master of the Court ordering the sale, shall be held, deemed and taken as good and sufficient to convey to the purchaser or purchasers such title, interest and estate in the lands, tenements and hereditaments ordered to be sold as the respective tenants in common or joint tenants had therein: which deed shall recite in substance the petition of the said tenants, and the decree of the court, ordering the sale.

III. *Be it further enacted*, That in all cases now pending or which may hereafter be instituted, in any of the Courts of equity, where any of the parties defendants is an infant, or person non compos, and resides out of this State, having no guardian

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residing within the State, it shall be lawful for the said Courts to appoint a guardian to such infant or person non compos, to defend his or her interest in the suit to which he or she may be defendant; provided nevertheless, that the said infant or person non compos, may at any time within three years after the decree shall be made in said suit, appear in said court, and petition to be heard with respect to the matter of such decree; and such proceedings, decree and execution may be had thereon as there might have been in case the proceedings had been then newly begun, or as if no former decree or proceedings had been in the same cause.

Guardians may be appointed.

CHAPTER XXV.

An act concerning estates in lands, tenements and hereditaments held for the life of another person.

Be it enacted by the General Assemby of the State of North Carolina, and it is hereby enacted by the authority of the same, That every person who now is or hereafter shall be seized of an estate in lands, tenements and hereditaments for the life of another person may devise the said estate by a last will and testament, executed with the formalities required for the devise of real property, and should no such devise be made, and the said estate for the life of another shall come to the heir or heirs of the tenant for life, by special occupancy, then shall the same be chargeable in the hands of such heir or heirs as assets by descent.

II. *And be it further enacted,* That if any person shall die, seized of an estate in lands, tenements or hereditaments for the life of another and shall not by last will have devised the same as aforesaid, and the said estate shall not come to the heir or heirs of the tenant for life by special occupancy, then the said estate shall vest in the executors or administrators of the said tenant for life and shall be deemed personally assets in their hands for the benefit of the creditors, legatees and distributees of the deceased.

CHAPTER XXVI.

An act to amend an act passed in the year one thousand eight hundred and sixteen, entitled an act to compel retailers of spiritous liquors by the small measure, to take a Licence from the County Court, and for other purposes.—

List to be furnished the attorney.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the Clerks of the several Courts of Pleas and Quarter Sessions, at every term of the said Courts to furnish the prosecuting attorney of their respective Counties, with a list of all such persons within their County as have within the term of twelve months last past obtained a licence to retail spirituous liquors by the small measure, agreeably to the direction of the first section of the above recited act, which list shall be, by the prosecuting attorney laid before the grand jury for the purpose of instructing them as to the persons within their County who are, or are not liable to be presented under the said act:

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An act declaring the statute passed in the twenty first year of James the first, entitled an act to prevent the destroying and murthering of Bastard Children; to be no longer in force in 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 statute enacted in the twenty first year of the reign of James the first "entitled an act to prevent the destroying and murthering of bastard children" be no longer in force in this State.

Statute James I repealed.

II. *Be it further enacted,* That if any woman be delivered of issue of her body, male or female, which being born alive should by the Laws of this State be a bastard, and she endeavours privately either by drowning or secret burying thereof, or any other way, either by herself or the procuring of others, so to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed; in every such case the said mother so offending, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars and an imprisonment not exceeding twelve months.

III. *And be it further enacted.* That the Superior Courts of law within this State, shall have exclusive jurisdiction of the offence created by this act.

Superior Court shall have exclusive jurisdiction.

IV. *And be it further enacted, and Provided,* That nothing in this act contained, shall be construed to prevent the mother, who shall be guilty of the murder of her illegitimate child, from being liable to prosecution, conviction and punishment thereof, agreeably to the principles of the common law.

Read three times and Ratified in General Assembly, the 25th day of December, A. D. 1818.

B. YANCEY, S. S.
JA. IREDELL, S. H. C.

A true Copy, WM. HILL, *Secretary.*

An Act to regulate the Cooperage of flour in the town of Fayetteville:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall in no case hereafter be lawful for any inspector of flour in the town of Fayetteville either directly or indirectly to perform the duties of a cooper, or assess the value of the cooperage.

II. *And it be further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the town of Fayetteville to appoint from time to time as to them may seem necessary, one or more suitable persons to act as coopers of flour at the flour warehouse in said town, whose duty it shall be to cooper all flour which may be inspected at said ware house, under the rules regulations and at the prices heretofore prescribed by law.

III. *And be it further enacted,* That if any owner of flour shall consider himself agrieved by the charge of any cooper or coopers, that it shall and may be lawful for such persons to apply to two commissioners of said town, whose duty it is hereby declared to be to examine the account or charge of said cooper, as well as the labour by him performed, and decide what shall be a proper compensation.

V. *And be it further enacted,* That it shall be the duty of the inspectors of flour in Fayetteville, at the request of the owner of any flour offered for inspection, to make the barrels with the initials of the name of said owner, which marks shall be added to the certificate or receipt granted by the inspectors, and shall entitle the holder thereof, to demand and receive the same parcels of flour and no other.

CHAPTER XXVIII.

An Act to authorise the County Court of Chatham to lay a tax, for the purpose of building a new Jail within 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 justices of the County Court of Chatham, whenever they may deem it necessary after the passing of this act, a majority thereof being present, may, for such length of time as they may think proper for effecting the purposes hereinafter mentioned, lay a tax, not exceeding thirty cents on every pole, nine cents on every hundred dollars value of town property and nine cents on every hundred dollars value of land within the County for each and every year they may continue the same, to effect the purpose aforesaid.—Which tax shall be collected and accounted for in the same manner, at the same time and by the same persons that collect the public tax. and be paid into the hands of the treasurer for said County, for the purpose of defraying the charge and expense of building a strong, sufficient and durable jail in said county.

CHAPTER XXIX.

An Act to alter the times of holding the Superior Courts of Law and Equity, in the Counties of Carteret and Craven, and to extend the time for holding the Superior Courts of Greene

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the next terms of the Superior Courts of Carteret and Craven, the said Superior Court shall be holden respectively on the days following:

that is to say, the Superior Court of Carteret on the Thursdays following the third Monday after the fourth Mondays of March and September in every year; and the Superior Court for the County of Craven on the fourth Mondays after the fourth Mondays of March and September in every year; any law or usage to the contrary notwithstanding.

II. *And be it further enacted*, That henceforth it shall be lawful for the judge holding the Superior Court of Greene to keep the same open, should he deem that the public interest requires it, four days, any former law to the contrary notwithstanding.

III. *And be it further enacted*, That the provision for extending the time of holding the Superior Court of Greene, shall apply only to the two next terms of said Superior Court.

CHAP. XXX.

An Act to appoint Commissioners for the town of Nixonton in Pasquotank County, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Pool jun. Edward B. Hervey and Dudley Saltenstall, be, and they are hereby appointed commissioners for the town of Nixonton in Pasquotank County, and the said commissioners or a majority of them be, and they are hereby authorised and empowered to lay off the said town into acre or half acre lots, with convenient streets and alleys as they may deem proper, and to establish the boundaries of said town.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorised and empowered to lay off into acre or half acre lots, as they may deem expedient, all such vacant land or town commons, as may be included within the boundaries which they may establish to said town, and the money arising from the sale of said lots, shall be, by the said commissioners laid out and expended in opening and improving the streets and alleys, and otherwise improving the said town, as they may deem most expedient: and deeds executed by said commissioners or any two of them, for lots laid off and sold by them under the authority of this act, shall convey to the respective purchasers a fee simple estate to the said lots, any law, usage or custom to the contrary notwithstanding.

III. *And be it further enacted*, That should the above named commissioners think it most advisable to sell and dispose of the commons belonging to the said town, without laying off the same in lots that they are hereby authorised and empowered to do so, on a credit of six months, taking bond and approved security for the amount of the sale thereby made; which money they shall collect and hold for the benefit of said town.

CHAP. XXXI.

An Act to emancipate Tillah Sears and her two children, Patsey Sears and Polly Sears.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Tillah Sears and her two children, Patsey Sears and Polly Sears, all of Randolph County, be and they are hereby emancipated and made free persons.

CHAPTER XXIXI.

An Act to regulate the fisheries on Scuppernong River, on Little Allegator Creek, on the great Allegator River, and on the waters thereof, in Tyrrell County.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to haul or cause to be hauled, any seine in Scuppernong River, Little Allegator Creek, Great Allegator River, or the waters thereof, in the county of Tyrrel, nor in one half a mile of the mouth of said Rivers and Creeks from 12 o'clock on Saturday's until 12 o'clock on Monday's from the first day of March till the tenth day of June in every year: and any person violating this, shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered in the County or Superior Courts, to the use of any person suing for the same.

CHAPTER XXXIII.

An act to amend an act passed in the year one thousand eight hundred and sixteen, entitled "an act for the government of Elizabeth City, and for other purposes."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the commissioners for the town of Elizabeth city, shall be chosen by the people residents in said town in the manner following: The sheriff of Pasquotank county being in office at the time, shall hold an election for the commissioners of the town, on the first Saturday of March, in each and every year, at the Court House in said town; first giving public notice at the court house and two other of the most public places in said town, ten days previous to the time of holding said election; and shall appoint two poll keepers for the election, and the three persons qualified according to law and having the greatest number of votes shall be declared by him duly elected, and the sheriff of Pasquotank county shall give them a certificate thereof as soon as practicable that they may enter on the execution of their office.

II. *Be it further enacted*, That no person shall vote for a town commissioner, unless he has resided in said town for twelve months preceding the day of election, and shall have paid a town tax.

III. *Be it further enacted*, That in the case of the death or removal of any person elected a town commissioner by virtue of this act, or of his refusing to act, the remaining commissioner or commissioners shall at their discretion direct a new election for a commissioner or commissioners to supply such vacancy at such time as they think proper, to be held as the elections above stated are directed to be held.

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

CHAP. XXXIV.

An act to establish the Laureneville Academy in the county of Montgomery, and to appoint and incorporate the Trustees thereof.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edmund Deberry, John Calpepper, John Christian, John Deberry, Solomon Poer, Sterling Andrews, and George W. Davidson and their successors, 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 Laurenceville Academy, and by that name shall have perpetual succession, and shall be able and capable in law, to have, receive and possess any quantity of land and tenements, goods, chattels and monies that may be given to them, and apply the same according to the will of the donor, and dispose of them when not forbidden by the terms of said gift, they may sue and be sued, plead and be impleaded in any court of law within this State, shall have power to appoint other or more trustees and to fill the place of such as may die, remove, resign or be incapable of acting: and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to, and usually exercised by bodies politic for the accomplishment of the contemplated object.

CHAP XXXV.

An Act to authorise John Gray Blount, of Beaufort County, to make a road on his own land in Hyde County, from the Rose Bay Turnpike, to the present settlement on Swan Quarter, and to receive toll for passing the same.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for John Gray Blount, of Beaufort County, to make a road from the rose bay turnpike, to the present settlement of swan quarter in Hyde County on his own land; and when the same shall be passable to erect a turnpike gate across the same; and to ask, demand and receive from all persons travelling on said road the following toll, (to wit) for each foot passenger five cents; for each horse, mule, ox, or other horned cattle ten cents, for man and horse fifteen cents, for a chair or cart with one horse, mule or ox twenty five cents, and ten cents for each additional wheel or draft beast.

II. *And be it further enacted by the authority aforesaid*, That the said John Gray Blount, his heirs or assigns be allowed five years to complete the same.

CHAPTER XXXVI.

An Act to appoint three commissioners to view the situation of the Charleston road where it crosses King's Mountain in Lincoln County, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William J. Wilson, Andrew Hoyle and Thomas Forguson, are hereby appointed commissioners for the purpose of viewing that part of the Charleston road which leads from the county of Burke to the line which divides North and South-Carolina, where it crosses King's mountain in the county of Lincoln, and report to the next county court which shall happen after they, or a majority of them have performed the duty assigned them by this act, the situation of said road, the number of hands necessary to work on said road, and the sum of money which would necessarily be expended in putting said road in good repair. And if it shall appear to the said court by the report of the said commissioners or a majority of them that the said road requires more labour and expense than what is usually required of overseers of roads, that then and in that case, it shall be the duty of the court to employ some proper person to put said road in such repair as

the law directs, which shall be considered a county charge and paid by the trustee of said county.

CHAPTER XXXVII.

An Act to amend "An Act" passed at the last General Assembly, authorising the County Courts of Wilkes and Brunswick to appoint a committee of finance.

Be 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 committee of finance appointed under the provision of the aforesaid act by the County Courts of Wilkes and Brunswick, that if it shall be deemed necessary by the said committee to commence any suit or suits against any person or persons, in said counties, who have held or now do hold public monies due to said counties, according to the provision of the aforesaid act, and it should so happen that the committee should be cast in any of the suits aforesaid, that the county in which such suit was commenced shall pay all costs and charges due thereon, and that the committee shall be subject to no costs whatsoever, any law to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act to confirm the judgments of the Superior Courts of Law of the counties of Richmond and Gates, divorcing Jane B. Robinson, wife of William D. Robinson and James Hoffler and wife Deborah Hoffler, from the bonds of matrimony.

Be 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 decrees of the Superior Court of Law of the county of Richmond, divorcing Jane B. Robinson from her husband William D. Robinson, and of the county of Gates, divorcing James Hoffler from his wife Deborah Hoffler, from the bonds of matrimony, be, and the same are hereby established and confirmed accordingly.

CHAPTER XXXIX.

An Act respecting the Superior Courts of Law and Equity, of the Counties of Currituck, Martin and 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 the Superior Courts of Law and Equity of the counties of Currituck, Martin and Nash, shall not be adjourned until the afternoon of Wednesday, in each and every term, nor shall the Judge holding said Courts be entitled to receive a certificate of service, nor to receive compensation for holding said Court when the said Courts shall be adjourned before the time herein appointed.

II. *Be it further enacted,* That no certificate of the Clerks of the Superior Courts of Currituck, Martin and Nash counties in favour of the Judge holding said court shall be paid by the treasurer, unless such certificate state that said courts were held and continued open for business by said Judge until the afternoon of Wednesday in said term.

CHAP. XL.

An Act for the incorporation of the town of Jackson, and the government thereof.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac Medly,

Eustis Hunt, Gideon Johnston, John May, senr. and Joseph Porter, be, and they are hereby appointed commissioners for the purpose of laying off a town on the north side of Dan river, at the Eagle falls in Rockingham county, which town when so laid off, by said commissioners, shall be known by the name of Jackson.

II. *And be it further enacted*, That the said commissioners or a majority of them, shall have full power to lay off said town of Jackson, in lots of such size, and the streets, alleys and squares of such length and width as to them may seem best, and that it shall be their duty when they shall have laid off said town to cause two fair plats of the same to be made out, one of which they shall deposit in the clerk's office of the county court of Rockingham, and the other to be preserved by themselves.

III. *And be it further enacted*, That the said commissioners or a majority of them shall have full power and authority to pass such rules, regulations, and ordinances, and to enforce the observance thereof for the government of said town, as to them shall seem proper: *Provided*, the same be not contrary to the laws and constitution of this State.

CHAP. XLI.

An Act for opening a communication between the Roanoke and the Pamptico Rivers.

Be 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 Trotter, J. O. K. Williams, William A. Blount, Thomas Blackledge and William Kennedy, be and they are hereby appointed commissioners for receiving subscriptions to the amount of one hundred and fifty thousand dollars, for the purpose of opening a communication by a canal between the Roanoke and the Pamptico rivers; and the said commissioners or a majority of them shall prepare books and cause the same to be opened at such places and under the directions of such persons as they may appoint; and the said books shall be opened on or before the first day of April next and continue open until the first day of June following; at which time the said books shall be returned to the said commissioners in the town of Washington, and at the same time there shall be a general meeting of the subscribers in the said town, either personally or by proxy; and such meeting may be continued from day to day until the business be finished. And if it shall appear that five hundred shares or more of the said capital sum have been subscribed, the said subscribers, their heirs and assigns from the time of the said first meeting, shall be, & they are hereby declared to be incorporated into a company by and under the name of the Roanoke and Pamptico Canal Company, and may sue and be sued as such, plead and be impleaded, defend and be defended, have perpetual succession and a common seal; and such of the said subscribers as may be present at the said meeting or a majority of them, are hereby empowered and required to elect a President and four Directors, for conducting the said undertaking, and managing all the said company's business and concerns for and during the term of one year, and thence until the next general meeting of the stock holders: and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as five shares, and one vote for every share above five by him or her held at the time of the said general meeting: and any proprietor by writing under his or her hand executed before one subscribing witness and

acknowledged, or proved before a justice of the peace, may depute any member to act as proxy for him or her, at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes as the presence or acts of his or her principal could or might be.

II. *And be it further enacted*, That if five hundred shares shall not have been subscribed at or before the said general meeting of the stockholders, the said commissioners shall again open books for receiving further subscriptions, at such time or times and at such places and under the direction of such persons as they shall appoint; and shall give notice in some newspaper printed in the City of Raleigh, of the day on which said books shall be returned: and when the said number of five hundred shares shall be subscribed the stockholders in general meeting shall proceed to elect a President and Directors of the said company, as aforesaid: and if more than fifteen hundred shares shall be subscribed, the said commissioners may if they think proper, strike off from the said subscriptions until the number be reduced to fifteen hundred: and in striking off the said commissioners shall proceed in the manner prescribed in the first section of an act passed in the year one thousand eight hundred and twelve, entitled an act for improving the navigation of Roanoke river from the town of Halifax to the place where the Virginia line intersects the same; but neither upon the first nor any subsequent subscription shall there be any striking off from the subscription of the State.

III. *Be it further enacted*, That the capital sum aforesaid shall be divided into shares of one hundred dollars each; any person may subscribe for one or more shares, but not for part of a share.—The treasurer shall subscribe in behalf of the State, on the books which shall be opened in the town of Washington, fifty shares. The capital sum aforesaid may be enlarged from time to time, at the discretion of the stockholders, or a majority of them in general meeting, should the said capital sum be insufficient to complete the navigation contemplated by this act; and the President and Directors may open books from time to time, to receive subscriptions to increase the capital stock of said company.

IV. *Be it further enacted*, That all the powers and authorities, rights, privileges and franchises granted to the Yadkin Navigation company, by an act passed in the year one thousand eight hundred and sixteen, entitled an act concerning the navigation of the Yadkin company; and by the act therein referred to, be and the same are granted to the Roanoke and Pamptico canal company; and the same shall constitute and form a part of the charter of the said company, as applied to the said company and all their officers and servants; and the President and Directors shall determine upon the route for the said canal, and contract for opening the same and building the locks thereon.

V. *Be it further enacted*, That the treasurer of the State shall represent and vote in behalf of the State in all general meetings of the stockholders, and in case of sickness or other cause which may prevent his personal attendance, he may appoint a proxy as in the case of individual subscribers: payment for shares subscribed in behalf of the State shall be made by the treasurer, and the State shall stand upon the same footing with other subscribers as to the payment to be made for shares.

And whereas shares may be sold by the President and Directors, for

balances due thereon, *be it enacted*, that the books of the said company shall be good evidence of such sale and of the purchase of said shares.

VI. *Be it further enacted*, That the general meetings of the said company shall be in the town of Washington, or at such other place as the stockholders in general meeting shall order and direct: and if the canal authorised by this act, be not completed within ten years after the first day of January next, all the rights, privileges and franchises granted by this act shall cease and determine.

CHAPTER XLII.

An Act to elect a magistrate for the town of Wilmington, and other purposes.

Whereas, great inconveniences are experienced by the inhabitants of the town of Wilmington, in consequence of the great delay (amounting to a denial of justice,) in matters within the jurisdiction of a single justice of the peace, for remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the first court of pleas and quarter sessions, to be held for the county of New-Hanover, after the first day of May next, the justices of said county shall proceed to elect some one of their body, who shall be styled magistrate for the town of Wilmington, and shall hold his office for the term of three years, unless sooner displaced by death, impeachment, removal or resignation; and said justices shall at the expiration of each and every three years thereafter, or at the first court of pleas and quarter sessions which shall be held for said county of New-Hanover, after the expiration of each and every three years, (as the case may be,) again elect one of their body who shall be styled magistrate for the town of Wilmington, and shall hold his office for the term aforesaid, unless removed as aforesaid.

II. *And be it further enacted*, That if at any time after the first election of said magistrate of the town of Wilmington, a vacancy shall occur before the regular ensuing election, by death, resignation, removal or otherwise, the justices of said county of New-Hanover shall at the first court of pleas and quarter sessions which shall be held for said county after such vacancy shall occur, proceed to elect as aforesaid one of their body to fill the said vacancy.

III. *And be it further enacted*, That no election for said magistrate shall be valid unless a majority of the acting justices of the peace of said county be present at the election, and the candidate elected have a majority of the votes given.

IV. *And be it further enacted*, That said magistrate for the town of Wilmington shall reside within said town, during his continuance in office.

V. *And be it further enacted*, That any person injured by the neglect or misconduct of said magistrate for the town of Wilmington shall be entitled to sue, in any court having cognisance thereof, on said bond in the name of the Governor for the time being, but to his use, and recover all such damages as he or she may have sustained; and no recovery or recoveries on said bond shall destroy the right of any other person to sue thereon, but the same shall and may be recovered on as often as any person may sustain damage by the neglect or misconduct of said magistrate of the town of Wilmington.

VI. *And be it further enacted*, That it shall be the duty of said magistrate for the town of Wilmington, to keep an office in said town, where he shall attend (unless prevented by sickness or unavoidable accident) at least three days in each and every week, for the trial and despatch of all business within the jurisdiction of a single justice of the peace.

VII. *And be it further enacted*, That there shall be the same right of appeal from the judgments of said magistrate for the town of Wilmington, that there now is by law from the judgments of any other single justice of the peace.

VIII. *And be it further enacted*, That as a compensation to the said magistrate for the town of Wilmington, he shall be entitled, (in all cases arising and acted on in said town,) to receive the fees herein after stated, to be taxed in the costs and paid by the party cast, and in case of inability to pay by the party cast, if the defendant, then by the plaintiff in the warrant, viz; for every warrant twenty five cents, for every subpoena, twenty five cents, for every execution or other process, twenty five cents, for every judgment pronounced, one dollar.

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

CHAPTER XLIII.

An Act to establish Poor Houses in the counties of Edgecomb, Martin and Washington.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor in the counties of Edgecomb, Martin and Washington, or a majority of them annually to lay a tax not exceeding the public tax, on the land, poll, and town lots in said counties, to be collected and accounted for as other taxes are in said counties; which tax when collected shall be paid into the hands of the wardens aforesaid, who are authorised with the proceeds of said tax to procure a piece of land either by purchase or otherwise, and to build or cause to be built thereon a house or houses sufficient for the reception of the poor of said counties, under which denomination shall be comprehended, all such persons of either sex as shall be adjudged by the wardens incapable through old age or other infirmaties to procure a subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided for, with good clothing and wholesome diet, and to enforce all such rugulations as shall be established from time to time, for the well ordering and governing said poor: which regulations the said wardens are hereby empowered to make; and the said keeper or overseer shall be allowed for his services each year such sum as the wardens may deem adequate, to be paid out of the taxes laid for that purpose: and the keeper or overseer of said poor is hereby required to put to moderate labour such of the poor under his care as he may judge capable to labour, and at the end of each and every year shall account to the wardens of said counties on oath for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of his expenditures: any law to the contrary notwithstanding.

II. *And be it further enacted*, That upon complaint made by any citi-

zen of said counties to any justice of the peace, that any person is loitering about the county, following no visable trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly person has been eating, drinking or keeping company with slaves, or that any person has been sountering about, or endeavouring to maintain themselves by gambling or other undue and unlawful means, or that any person keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, it shall and may be lawful for the said justice of the peace to issue his warrant against any person so complained against, directed to any lawful officer in said county, to bring him or her before two justices of the peace for the said county, and if the said justices shall find the complaint well founded, they shall and are hereby authorised to bind said person over to the next county court, there to be proceeded against as other persons charged with misdemeanors, and if it shall appear to the satisfaction of the court and jury that the charges exhibited against the said person are true, then and in that case the court are hereby authorised to sentence said person to the work house for any time not exceeding six months, to be kept at hard labour unless he or she shall find sufficient security at the discretion of the court, in any sum not exceeding two hundred pounds for his or her good behaviour, upon giving which bond the court may fine the culprit not exceeding fifty dollars, and such fine and costs being paid, the culprit shall be discharged; and in cases of conviction for keeping a lewd or disorderly house, such person shall not be authorised afterwards to keep a house for lodgers in said counties, without the consent of the wardens of the poor.

CHAPTER XLIV.

An Act making compensation to jurors of the County and Superior Courts of Person, and to compel the justices of peace of said county to lay a tax for that purpose.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, every person who shall serve as a juror (talisman excepted,) in any county or superior court held in the county of Person, shall receive for each and every day that he attends the same, the sum of seventy five cents, which shall be paid in the same manner as other county claims.

II. *And be it further enacted,* That the justices of the said county court, at the court to be held in the month of May, in each and every year, shall lay a tax not exceeding ten cents on each poll, four cents on every hundred dollars value of land, two dollars on every store at which are sold goods, wares and merchandize to the amount of two hundred dollars in any one year, two dollars on every person who shall hawk or peddle goods in said county, one dollar on every writ issued by either of the said courts, to be taxed by the clerks of each respective county, to be paid by the party cast, and to be collected and accounted for as other county taxes, for the purpose of paying the superior and county court jurors as aforesaid.

CHAPTER XLV.

An Act to direct the mode by which the cavalry of the counties of Lincoln and Rutherford, shall in future be reviewed by the Colonel of that Regiment.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the colonel commanding the

cavalry of the counties of Lincoln and Rutherford, to review them seperately, in their respective counties, unless otherwise ordered by the Major General of that division. *Provided* nevertheless, that the colonel of the said cavalry, may and he is hereby authorised to hold his courts martial in either or both of said counties, as he may deem most expedient, any law to the contrary notwithstanding.

CHAPTER XLVI.

An Act to authorise the commissioners of the town of Kinston in Lenoir County, to purchase a scite for building a church 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 commissioners of the town of Kinston in Lenoir County, be and they are hereby authorised and empowered to fix on, and purchase of any person or persons, or of any corporation a scite for erecting a church within the limits of the said town or in its imediate vicinity.

II. *Be it further enacted,* That the commissioners of said town be and they are hereby authorised to ask, demand, sue for, and recover all sums of money which have been or may hereafter be subscribed for the purpose aforesaid, which sum of money, when received by the said commissioners, shall be by them applied to the purposes of purchasing a scite for a church as aforesaid, and of erecting a church of such dimensions and of such materials as they may think proper, which church when completed shall be free for all denominations of christians: *Provided* nevertheless, that if the said commissioners shall not have it in their power to purchase a suitable scite, then and in that case they shall have full power and authority to sell any part of the town commons not exceeding two acres for the purpose of erecting said church on, any law or usage to the contrary notwithstanding.

CHAPTER XLVII.

An Act to regulate the inspection of staves 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 pleas and quarter sessions of the county of New-Hanover, at its session holden after the first day of January next, and thereafter as often as vacancies may occur, shall appoint at least two white persons to act as inspectors of staves in the town of Wilmington.

II. *And be it further enacted,* That from and after the second Monday in February next it shall not be lawful for any free negro, mulatto or any slave to act as inspector of staves, and any person who shall in violation of this act, employ any such free negro, mulatto or slave as an inspector of staves, shall for each and every offence forfeit and pay the sum of one hundred dollars, to the use of the informer prosecuting for the same, to be recovered before any court having jurisdiction thereof.

III. *And be it further enacted,* That all staves and heading heretofore inspected, shall be culled and the refuse separated from the merchantable, except there be an agreement between the purchaser and seller, that the same shall not be done.

IV. *And be it further enacted,* That the inspector who shall cull and separate staves agreeably to the directions of this act shall be entitled to

demand and receive the sum of three cents for every hundred staves so culled and separated in addition to the fees now established by law, one half thereof to be paid by the purchaser the other by the seller.

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

CHAPTER XLVIII.

An Act to appoint commissioners for the town of Waynesborough in Wayne County.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Probate Collier, Sampson Lane. John M'Kinnie, Phillip Hooks, Claudius Hamilton, Richard Washington and Joseph Armstrong, be, and they are hereby appointed commissioners for the town of Waynesborough, with full and ample power and authority to make such bye laws, rules and regulations as they may deem proper and expedient for the government of said town, not inconsistent with the laws of this State.

II. *And be it further enacted*, That the commissioners herein appointed be, and they are hereby constituted a body politic and corporate, for the purposes herein mentioned, and said commissioners and their successors shall have authority to fill all vacancies that may at any time happen in their board.

CHAPTER XLIX.

An Act concerning the Fayetteville Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the trustees of the Fayetteville Academy, be, and they are hereby authorised and permitted to raise by lottery or lotteries, the sum of ten thousand dollars, for the use and benefit of the Academy aforesaid: *Provided*, that the same trustees, previous to the sale of any ticket, shall file with the Governor of the State, a bond for twenty thousand dollars, conditioned for the correct and faithful conduct of the trustees in the management of said lottery or lotteries; which bond shall be payable to the Governor and his successors, may be put in suit by any person or persons aggrieved, and shall not be void on the first recovery.

CHAP. L.

An Act to re-enact and amend an Act passed in the year one thousand eight hundred and thirteen, entitled an "Act to incorporate a company to be called the Clubfoot and Harlowe's Creek Company."

Whereas a company was heretofore created for cutting a canal between Clubfoot & Harlowe's Creek, all the shares of which company by purchase or otherwise became the property of William M'Clure, formerly of Craven County, deceased, and whereas notwithstanding large sums of money expended on the said canal by the said William M'Clure, the same at his death remained unfinished, and the interest therein descended unto his only daughter, lately the wife of William Gaston; and whereas by her death the interest in said property accrued unto the said William Gaston, as tenant by the courtesy for term of his life, remainder to her infant children Alexander Gaston, Susan Jane Gaston and Hannah Margaret Gaston; and whereas by an act passed in the year one thousand eight

hundred and thirteen, entitled " an act to incorporate a company to be called the Clubfoot and Harlowe's creek canal company." a charter of incorporation was granted unto certain persons, who should become subscribers upon the terms and in the manner set forth in said act, which charter was to expire and the rights of those claiming under William M'Clure to revive, if the canal was not completed within five years from the passage of said act: and whereas the said canal is not completed and it is a matter of public concern and interest that some effectual method should be taken to complete the same

I. *Be it therefore enacted by the General Assemby of the State of North Carolina, and it is hereby enacted by the authority of the same.* That it shall & may be lawful, and it is hereby declared to be the duty of the Court of Equity for the County of Craven, to cause to be examined by the master of said Court, or by such other person as it may appoint for that purpose, whether the provisions of this act do suffic ently provide for the interests of the before named infants and if it should be so reported, and such report obtain the sanction of said Court then the said Court shall proceed to appoint some proper person who in the name of the said infants shall convey all and singular their estate and interest in said canal and its appurtenances unto the commissioners herein after named, unto the uses, trusts and purposes and upon the conditions and limitations in this act declared. And such conveyance when made, and a conveyance from the aforesaid William Gaston, of his right and interest unto the said commissioners, to the like uses, trusts and purposes, and upon the like conditions and limitations, shall be proved, acknowledged and recorded in the register's office of the county of Craven.

II. *And be it further enacted*, That Jechonias Pigott, James Manney, James W. Davis, Isaac Hellen and W. R. Bell, be, and they are hereby appointed commissioners to receive subscriptions for stock in the Clubfoot and Harlowe's creek canal company; that the said commissioners or a majority shall determine for what number of shares the books shall be opened. *Provided*, that such number shall not be less than one hundred and thirty two shares of one hundred dollars each; that the said commissioners or a majority of them shall cause the books to be opened for receiving subscriptions at Beaufort on the second Monday of March next, and shall keep the same there open thirty days, that they shall also cause books to be opened at Newbern on the third Monday of April next, under the direction of themselves or of agents by them appointed: and also at Raleigh on the fifteenth day of May next, under the direction of themselves or of agents by them appointed: that the said William Gaston in behalf of himself and the said infants be authorized, before any other subscription can be received to subscribe for one fourth of the whole number of shares for which said books are to be opened, for the which shares subscribed neither he, nor they shall pay, nor be required to pay, at any time any price, the same being deemed an equivalent in lieu of the interests by him and them respectively surrendered in and to said canal and its appurtenances: that for the other shares subscribed each subscriber shall pay down at the time of subscription twenty dollars in each share, and shall subscribe a written engagement to pay eighty dollars in each share subscribed to such person at such time and in such proportion as the directors of the Club-

foot and Harlowe's creek canal company shall prescribe. That if the whole number of shares for which the books are opened shall be subscribed at Beaufort, then no subscriptions shall be received at Newbern; and if the whole number of shares be subscribed at Beaufort and at Newbern, then no subscriptions shall be received at Raleigh. That as soon as the whole number of shares shall have been subscribed or three fourths thereof the said commissioners or a majority of them shall call a meeting of the subscribers which shall be advertised at least one month in some of the public papers; and unless three fourths of the shares shall be subscribed for, on or before the twenty fifth of November next, all subscriptions made shall be void and the monies paid shall be refunded to the subscribers. And in case three fourths, but less than the whole number of shares shall be subscribed for, the president and directors are hereby authorized to receive subscriptions at any place where the same may be offered, (all subscriptions being for whole shares) until the whole amount be completed.

III. *And be it further enacted*, That whenever three fourths of the stock shall be subscribed as aforesaid and the conveyances required by the first section of this act shall be executed and a meeting shall be had as herein before prescribed, thenceforth the said William Gaston and his assigns for term of his life, and afterwards the said Alexander Gaston, Susan Jane Gaston and Hannah Margaret Gaston, their heirs and assigns, together with the subscribers of the remaining shares aforesaid their heirs and assigns, shall be and the same are hereby incorporated into a company to be called the Clubfoot and Harlowe's creek canal company; and the said company shall have and enjoy every title, interest, right and privilege, shall be subjected to the same obligations, duties and limitations, shall be governed by the same rules, ordinances and regulations; each proprietor shall be vested with the same rights and the officers of the company shall have the same authority in all respects as is enacted and provided by the 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th and 17th sections of an act passed in the year one thousand eight hundred and thirteen entitled an "act to incorporate a company to be called the Clubfoot and Harlowe's creek canal company," and the said sections of the act aforesaid, are herein and hereby re-enacted in regard to the company created by this act, with the following exceptions only, that is to say, that the annual meeting of the said company shall be on the second day of the fall term of Carteret Superior Court; and that whenever in the said act the provisions of the 13th section are referred to the provisions of the 14th section thereof shall be understood to be thereby meant and intended.

IV. *And be it further enacted*, That the treasurer of the State be and he is hereby authorised to subscribe for twenty five shares in the stock of the said company in behalf of the State on the same terms with the subscribers other than those who receive shares as an equivalent for interests surrendered.

CHAPTER LI.

An Act to incorporate a company to improve, clear out and render navigable Tranter's Creek from its source to its junction with Ford Swamp.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert Lanier,

William Clach. Rotheas Latham, Silas Bennett and John Myers and their associates and successors, be and they are hereby constituted and made a body politic and corporate, under the name and style of the Tranter's creek navigation company. And by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, before any court whatever, and may acquire, hold and transfer any property necessary for the purposes of its institution.

II. *And be it further enacted*, That the capital stock of said company shall be limitted to ten thousand dollars to be devided into four hundred shares of twenty five dollars each share. and that the said Robert Lanier, William Clach, Rotheas Latham, Silas Bennett and John Myers, be, and they are hereby required to cause books of subscription to be opened at such times and places, and under the direction of such persons as they may appoint for that purpose to receive subscriptions to the capital stock aforesaid, five dollars on each share to be paid at the time of subscribing, and the remainder in instalments of five dollars each at such times and places as the said incorporated company by any of their agents may require, giving one months public notice of the time and place required for the payment of each instalment; and if any subscriber shall fail to make payment of any instalment, as required, he. she or they shall forfeit their shares held in said company, and the same may be sold for the benefit of the said company.

III. *Be it further enacted*, That as soon as two hundred shares shall be subscribed towards the capital stock of the said company, the commissioners before named are required to call a meeting of the subscribers at some convenient place in the county of Beaufort, of which one months public notice shall be given, at which meeting twelve directors shall be elected by ballot for the management of the concerns of said company, each stockholder being entitled to one vote for each share to be held by him or her, which directors so elected shall choose from their own body a President, Secretary and Treasurer, whose respective terms of office shall expire immediately after the next election for Directors.

The Directors of said company shall be elected annually, and their offices until a new election shall take place, and if by any accident an election of directors should not take place at the time required by this act, the company shall not for that reason be dissolved, but the president shall call a meeting of the stockholders, as soon thereafter as may be for the purpose of electing directors.

The president and directors shall have power to make from time to time all bye-laws and regulations necessary and proper for the government and management of said company, not inconsistent with the laws and constitution of the State, or of the United States.

IV. *Be it further enacted*, That the aforesaid company shall have power to clear out, deepen and render navigable the waters of Tranter's creek as aforesaid from its source to the junction of said creek with ford swamp, and to erect and keep up such dams, locks, reservoirs and other works as may be necessary for that purpose, and are hereby authorized to charge such tolls on all merchandize or produce which shall pass any dam or lock by them erected, as shall yield a clear and nett annual profit of not exceeding fifteen per cent. on the amount expended in making said creek

navigable, and in order to ascertain the said amount and to determine the tolls, the president and directors of said company shall cause accurate books of account to be kept of all their receipts and expenditures, and shall make an accurate report and statement of the same every six months to the county court of Beaufort, which court, or any three justices composing the same on giving sufficient notice to all parties interested and in open court, shall have power to regulate the tolls charged by said company so as to confine the nett profits of said company to the limits aforesaid. One months public notice shall be given by the said company of the tolls intended by them to be charged and of any addition or augmentation in the same, and correct tables of the said tolls shall be affixed and kept up at each lock or dam erected on said creek.

The decisions of the county court as aforesaid on all matters herein referred to it, shall be subject to appeal and writ of error as in other cases.

V *Be it further enacted*, That dividends of the profits of said company shall be made to the stockholders in proportion to the number of shares respectively held by each, every six months.

CHAPTER LII.

An Act to incorporate the Edenton and Plymouth Steam Boat company.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph B. Skinner and the other persons who are now associated together under the name of the Edenton Steam Boat Company, and their assigns be, and they are hereby incorporated into a body politic and corporate, under the name and style of the Edenton and Plymouth Steam Boat Company, and shall so continue for twenty years from the ratification of this act, and by that name may sue and be sued, have perpetual succession, and a common seal. That the stock of the said company shall consist of two hundred shares, of one hundred dollars each, and that not less than a whole share shall be alienable. That the stockholdars shall annually on the second Monday of January at a general meeting to be held at Edenton, elect a president and four directors for managing the business and concerns of the said company, and in case it shall happen in any year that an election of president and directors should not be made on the day appointed by this act, the said corporation shall not for that reason be deemed to be dissolved, but the president and directors last elected shall continue in office until an election shall be made. And until the first election which shall be made by the stockholders under this act, the persons now acting as president and directors of the said associaton shall be the president and directors of the company hereby incorporated. In case of the death, resignation, refusal to act, or removal from the State, of the president or a director, his place shall be filled by a new choice, by a majority of the directors. If any stockholder shall refuse or neglect to pay the balance that may be due on his share or shares at such time and in such proportions as the president and directors shall require, after notice in some public paper for one month, the said president and directors, or a majority of them may sell at auction and transfer to the purchaser the share, or shares of such stockholders so refusing or neglecting payment, giving

at least ten days notice of such sale in one or more public papers; and after retaining the sum due and charges of sale out of the money produced thereby, shall pay the overplus, if any, to former owner. and if the said sale shall not produce the full sum due and ordered to be paid as aforesaid with incidental charges, the said president and directors or a majority of them may sue for, in the name of the company, and recover the balance before any jurisdiction having cognizance thereof, and the said purchaser or purchasers, shall be subject to the same rules and regulations, as if the sale and coveyance had been made by the original proprietor.

II. *Be it further enacted*, That the said company shall have power and authority to purchase or build, and to navigate one or more boats or vessels propelled by steam, and to transport passengers and commodities therein, and to tow boats and vessels to and from Edenton and Plymouth and such other places as the president and directors may think proper; and the said president and directors shall have power to appoint a treasurer, clerk and such other officers, managers and servants, as they shall judge requisite, to agree for, and settle their respective wages, to call a general meeting of stockholders, to assess by their agents and servants, to demand and receive passage money and freight for persons and commodities carried in their steam boats, and compensation for boats or vessels towed, and for other services rendered by their steam boats; to make rules and regulations from time to time for the transfer of the stock of said corporation, to make divdidends of the profits of said stock, when they shall think fit, and to make and establish rules of proceedings, and to transact other business and concerns of said company in and during the intervals between the general meetings of the same. The treasurer and other officers shall give bond in such penalty and with such security as the president and directors or a majority of them shall direct for the true and faithful discharge of the trust reposed in them; at all general meetings, every member shall be allowed one vote for every share, and any stockholder by writing executed before a subscribing witness, and proved or acknowledged before a justice of the peace or notary public, may depute another stockholder to act as proxy for him or her at any general meeting, and the presence and acts of such proxy, shall be as effectual to all intents and purposes as the presence and acts of the principal.

III. *Be it further enacted*, That the said company at any time during the continuance of this charter may increase their capital stock by opening books of subscription for an additional sum of twenty thousand dollars, that the said books shall be opened at such times and places, and on such terms as the president and directors shall appoint, and the new subscribers shall be subject to the same rules, regulations and restrictions as are herein provided for the present stockholders.

IV. *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature at any time hereafter from enacting such laws to regulate the running of steam boats, as may be deemed necessary for the protection of the fisheries.

V. *Be it further enacted*, That when any steam boat belonging to this company shall be employed in the conveyance of passengers, horses or carriages of any description from any place where a ferry is now establish-

ed, the county courts in their respective counties, shall have the power of regulating the rate of passage money and compensation to be charged by the said company at each ferry from which the said boat shall run, *Provided*, that the rates of passage money, and compensation for the conveyance of carriages and horses, shall not be lower than the rates already established at such ferries respectively.

VI. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

CHAPTER LIII.

An Act to amend an act passed in the year one thousand eight hundred and sixteen, entitled an act for opening a communication between the Yadkin and Cape Fear Rivers.

Be 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 Winslow, Charles Chalmus, George T. Hearsay and George McNeil, be, and they are hereby appointed commissioners for receiving subscriptions to the amount and for the purposes mentioned in the above recited act; and the said commissioners or a majority of them shall prepare books, and cause the same to be opened at such time or times, at such places and under the direction of such persons as they may appoint, and keep the said books open for the space of sixty days; at the end of which time the said books shall be returned to the said commissioners in the town of Fayetteville, and a general meeting of the subscribers shall be then had in the said town, and if it shall appear that one thousand shares or more of the capital sum authorised by the above recited act have been subscribed, the said subscribers, their heirs and assigns, shall from the time of the said first meeting, be, and they are hereby declared to be incorporated into a company, by and under the name of the Lumber River Canal Company, and such of the said subscribers as shall be present at the said meeting or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the company's business and concerns, for and during the term of one year, and thence until the next general meeting of the stockholders.

II. *Be it further enacted*, That the above recited act passed in the year one thousand eight hundred and sixteen, entitled an act for opening a communication between the Yadkin and Cape Fear rivers, be, and the same is hereby declared to be revived and to be in force, except as the same is amended by this act.

CHAPTER LIV.

An Act to confirm an act passed by the General Assembly of the commonwealth of Virginia, entitled 'An Act authorising the Dismal Swamp Canal Company, to open a navigable communication between the canal and the nearest navigable part of the North West river and for other purposes

WHEREAS at the last session of the General Assembly of the Commonwealth of Virginia, an Act was passed, entitled "an act authorizing the Dismal Swamp Canal Company to open a navigable communication between the canal and the nearest navigable part of the North West River and for other purposes." Which is in the following words, to wit:

Whereas it is represented to the General Assembly, that the interests of a large portion of this State and the State of North-Carolina would be greatly promoted by cutting a canal to connect North West River with

the Dismal Swamp Canal. or by clearing out the said river from its junction with the canal to the highest navigable point; and moreover that the commerce of the Dismal Swamp Canal arising from its present sources, together with the probable increase of trade from the improvements contemplated, make it necessary that the President and Directors of the said company should have the privilege of constructing other outlets, and forming basins and reservoirs to contain water for the supply of locks and accommodation of boats.

I. *Be it therefore enacted*, That it shall and may be lawful for the President, Directors and company of the Dismal Swamp Canal to clear out and render navigable the north west river from its junction with their canal to any navigable point of said river, which may by them be deemed expedient and best calculated to confer the benefits of good navigation; or to cut a canal connecting the Dismal Swamp canal with the north west river, at any point which may be selected by them; and for these purposes full power and authority is hereby granted to acquire and possess by grant, purchase or condemnation, under a writ of adquod dammum, the land through which the said canal is intended to pass; and that on application to any two Justices of the Peace of the county in which such land shall lie, the said justices shall issue their warrant under their hands and seals, to the sheriff of their county, to summon a jury of eighteen inhabitants, of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the lands to be valued on a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff on receiving said warrant shall forthwith summon the said jury; and when met provided that not less than twelve appear, shall administer an oath or affirmation to every juryman present "that he will fairly, justly and impartially value the land required to be condemned, and all damages the owner thereof may sustain, by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person through favour or affection, nor any person grieve, through malice, hatred or ill will."

And the inquisition taken thereon shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff, to the clerk of his county, to be by him recorded, and, on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said President, Directors and Company, to the owner of the land or his legal representative or representatives; and on payment thereof, the said company shall be seized in fee of such land, as if conveyed by the owner to them and their successors by legal conveyance.

II. *Be it further enacted*, That for and in consideration of the expences the said Dismal Swamp Canal company may incur, not only in the cutting the said Canal, or clearing out the said river, erecting locks and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks causeways and other works with all their profits, shall be and the same are hereby vested in the said company on the same terms and conditions on which they

hold the Dismal Swamp Canal and its works; and it shall and may be lawful for the President, Directors and Company of the Dismal Swamp Canal to demand and receive on some place on the Canal hereby authorised to be cut, or in the Dismal Swamp Canal (of which this work is intended to form a part) for all commodities transported through this new Canal, or over causeways thereof, tolls after the rate of one third of the amount paid upon the transportation of the like commodities through the Main or Dismal Swamp Canal.

III. *Be it further enacted*, That for the purpose of improving the navigation of the canal, and rendering it of greater public utility it shall be lawful for the President and Directors of the Dismal Swamp Canal, and they are hereby authorised to construct additional outlets, and to form basins and reservoirs for the supply of the locks and accommodation of boats navigating the canal, at any point or place thereof which may be selected for that purpose; and that they have power to acquire and hold for the use of the Company, such quantity of land as may be found to be necessary for these objects, under the same restrictions and upon the same terms and conditions as are enacted for the acquisition of land, in the first section of this act.

IV. *Be it further enacted*, That the Dismal Swamp Canal Company, in their corporate capacity, shall be and are hereby empowered to prescribe the number, the places and manner of constructing bridges that are to cross their canal, to restrain persons from depositing timber and lumber upon the roads of the canal to the obstruction of travellers and injury of the embankments thereof, and to make such other regulations and bye-laws as shall be found necessary to prevent or correct abuses, and preserve peace and good order amongst those who pass on this public highway.

V. *And be it further enacted*, That in case the President, Directors and Company of the Dismal Swamp canal shall not, at its next general meeting after the passage and confirmation of this law, declare its intention to open and improve the navigation of the North West river, or to cut a canal connecting those waters with the waters of the Dismal Swamp canal, or shall fail within two years thereafter to commence the same in the manner provided for by this act, it shall and may be lawful for either of these purposes, to open books of subscription in the borough of Norfolk under the superintendance of Swepson Whitehead, William C. Holt, Robert B. Taylor, William Cammack, Butler Maury, Miles King and Richard Blow, to raise any sum of money that may be deemed requisite, not exceeding fifty thousand dollars, in shares of one hundred dollars each; and when the subscription shall be completed, there shall be a general meeting of the subscribers on such day and at such place as a majority of the said subscribers shall appoint, notice of which meeting having been given for three weeks in some newspaper printed in Norfolk. If a majority of the shares subscribed for, be represented at this general meeting, the Company shall thenceforth be incorporated and styled "The North-West River Company," and shall then and annually thereafter, (there being at such subsequent meetings a majority of the shares represented,) proceed to the choice of a President and four Directors, and such officers, agents and servants as may be deemed necessary, for commencing, prosecuting and conducting said work.

VI. *And be it further enacted*, That the subscriptions to this Company shall be made payable at such periods and in such proportions as the President and Directors, or a majority of them, shall direct.

And in case of the failure of any subscriber or subscribers to comply with the orders or requisitions of the said President and Directors in this respect, the share or shares of him or them so failing, may be sold at public auction for ready money, after publishing for ten days notice of the time and place of sale of such share or shares in some newspaper of the borough of Norfolk, and a transfer thereof in fee simple, made to the purchaser or purchasers. And if after the sale of such share or shares, there shall still remain a balance due thereon, the same may be recovered with costs (upon ten days previous notice) of the subscriber or subscribers of such share or shares, his or their executors or administrators.

VII. *Be it further enacted*, That it shall and may be lawful for the North-West River Company to demand and receive for the transportation of any article through its canal one third of the price which the Dismal Swamp Company might lawfully charge for the transportation through it of the like article.

VIII. *And be it further enacted*, That the condemnation of land necessary for the purposes of this Company, the transfer of shares, the appointment of Directors, officers, agents and servants and all necessary other acts and things to be done for the government of the Company shall be after the manner and upon the principles of the charter of the Dismal Swamp Canal Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the aforesaid act and every part thereof be confirmed, and the same shall constitute and form part of the charter of the Dismal Swamp Canal Company.

Be it further enacted, That His Excellency the Governor be and he is hereby requested to transmit to His Excellency the Governor of Virginia a copy of this Act.

CHAPTER LV.

An Act to amend an Act passed in one thousand eight hundred and seventeen, entitled "An Act to lay off a road from the town of Fayetteville to Morganton in Burke County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act the several overseers of the said Fayetteville Road in the counties of Cumberland, Montgomery and Burke, shall be and they are hereby authorised and empowered to call out the hands on each side of said road to the distance of five miles for the purpose of opening and clearing out said road, and that after the said road may be completely opened, that the said overseers shall not be authorised to call the hands to work on said road further than two miles on each side thereof.

II. *And be it further enacted*, That the overseers in the counties of Moore, Cabarrus, Mecklenburg and Lincoln are hereby authorised to call on the hands within three miles of said road from Fayetteville to Morganton for the purposes of opening and keeping up the said road.

III. *And be it further enacted by the authority aforesaid*, That whenever any person may think themselves injured by the road passing through their land, that it shall be lawful for the County Courts of each county, through which said road passes upon application to them made by the per-

sons so injured, to order a Justice of the Peace and three freeholders, living contiguous to the person so injured and unconnected with said person, so to assess the damages by them sustained, whose duty it shall be to return such assessment to the next County Court, who shall order the same to be paid out of any monies belonging to said county, not otherwise appropriated.

IV. *And be it further enacted by the authority aforesaid*, That whenever it shall happen that it may be necessary to erect a bridge across any creek or water course which may be the dividing line between any two counties aforesaid, that it shall be the duty of each county to cause said bridge to be erected sharing equally the expenditure thereof, any law to he contrary notwithstanding.

CHAPTER. LVI.

An Act concerning the Navigation of Broad 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 George Walton, Joseph M. Carson, Noble Hamilton, John Moore, (of White Oak) and Hugh Quinn, or a majority of them he, and they are hereby appointed commissioners for receiving subscriptions to the amount of twenty thousand dollars, for the purpose of improving the Navigation of Broad river, and of the several rivers and creeks which run into the same: and the said commissioners or a majority of them shall prepare books, and cause the same to be opened at such places, and under the direction of such persons as they may appoint; and the said books shall be opened on or before the first day of April next, and continue open until the first Monday of July next; at which time the said books shall be returned to the said commissioners in the town of Rutherfordton, and at the same time there shall be a general meeting of the subscribers in the said town either personally, or by proxy, and such meeting may be continued from day to day, until the business be finished: and if it shall appear that one hundred shares have been subscribed, the said subscribers, their heirs and assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name of "the Broad River Navigation Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, have perpetual succession, and a common seal; and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors for conducting the said undertaking, and managing all the company's business and concerns, for, and during the term of one year, and thence until the next general meeting of the stockholders; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share as far as five shares, and one vote for every three shares above five shares, by him or her held at the time in the said company; and any proprietor by writing under his, or her hand, executed before a subscribing witness, and acknowledged or proved before a justice of the peace, may depute any member to act as proxy for him or her, at any general meeting or meetings, and the presence and acts of such proxy shall be as effectual to all intents and purposes, as the presece or acts of his or her principal could, or might be.

II. *Be it further enacted*, That the capital stock of the said company shall be divided into shares of twenty five dollars each; and if one hundred shares shall not have been subscribed at, or before the said first general meeting of the stockholders, the said commissioners shall again open books for receiving further subscriptions at such time or times, at such places and under the direction of such persons as they may appoint. And when the said number of one hundred shares shall be subscribed, the stockholders in general meeting shall proceed to elect the president and directors of the company as aforesaid; and if more than two hundred shares shall be subscribed, the said commissioners shall strike off from the said subscriptions, until the number be reduced to two hundred, and in striking off, the said commissioners shall proceed in the manner prescribed in the first section of an act passed in the year on thousand and twelve, entitled "an act for improving the navigation of Roanoke river, from the town of Halifax, to the place where the Virginia line intersects the same."

III. *And be it further enacted*, That the capital stock of the company may be enlarged from time to time, at the discretion of the stockholders, or a majority of them in general meeting, should the said capital stock be insufficient to complete the navigation contemplated by this act.

IV. *Be it further enacted*, That the president and directors and their successors, or a majority of them assembled, shall have power and authority to open and improve the navigation of Broad Road, and of all the rivers and creeks which run into the same, by canals, locks, sluices and otherwise; and for that purpose to agree with, or employ one or more persons, upon such terms as they shall think fit; and out of the said capital and money arising from tolls, pay for making and repairing all works necessary for the said navigation, and also to appoint a treasurer, not one of their own body, but yet a proprietor, clerks, toll gatherers and such officers, managers and servants, as they shall think requisite, and also to agree for their wages, settle and pass their accounts, and at their pleasure remove all or any of them, and appoint others in their place; also to establish rules of proceedings, and generally to transact all the business of the company, in the intervals between the meetings of the same; and any general meeting of the proprietors, may allow the president and directors, such sum of money as the said general meeting may judge a reasonable compensation for their trouble: *Provided always*, That the treasurer shall give bond and security as the president and directors or a majority of them shall direct, for the true and faithful discharge of the trust reposed in him; and no officer of the company shall have a vote in the settlement or passing of his own accounts.

V. *Be it further enacted*, That the annual meetings of the stockholders of the company, shall be held in Rutherford, or at such other place as the stockholders in general meeting shall order and appoint; and all the rights, privileges and franchises granted "to the Yadkin Navigation Company," by an act passed in the year one thousand eight hundred and sixteen, entitled "an act concerning the navigation of the Yadkin river," and by the several sections of the act therein referred to, and mentioned, are hereby granted to "the Broad river navigation company," and shall constitute and form part of the charter of the said company, as applied to Broad river, and the several rivers and creeks which run into the same.

VI. *Be it further enacted*, That the rights, privileges and franchises of "the broad river navigation company," shall extend from the sources of the broad river, to the line of South Carolina; and from the sources to their mouths, or to the line of South Carolina, of all the rivers and creeks running into broad river.

VII. And whereas by improving the navigation of broad river and of the several rivers and creeks running into the same, the said company will become entitled to tolls at different places, but of unequal amount. *Be it further enacted*, That the president and directors shall have power to regulate and determine the tolls which shall be paid, and from time to time, alter the said tolls: *Provided*, that the tolls shall be so fixed that the profits arising therefrom shall not in any one year exceed fifteen per centum, upon the capital stock actually expended for the purposes of the said navigation after payment of the sums allowed annually to the officers of the said company, expences incured for repairs and other incidental charges, and the said tolls shall be so regulated, as to do equal and impartial justice, as nearly as may be, to all persons transporting commodities along the said navigation. The general assembly may from time to time, call upon the president and directors of the company for an account of the monies actually paid for the purposes of the said navigation, and of the amount of tolls received, which account shall be rendered upon oath.

And whereas shares may be sold by the president and directors for balances due thereon. *Be it further enacted*, That the books of the company shall be good evidence of such sale, and of the purchase of such shares.

VIII. *Be it further enacted*, That a period of ten years is hereby allowed to the said company to complete the navigation contemplated by this act, and if the said navigation shall not be completed within the term of ten years from and after the first day of July next, all preference given to the said company shall cease and determine as to the stream or streams, not made navigable, as by this act directed.

IX. *And be it further enacted*, That the said company shall have the exclusive right to navigate said river, for the term of twenty five years and no longer.

CHAPTER LVII.

An Act to authorise and empower James Seawell, and his associates to build a bridge across the Cape Fear river near Fayetteville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Seawell and his associates are hereby fully authorised and empowered to build and erect a bridge across the Cape Fear River at or within two miles of the boat landing in Campbleton opposite the town of Fayetteville, & they are hereby vested with full power and authority to erect a gate or gates across said bridge, and exact, ask and receive toll or tolls for passing the same according to the rates herein after specified, and in the event of any person refusing to pay such toll or tolls to recover the same in the name of James Seawell, or his legal representatives before any jurisdiction having cognizance thereof.

II. *And be it further enacted*, That the said James Seawell and those with whom he may be associated or may any time after become interested

in any share or shares in the said Bridge, are hereby bound to keep the same in good and sufficient repair under the penalty prescribed by law in cases of roads and bridges.

III. *And be it further enacted*, That said James Seawell and his associates shall have power to make from time to time all necessary rules and regulations for the well management of the concerns of said bridge as may by them be deemed advisable.

IV. *And be it further enacted*, That the toll or tolls asked and received for crossing said bridge, shall not exceed the following rates ;—for a four wheel pleasure carriage, seventy five cents, for a two wheel pleasure carriage twenty five cents, for a waggon sixty cents, for a cart twenty five cents, for a man and horse ten cents, a single horse five cents, foot passengers five cents, for horned cattle three cents each head, hogs and sheep two and one half cents each head.

CHAPTER LVIII.

An Act to authorise Joseph Nelson and others to build a bridge across Dawson's creek in the county of Craven.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph Nelson, William J. Sparrow and others, their associates, be and they are hereby authorised to build a public free bridge across Dawson's creek in the county of Craven : *Provided*, That the same shall be so constructed with a draw or otherwise, as to permit the passage of river boats up and down the said creek.

CHAPTER LIX.

An Act securing to James Seawell and his associates, the right of navigating the waters of the Cape Fear river, between the towns of Fayetteville and Wilmington.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That James Seawell and his associates, shall and they are hereby vested with the sole and exclusive right and privilege of using, employing and navigating all and every species or kind of boats propelled by the force of steam on the waters of the Cape Fear river between the towns of Fayetteville and Wilmington for and during the full term of seven years from and after the passing of this act.

Provided always, And on condition that the said James Seawell and his associates shall keep, use and employ one or more boats, propelled by the force of steam, in navigating the waters of said Cape Fear river, between the towns of Fayetteville and Wilmington, during said term of seven years ; and provided also that the said James Seawell and his associates shall charge a rate of freight for the transportation of goods, wares and merchandize on board all such boats as they may use for that purpose, ten per cent. less than the rates of freight now established for such transportation.

II. *And be it further enacted*, That whenever the said James Seawell or his associates shall violate either of the provisions contained in the foregoing clause, all the rights and privileges hereby granted shall cease and end.

III. *And be it further enacted*, That no person or persons without

the licence of the said James Seawell and his associates shall set in operation or navigate on the waters of Cape Fear river, between the towns of Fayetteville and Wilmington, any boat or vessel propelled by the force of steam; and any person or persons who shall navigate with a boat or boats propelled by the force of steam on the Cape Fear River, between the towns of Wilmington and Fayetteville, shall forfeit such boat or boats the said James Seawell and his associates.

IV. *And be it further enacted*, That the said James Seawell and his legal representatives, shall have full power and authority in law and equity to sue for and recover, in his or their name, any boat or boats which shall or may be navigated on said river contrary to the provisions of this act in the same manner as if the same had been wrongfully and tortiously taken from his or their possession.

CHAP. LX.

An Act to establish rates of toll for "the Yadkin Toll Bridge Company."

BE 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 passage of persons, carriages, horses, cattle, hogs and sheep across the bridge erected across the Yadkin river in Rowan county, by the Yadkin toll bridge company, it shall be lawful for the said company to ask, demand and receive the following tolls (towit,) for a four wheel carriage with four horses, one hundred cents, a loaded waggon and team, seventy five cents, a four wheel carriage with two horses, seventy five cents, a loaded waggon with two horses, fifty cents, an empty waggon and four horses, fifty cents, an empty waggon with two horses, forty cents, a chair and horse, thirty cents, a man and horse, six and one quarter cents, a foot passenger, five cents, cattle per head, six cents, sheep and hogs per head, two cents.

II. *And be it further enacted*, That no higher tolls than those allowed by this act, shall be asked or received by the said company.

CHAPTER LXI.

An Act to empower the County Court of Montgomery to contract for free ferries on public days.

Be 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 pleas and quarter sessions for the county of Montgomery, shall at the first court that shall happen after the first day of January in each and every year, (nine being present,) contract with some persons to keep free ferries at the mouth of Uharra, at Thomas Kirk's ferry, John Christian's ferry and at the Allenton ferry, on all court days, muster days and election days for all persons of said county, having business at the court house on those days.

II. *Be it further enacted*, That the expence incurred by this act, shall be provided for and paid in the same manner that the expence of a free ferry at the mouth of Uharra has heretofore been paid, any law, usage or custom to the contrary notwithstanding.

CHAPTER LXII.

An Act authorising the cutting of a canal from the waters of Currituck sound to north river in Currituck county

BE it enacted by the General Assembly of the State of North Carolina,

and it is hereby enacted by the authority of the same, That Caleb Etheridge, Isaac Baxter, Mitchell Simmons, Samuel Ferebee and Dennis Dozier, Senr. be, and they are hereby authorised and appointed commissioners to lay off and superintend the cutting of a canal, beginning at the sound side, not more than two miles from Currituck Court House, from thence a straight course nearly west to the Indian bridge road, thence continued on to the north river as the aforesaid commissioners shall think proper.

II. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful, for the aforesaid commissioners to sue for, and receive all sums of money that are or may hereafter be subscribed for the purposes of cutting the said canal.

III. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners, and they are hereby authorised and empowered to cut the said canal through the lands of any person or persons whatever, where it shall be necessary to carry the same, any law, usage or custom to the contrary notwithstanding; *Provided nevertheless*, That the damages occasioned by cutting the said canal, through the lands of any person not being a subscriber, shall be assessed by a jury as the law directs and paid to the proprietors.

IV. *Be it further enacted by the authority aforesaid*, That the jury summoned to lay off the said canal, shall be authorised to lay off and value the damages for the width of forty five feet, for the aforesaid canal and road, which said forty five feet shall be vested in the aforesaid commissioners and subscribers, to them and their successors for the benefit of said canal and road.

V. *Be it further enacted by the authority aforesaid*, That it shall not be lawful for any person or persons whatever, to cut any ditch or canal, or lay any other obstruction adjoining or into the aforesaid canal, without the consent of the commissioners aforesaid or a majority of them, under the penalty of five hundred dollars, to be recovered by the said commissioners before any court of record having cognizance thereof and to be by them applied to the purpose of keeping in repair the aforesaid canal and road.

VI. *And be it further enacted by the authority aforesaid*, That the aforesaid commissioners or a majority of them shall and may appoint other commissioners to fill the vacancies that may happen by the death, removal or refusing to act, of any of the said commissioners; and the said commissioners are authorised to form such bye laws or rules as they may think fit, for the purpose of cutting said canal and making said road, as to the width and depth of the canal, so they are not contrary to the laws of this State.

CHAP. LXIII.

An Act authorising the heirs of Peter Mallett decd. to erect a bridge the across North East branch of Cape Fear river, at negro head point.

Be 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 heirs of Peter Mallett dec. and their assigns are hereby authorised and empowered to build a bridge across the north east branch of Cape Fear, at any point within one mile of negro head point, opposite the town of Wilmington and they are hereby authorised to erect a gate or gates across said bridge,

and exact. receive and recover such rates of toll as are hereafter stated.

II *Be it further enacted*, That the said heirs of the said Peter Mallett and their assigns are hereby bound to keep said bridge in good and sufficient repair under the penalties now prescribed by law.

III. *Be it further enacted*, That the following shall be the rates of toll for crossing said bridge, (viz.) for a four wheel pleasure carrige seventy five cents, for a two wheel pleasure carriage, thirty five cents, for a waggon and four horses, sixty cents, for a waggon and two horses, forty cents, for a cart and horse, thirty five cents, for a man and horse, twenty cents, for a single horse, ten cents, for every foot passenger, ten cents, for horned cattle, four cents, and for hogs and sheep, two cents each : *Provided*, That the said heirs of the said Peter Mallett and their assigns shall keep a draw in said bridge sufficient for vessels and masted boats to pass through.

CHAPTER LXIV.

An Act to amend an Act passed in the year 1815, to incorporate a company to make a turnpike road from Pungo river Hyde county, to the town of Plymouth in Washington.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Simmons J. Baker, Thomas Walker, Gabriel L. Stewart and Ezekiel H. Potter of the county of Martin and Washington, and Major John Clark, Samuel Clark Daniel Campbell and John Davis of the county of Hyde, be, and they are hereby declared a body politic and corporate, under the name of the Plymouth turnpike company, by which name they shall sue and be sued, plead and be impleaded ; they shall have perpetual succession and a common seal, they shall be authorised to open books and receive subscriptions ; they shall have the power to call the stockholders together at such time and place as they may think proper, and such stockholders or a majority of them, when called together, shall have power to make such bye-laws for the regulation of such company as they think proper ; also to appoint five directors for said company, who shall hold their office for one year.

II. *Be it further enacted*, That the said stockholders shall have the power of prescribing the rate of toll which shall be received on such road : *Provided*, that such toll does not exceed fifteen per cent on the stock subscribed by the said stockholders, which shall be ascertained by an annual return of the treasurer of said company made to the County Courts of Washington and Hyde.

III. *And be it further enacted by the authority of the same*, That the first and fourth sections of the above recited act, be and the same are hereby repealed and made void.

CHAPTER LXV.

An Act directing a road to be laid out and opened from the town of Leaksville in Rockingham county, by Rockford in Surry county, to the town of Wilkesborough.

Be 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 Bethell, Charles Banner, William P. Dobson and Meredith Thermond, be, and they are hereby appointed commissioners, and as such are authorised and empowered to survey and lay out and make a road along the most convenient route from the town of Leaksville in Rockingham county by

Rockford in Surry county, to the town of Wilkesborough, and to appoint overseers of the different parts of said road, to open and keep the same in repair, and such appointment shall be in writing signed by at least two of the said commissioners; and shall give to the respective overseers all the powers and authorities, subject them to the same liabilities and penalties and place them upon the same footing as other overseers of public roads; and all persons living within three miles of the said road so laid out and marked by the commissioners, who by law are not exempted from working on the public highways, shall be bound to assist in opening and keeping in repair the said road under the orders of their respective overseers, and such road shall be of the width and kept in the repair prescribed by law for public roads, and shall be held, deemed and taken to every intent, a public highway.

II. *Be it further enacted*, That the said commissioners or a majority of them shall file with the clerk of the court of pleas and quarter sessions for each county through which the said road shall be laid out, a chart of the said road, with a list of the overseers appointed in each county, and set forth the points between which each overseer shall be bound to work, and such list shall be deemed and taken upon all trials in the courts of justice and before a justice of the peace, good evidence of the appointment of such overseers as are named therein.

III. *Be it further enacted*, That the said commissioners or a majority of them, shall keep an account of the expences incurred by them in making the aforesaid surveys, and therein distinguish as near as may be, the expences incurred in each county through which the said road shall be laid out, and shall render said account to the courts of pleas and quarter sessions of each of the said counties, which courts are hereby authorised to order the county trustee to pay their respective portions of said expence including a reasonable compensation to the said commissioners for their trouble and loss of time.

CHAP. LXVI.

An Act to appoint commissioners to lay off, and mark a public road from Jonathan Wood's black smith shop in Wilkes county, to the town of Jefferson in Ashe 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 eight commissioners appointed to lay off, and mark a public road from Jonathan Wood's in the county of Wilkes, to Jefferson in the county of Ashe, (towit) John Fenly, William Calbert, James M'Neill and William Judd, of Wilkes county: and George Bower, Jacob Baker, Sie Poll and Absalom Bowers, of the county of Ashe, which commissioners or a majority of them shall take an oath to lay off, and mark the said road the best and most convenient way, and shall value and assess all damages on oath, that any person shall sustain by the said road, and the said commissioners shall make return of all such damages to their respective courts, and the said courts shall have power to lay a tax to pay such damages and the expence necessarily incurred.

II. *Be it further enacted*, That each county shall pay the damages that their respective citizens shall sustain by the said road; and the said commissioners or a majority of them, shall have power to designate and appoint the hands in their respective counties, to work and clear out the

said road, and the hands residing in the county of Ashe, shall not be compelled to work more than one mile in the county of Wilkes, and when the said road shall be finished for the safe passage of waggons, the hands residing in Ashe county shall not be compelled to work any further than to the Wilkes county line, any law, usage or custom to the contrary notwithstanding.

CHAPTER LXVII.

An Act to amend An Act entitled "An Act establishing two turnpike roads in the western part of this State."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the rate of toll shall be as follows, (viz.) on each and every five horse waggon and team the sum of one dollar twelve and a half cents, for every four horse waggon and team, the sum of one dolla , for every three horse waggon and team, seventy five cents, for every two horse waggon and team, fifty cents, for every cart with one horse, thirty seven and a half cents, for every four wheel carriage of pleasure, one dollar, and for every two wheel carriage of pleasure, seventy five cents.

Provided, That nothing in this act contained shall be so construed as to repeal the seventh section of an act passed in the year one thousand eight hundred and nine, relative to the said turnpike road.

CHAPTER LXVIII.

An Act to amend an Act passed the year one thousand eight hundred and sixteen, entitled "An Act concerning the navigation of Tar 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 James Hill, William Moore, John J. Inge, John D. Hawkins and Nathan Pattseron, be, and they are hereby appointed Commissioners for opening Books to receive subscriptions to the amount of seventy five thousand dollars, for improving the navigation of Tar River, and of the several Rivers and Creeks which run into the same; and the said Commissioners or a majority of them, shall prepare books for receiving the said subscriptions, and shall open the same, on or before the first day of April next, at such places, and under the direction of such persons as they shall designate for that purpose, which books shall remain open until the first Monday of June next, at which time the several persons under whose direction books shall be opened as aforesaid, shall return the same to the said Commissioners in the Town of Louisburg; and on the said first Monday of June next, there shall be a meeting of the subscribers in the Town of Louisburg, and such meeting may be continued from day to day until the business be finished, if it appears to the said Commissioners upon the return of the said books, that the sum of thirty thousand dollars has been subscribed; the said subscribers, their heirs and assigns, from the time of their first said meeting, shall be, and they are hereby declared to be incorporated into a Company, by and under the name of "The Tar River Navigation Company," and as such, may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal: and such of the said subscribers as shall be present at the

said meeting, or a majority of them, are hereby empowered and required to elect a President and five Directors for conducting the said undertaking, and managing the said Company's business and concerns, for and during the term of one year, and thence until the next general meeting of the stockholders: and in counting the votes at all general meetings of said Company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten shares, by him or her holden at the time, in the said Company; and any proprietor, by writing under his or her hand, executed before a subscribing witness, and acknowledged or proven before a Justice of the Peace, may depute any member to act as proxy for him or her, at any general meeting or meetings; and the presence and acts of such proxy, shall be as effectual to all intents & purposes, as the presence and acts of his or her principal could or might be.

II. *Be it further enacted*, That the act passed in the year one thousand eight hundred and sixteen, entitled "An act concerning the Navigation of Tar River," be, and the same is hereby revived and declared in force except so far as the same is altered by this act, and except so much of the said act as gives power and authority to said President and Directors to open and improve said river, or the water courses emptying into said river below Tarborough.

III. *And be it further enacted*, That books of subscription for stock in said capital, shall be opened in the Town of Tarborough, under the direction of Joseph Bell, Spencer D Cotten, and Lewis D. Wilson, which subscriptions shall be made, and the books thereof opened and returned in the same manner as is prescribed in the first section of this act.

CHAPTER LXIX.

An Act concernig the Turnpike Road in Buncombe County, now in possesion of James Kerkendale, David M'Carson and George B. Greer.

Be 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 Patton, William Britton, sen. Elijah Williamson, and Samuel King, sen. be, and the same are hereby appointed Commissioners for the purposes mentioned in this act; a majority of whom are hereby vested with full power and authority to appoint one other commissioner to act in conjunction with them; and the person by them so appointed is hereby declared to possess the same power and authority as those appointed by this act.

II. And it is hereby declared to be the duty of the said Commissioners or a majority of them, as soon as they can make it convenient, to view that part of the Turnpike Road, in Buncombe County, now in the possession of James Kerkendale, David M'Carson, and George B. Greer, which lies between William Murray's and Mud Creek Bridge; and after taking into view the labour and improvements done upon that part of the said Turnpike road, they shall determine the further length of time which the proprietors shall retain the profits arising from the said Turnpike, in addition to the time heretofore allowed by the law of 1809; and the same shall be decided for such length of time as a majority of the said five Commissioners may deem just and equitable; and they shall also report their decision as aforesaid to the county Court of Buncombe: and the clerk is hereby directed to enter the same on the records of his office, and the same thereafter shall be final and conclusive:

III. *Be it further enacted*, That the said Commissioners or a majority of them in making their decision relative to the extension of the Charter in favour of the proprietors of the said Turnpike Road, as above specified, shall take into view the whole of the said road from William Murray's to the South Carolina Line; and for and during the full term of such extension of the Charter, which may be granted by the said Commissioners, the said proprietors, their heirs and assigns, shall keep the whole of the said road in good repair, in the same manner, and under the same regulations and penalties, as have been heretofore prescribed by law.

IV. *And be it further enacted*, That each proprietor shall retain the same right, and be compelled to keep up the same parts of the said road as specified by the 3rd section of an act passed in the year 1813, entitled, "An act concerning the Turnpike Road of Buncombe county."

V. *And be it further enacted*, That the said proprietors shall have liberty to erect their gates on any part of the said road, which they amongst themselves may agree upon.

VI. *And be it further enacted*, That Samuel King and Elijah Williamson, be, and they are hereby appointed Commissioners for the purpose of viewing the said road, and they are hereby required to view the same as often as necessary, and make a report on oath, at least once in three months, and the said report shall state the condition and repair in which the said road is kept; and they shall cause the said report (so by them to be made every three months) to be recorded by the Clerk of the Court of Buncombe county, in open Court.

VII. *And be it further enacted*, That all acts heretofore passed, coming within the meaning and purview of this act, be, and they are hereby repealed.

CHAPTER LXX.

An Act to appint Commissioners to extend the Fayetteville Road from Morganton to to the line of Tennessee.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Isaac T. Avery, Charles McDowell and David Tate, be, and they are hereby appointed Commissioners, and as such, are authorised and empowered to survey, lay out & mark a road along the most convenient route from Morganton, in Burke county, to the line of Tennessee, near the Yellow Mountain. They shall also have power to appoint overseers of said road, which appointment shall be in writing, signed by at least two of the said Commissioners, and the same shall give to the respective overseers all the powers and authorities, subject them to the same liabilities and penalties, and place them upon the same footing as other overseers of public highways; and all persons living within five miles of the said road so laid out and marked by the Commissioners from Morganton to the top of the Blue Ridge, who by law are not exempted from working on the public highways, shall be bound to assist in opening and keeping in repair the said road, under the orders of their respective overseers; and such road shall be of the width prescribed by the said Commissioners, and shall be kept in the repair required by law for public roads, and shall be held, deemed and taken to every intent a public highway.

II. *Be it further enacted*, That the said Commissioners, a majority of whom are authorised to act, shall file with the Clerk of the Court of Pleas and Quarter Sessions, for Burke county, a Chart of the said road, with a list of the overseers; and in said Chart set forth the points between which each overseer shall be bound to work; and such list shall be deemed and taken upon all trials, in Courts of Justice, or before a Justice of the peace, good evidence of the appointment of such overseers as are named therein.

III. *Be it further enacted*, That the Court of Pleas and Quarter Sessions for Burke county, seven Justices at least being on the Bench, be and they are hereby authorised to order and direct all the expences incurred in making the aforesaid survey, including a reasonable compensation to the said Commissioners, to be paid out of the monies belonging to the county in the hands of the county Trustee.

CHAP. LXXI.

An Act to establish a Turnpike Road from Mattamuskeet Lake to the main public road on the East side of Pungo river, not more than one mile south of Wood-stock Creek in Hyde County.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books of subscription, under the direction of Thomas S. Singleton, Israel Wilkerson, and Major John Clark in said county, for the purpose of receiving subscriptions for one hundred shares of thirty dollars each; and said books shall be opened on or before the last Monday in May next, and kept open until the tenth day of September next, unless the said shares shall be sooner taken; and on the third Monday in September next, there shall be a meeting of the subscribers at the Court-House in Germanton in the county aforesaid, and if on examination, it shall appear that fifty shares, or more shall have been subscribed for, then and from thenceforth, the said subscribers and their assigns shall be, and they are hereby constituted a body politic and corporate, by the name and title of "the Pungo river Turnpike Company," for and during the term and end of ninety nine years thereafter, and shall be able and capable in law of contracting, sueing, and of being sued in any courts of law or equity in this State.

II. *And be it further enacted*, That at the first meeting of the said subscribers, and at every future meeting, they shall proceed to appoint a President and three Directors, by ballot; and every subscriber shall have one vote for every share he shall have subscribed, as far as ten shares, and one vote for every five shares thereafter, either by himself or proxy. And the President and Directors may appoint a Secretary and Treasurer, and prescribe their duties; and the Treasurer when so appointed as aforesaid, shall give bond and security to the said corporation, in the sum of three thousand dollars, for the faithful and honest discharge of his duty. And it shall be the duty of the President and Directors to carry into effect all such bye-laws, rules and regulations as the said corporation shall from time to time think proper to establish, not contrary to, nor inconsistent with this act, and the laws of this state, or those of the United States.

III. *And be it further enacted*, That, the said subscribers at their meetings as aforesaid, and at any subsequent meeting shall make and establish

all such rules, regulations and bye-laws, as to them shall appear right and necessary; and from time to time, amend, alter, or revoke, all such laws, rules and regulations as circumstances may require; and shall appoint the times of their future meeting.

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

V. *And be it further enacted*, That the road aforesaid shall begin on the main public road on Mattamuskeet lake, not more than three miles north of the Rose Bay Turnpike road, and then the most suitable course or courses to the main public road, on the east side of Pungo river so as to be not more than one mile south of Wood-Stock Creek Bridge, when the said Turnpike shall strike the said public road, and shall be deemed a public highway; and the said Company shall cause the said road to be well and sufficiently made, at least twenty feet wide with a ditch or ditches sufficiently large to drain and carry off the water so as to prevent its running over or standing on said road; and the work shall begin in one year, and be completed within six years from the passing of this act.

VI. *And be it further enacted*, That upon petition of the President and Directors of said company, praying that the lands of certain persons shall be condemned to their use, for the purpose of making said Turnpike road, such persons being made defendants to said petition and having notice by service of a copy thereof at least ten days before the court to which said petition is returnable, it shall be lawful for said court to order the sheriff to summon a jury to view the ground, which said President and Directors desire to have condemned, and said jury shall assess the damage which the owners of said lands be entitled to receive from the said President and Directors for the land condemned to their use, and the report of the jury being returned to the ensuing Court of Pleas and Quarter Sessions, and being by them approved, shall vest in said company all the right and title in said lands, of which the persons defendants to said petition were seized. Provided that such decree shall not vest such right until said President and Directors shall pay or satisfy the proprietors of the land condemned, the damages assessed to them respectively by the said jury.

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

VIII. *And be it further enacted*, That all the emoluments, profits, and advantages arising to the said company shall be paid in equal dividends to each stockholder, in proportion to his number of shares, at least once in twelve months; *And be it further enacted*, That the said corporation shall also after finishing, and completing the said road, continue to keep in good order and sufficient repair during the time they are entitled to collect the toll, and should the company fail or neglect so to do, the County or Superior court may proceed against them, as against any overseer of Public Roads; and the said company shall also be liable to the damage of any person who may be injured in consequence of the insufficiency of the said road while and during the time of tolls being demanded and are paid: any law to the contrary notwithstanding.

CHAPTER LXXII.

An Act directing the laying out a road from Milton in Caswell County to a point in the South-Carolina line, in the direction to Augusta in Georgia.

Be 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 G. Polk, Charles Fisher, and Bedford Brown, be, and they hereby appointed Commissioners, and as such are authorised and empowered to survey, lay out and mark a road along the nearest, most convenient and best route from the town of Milton in Caswell county to Salisbury in Rowan county: thence on by the town of Charlotte to the South-Carolina line, in the direction to Augusta in Georgia, and to appoint overseers of the different parts of the said road, to open and keep the said road in repair; and such appointments shall be in writing, signed by at least two of said commissioners, and shall give to the respective overseers all the powers and authorities, and subject them to the same liabilities and penalties, and place them on the same footing as other overseers of public roads; and all persons living within two miles of the road so laid out and marked by the commissioners, who by law are not exempted from working on the public highways, shall be bound to assist in opening and keeping in repair the said road under the orders of their respective overseers; and such road shall be of the width, and kept in the repair prescribed by law for public roads & shall be held, deemed and taken, to every intent a highway.

II. *And be it further enacted*, That said commissioners or a majority of them, shall file with the clerk of the Court of Pleas and Quarter Sessions for each county through which the road shall be laid out, a chart of the said road, with a list of the overseers appointed in each county, and set forth the points between which each overseer shall be bound to work; & such list shall be deemed and taken upon all trials in the courts of justice or before a justice of the peace, good evidence of the appointment of such overseers as are named therein.

III. *And be it further enacted*, That each of the said commissioners (a majority of whom are authorised to do all things prescribed by this act,) shall be entitled to receive a reasonable compensation for each and every day he shall be employed in surveying, laying out and marking the said road, and making out the said charts: and they shall employ one or more surveyors, and one or more axe-men to assist in laying out and marking said road, and shall determine his or their compensation: and the said commissioners or a majority of them shall make out a statement

of their charges, and the charges of the surveyor or surveyors and axemen, sign the same and forward it to the county courts of the several counties through which the said road shall run, who are hereby directed to pay the amount to such persons as shall be authorised to receive the same.

CHAPTER LXXIII.

An Act to incorporate the Clinton Toll Bridge Company, and to appoint commissioners for the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a company composed of subscribers, their successors and assigns, be created and established a corporation and body politic in law and in fact, and shall be continued during the term of ninety nine years, by the name and style of "the President, Directors and Company of the Clinton Toll Bridge," and by that name and style they are fully empowered and made capable to sue and be sued, plead and be impleaded, answer and be answered, to defend and be defended in any court of record whatever, or before any justice of the peace in this State, and also to make, have and use a common seal, and to ordain and establish, and put in execution such bye-laws, ordinances and regulations as may seem requisite and proper for the government of said corporation not being contrary to the municipal of the land; and generally to do and execute all such acts and things as come within the common implied powers of corporations and bodies politic, so far as the intended object of this institution may require.

II. *Be it further enacted,* That agreeable to the end and design of the corporation hereby so declared, the said corporation is hereby authorised and fully empowered, to build a bridge across the North Yadkin River, at the town of Clinton, near the mouth of South Yadkin River in Rowan county.

III. *Be it further enacted,* That Jesse A. Pearson, Joseph Pearson, John Calloway, William Laughorne and George T. Hearsey, be, and they are hereby appointed commissioners for the purpose of opening books for receiving subscriptions to the capital stock of said corporation, which capital stock shall not exceed the sum of twenty five thousand dollars, and the sum of each share subscribed shall be one hundred dollars, one fourth of which shall be paid at the time of subscribing.

IV. *And be it further enacted,* That this act shall not take effect until the said commissioners shall have obtained from the county court of Rowan, (a majority of the justices of said county of Rowan being present,) an order for the erection of said bridge, across the North Yadkin River at the town of Clinton aforesaid.

V. *And be it further enacted,* That the application to the county court for the purpose aforesaid, shall be made according to the provisions, rules and restrictions of an act passed in the year one thousand eight hundred and thirteen, entitled "An Act to amend an act to empower the several county courts of pleas and quarter sessions of the several counties in this State, to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built, and to clear land rivers and creeks."

CHAP. LXXIV.

An Act to repeal an Act, passed in the year one thousand eight hundred and six, Chap. 48, altering the name of Carthage, (Moore Court House,) to that of Feaginsville and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the above recited act, entitled an "Act altering the name of Carthage to that of Feaginsville," be, and the same is hereby repealed and made void

II. *And be it further enacted* That in future the above recited place shall go, and be known by the name of Carthage.

III. *And be it further enacted,* That Cornelius Dowd, J. Dowd, John M'Iver, John Tyson, Henry Craven, Alfred Yarbrough & Jesse Sanders, be, and they are hereby appointed commissioners in and for said town of Carthage, invested with full power to draft, constitute and make, such bye-laws, rules and regulations for the good order and government of said town of Carthage, as they or their successors or a majority of them may deem expedient, not inconsistent with the constitution of this State.

IV. *And be it further enacted,* That such bye-laws, rules and regulations, as the aforesaid commissioners or their successors in office, or a majority of them may think proper to adopt, for the good order and government of said town of Carthage, shall be binding, and in force to all intents and purposes against such person or persons violating the same.

V. *And be it further enacted,* That in case of death or refusal to act, of any of the aforesaid commissioners or their successors in office, that the remainder, or a majority of them shall have power to appoint some other suitable person of persons, to fill the vacancy, and such person or persons so appointed, shall have as full and ample power, as if he or they had been appointed by this act.

VI. *And be it further enacted,* That it shall be the duty of the aforesaid commissioners or their successors in office, or a majority of them, at their first meeting after the passage of this act, or as soon thereafter as may be convenient, to post, or cause to be posted up at three public places in said town of Carthage, a true copy of such bye-laws, rules and regulations as they or a majority of them may adopt for the good government of the said town of Carthage.

VII. *And be it further enacted,* That the aforesaid commissioners or their successors in office, or a majority of them, shall have full power and authority to impose such fine or fines as they may deem expedient, on any person or persons who may hereafter place or cause to be placed, erect or cause to be erected, any obstructions on the public square or any part thereof, or the streets, or any part thereof of the said town of Carthage.

VIII. *And be it further enacted,* That the aforesaid commissioners or their successors in office or any of them, in the name and in behalf of the whole, shall have power to ask, demand, sue for and recover all such fine or fines, as may be imposed as before recited in this act, before any jurisdiction having cognizance thereof; and such money so collected, it shall be the duty of the said commissioners or their successors in office, to pay over the same to the wardens of the poor, for the use of the poor of said county, except as hereinafter provided, which sum or sums shall be accounted for as other fines are.

IX. *And be it further enacted*, That it shall be the duty of the aforesaid commissioners or their successors in office, as soon as may be practicable to make or cause to be made two fair plats of the said town of Carthage, one of which it shall be the duty of said commissioners to file with the clerk of the county court, the other to be kept for the use of the said commissioners or their successors in office, to be paid for, out of the first money collected by them; any law to the contrary notwithstanding.

CHAPTER LXXV.

An Act appointing commissioners to sell certain lots, and the town commons, in the town of Morganton.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Col William W. Erwin, James Erwin and Isaac T. Avery, be, and they are hereby vested with full power and authority, to dispose of at public sale all the lots and the town commons, in the town of Morganton, which have not been heretofore sold and conveyed, and to make titles in fee simple.

II. *And be it further enacted*, That the money arising from the sale of the said lots and town commons, shall be applied to the improvement of the public square, in fencing and enclosing the same; and the balance of the money to be applied in defraying the expences of building a new jail in said town; all which shall be done in such manner as may be prescribed by a majority of said commissioners.

III. *And be it further enacted*, That the said commissioners or a majority of them, are hereby empowered to institute suit, whenever they deem it expedient, against the heirs, executors or administers of James Greenlee decd. for the recovery of any lands, tenements or hereditaments which has been heretofore purchased from the said James Greenlee, for the use of said county.

IV. *And be it further enacted*, That so much of an act passed in the year one thousand seven hundred and eighty four, entitled "An Act to establish the town of Morganton, and to direct the building of a Court House and prison in the same, for the district of Morgan," as comes within the meaning and purview of this act, be, and the same is hereby repealed and made void.

CHAPTER LXXVI.

An Act authorising the commissioners of the town of Fayetteville to raise money for opening and completing part of the road from Fayetteville to Morganton, 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 commissioners of the town of Fayetteville shall be, and they are hereby authorised and empowered, to lay and collect a tax on lots with their improvements and also a proportionable poll tax, including slaves within said town, as will raise the sum of two thousand five hundred dollars; to be by them applied to opening and completing that part of the public road nearest to the town of Fayetteville, surveyed and laid out under an act of the General Assembly passed in the year one thousand eight hundred and seventeen, entitled "An Act directing a road to be laid out and opened from the town of Fayetteville to Morganton:" *Provided*, That not more than one thousand dollars, shall be assessed and collected under the authority of this act in any one year.

II. *Be it further enacted*, That from and after the passing of this act, the commissioners of said town, shall have power and authority to levy and collect, in addition to the taxes authorised by law, a sum not exceeding twenty five cents on each poll, and twenty five cents on each hundred pounds value of town lots with their improvements. *Provided however*, no such additional tax shall be levied and collected, without the same shall have been sanctioned by a vote of the citizens in a town meeting, duly recorded on the minutes of the commissioners.

III *And be it further enacted*, That for the better regulation of town meetings, held for the purposes mentioned in this act, it shall be the duty of the magistrate of police on application of any five free holders of said town, to cause at least five days notice to be given of such meeting by posting up advertisements in each ward of said town; in which advertisements the time, place and object of the meeting shall be clearly expressed: and no appropriation of money shall be made at such meeting for other purposes than those mentioned in the advertisements.

IV. *And be it further enacted*, That the commissioners of the town of Fayetteville shall have full power and authority to fix and determine the extent and width of the streets, squares and alleys in said town, and to establish the bounds of the same, and may accept of and establish any new street, square or alley as to them may seem meet for the improvement and advantage of said town; any law to the contrary notwithstanding.

CHAPTER. LXXVII.

An Act to amend the laws regulating the town of Newbern.

BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That any freeman or citizen of the U. States resident in the town of Newbern one year next preceding any election of commissioners of said town, and possessed of a freehold in the said town shall be qualified to serve as a commissioner of said town, and any person qualified to serve, and elected a commissioner of said town either by the electors thereof at the annual election, or by the commissioners to fill a vacancy, who shall not take the oath of office within ten days after notice of his election from the sheriff or clerk of the commissioners, or who having taken the oath, shall not continue to serve as commissioner during the term for which he may be elected, (inability from sickness or removal excepted,) shall forfeit and pay one hundred dollars, to be recovered in the name of the commissioners of the town of Newbern and applied to the use of the said town; *Provided*, That no person so elected or refusing to serve, shall be subject to said penalty, if such person shall have served in said office of commissioner one year in the five years last preceding said election.

II *Be it further enacted*, That it shall be the duty of the sheriff of the county of Craven to collect all taxes laid by the commissioners of the town of Newbern, and said sheriff before entering into office shall give bond with securities approved by the court of pleas and quarter sessions of Craven county, in the sum of two thousand five hundred dollars, payable to the commissioners of the town of Newbern with condition for the due collection, payment and settlement of the taxes imposed by the commissioners of said town, and the said sheriff is hereby vested with the same

power and authority to collect the said taxes, as well those contained in the list of taxables as those due from delinquents, by distress or otherwise, as by law sheriffs are or may be authorised to collect the public taxes, and shall be entitled to the same compensation as is, or may be allowed to sheriffs for collecting the public taxes; and in case of failure to collect and pay the same, within the year for which such taxes are laid, said sheriff shall forfeit his compensation for collection, and it shall and may be lawful for the superior court of law or the court of pleas and quarter sessions of Craven county, on motion in behalf of said commissioners, to give judgment against said sheriff and his surities or against their heirs, executors or administrators for all monies wherewith said sheriff may be chargeable to said commissioners, (that is to say) for the whole amount of taxes due the said commissioners, except such part thereof as may be allowed to said sheriff by the commissioners as insolvents, or such as on proof to the said court, may by said court or jury by whom said case is tried, may be allowed to said sheriff as insolvents, with costs of suit, and thereupon to award execution as in other cases of judgment in said courts. *Provided*, That ten days notice of such motion shall be given to every person, against whom such judgment is applied for. *Provided*, That it shall be sufficient notice of the sale of any property by said sheriff for taxes to advertise the same in a newspaper printed in the town of Newbern for four weeks, or if no paper shall be printed in said town, then by advertisement in some paper printed in the city of Raleigh.

CHAPTER LXXVIII.

An Act appointing commissioners to lay off the town of Taylorsville in Sampson 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 Robeson, Kedar Bryant, James Matthis and John Bryant, be, and they are hereby appointed commissioners to lay off the town on the lands of George Taylor, on Black river, in Sampson county, to be called the town of Taylorsville.

II. *Be it further enacted*, That said commissioners shall, after they have laid off said town, return a plat exhibiting the plan thereof, to the office of the clerk of the county court of Sampson county, which shall be filed among the records of said court

CHAPTER LXXIX.

An Act to authorise the commissioners therein named to lay off into lots, and dispose of the town commons adjoining the town of Greensborough, 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 Abram Green, James Johnson and Robert Moderwell of Guilford county be, and they are hereby appointed commissioners to lay off into acre or half acre lots as they may deem expedient, the whole of the lands adjoining the town of Greensborough in Guilford county, known as the town commons, and the said commissioners, are hereby authorised and empowered to sell and dispose of said town commons, when laid off into lots as aforesaid, at public auction, upon such credit as they may deem proper and expedient and deeds executed by said commissioners, or by any two of them shall vest a fee simple estate in said lots, in the respective purchasers.

II. *And be it further enacted*, That the money arising from the sale of the said lots, shall be by the said commissioners accounted for, and paid over to the president of the board of trustees of the Greensborough Academy for the time being, to be by them applied to such purposes as the trustees of the Academy, or a majority of them, shall think most conducive to the interests of the said Academy.

III. *And be it further enacted*, That the president of the board of the trustees of said Academy, be, and he is hereby authorised and empowered to ask, demand, sue for and recover of the commissioners herein named, all monies which may be due to him on the sales of the said lots, to be by him applied as herein before directed, any law to the contrary notwithstanding.

CHAP. LXXX.

An Act to amend an act passed in the year one thousand eight hundred and fifteen, entitled an act to appoint commissioners to fix on a suitable and central place in the county of Nash, for erecting the Court House and other public buildings, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the plan of the town of Nashville laid off by the commissioners appointed by the above recited act, be, and the same is hereby confirmed; and it shall be the duty of the said commissioners or a majority of them, to cause two fair copies of the plan of said town to be made out, one of which shall be filed in the office of the clerk of Nash county court, and the other with the register of said county, and the same shall be by him registered, and the streets and public squares described in said plan, shall remain as therein described, except as herein after provided for:

And whereas a public square containing three acres or thereabouts, was laid off by the commissioners for a site for the Court House and other public buildings; and under and by virtue of an act passed in the year one thousand eight hundred and seventeen; entitled an act to amend an act passed in the year one thousand eight hundred and sixteen, entitled an act to settle certain disputes respecting the Court House in the county of Nash, the Court House was established at another place in said town, in consequence of which the said square is no longer wanted for public purposes.

II. *And be it further enacted*, That the commissioners aforesaid or a majority of them, be, and they are hereby authorised to divide the said public square into lots of convenient size, and expose the same to public sale for the use and benefit of the county, by repairing the said Court House or making such additions thereto, as they may think proper; and any balance remaining in their hands from the proceeds of the sales of any of the lots in said town, after the repairs and additions to the Court House shall be made as aforesaid, they shall pay the same over to the county trustee.

And whereas by reason of the Court House not being established on the public square laid off for that purpose by the aforesaid commissioners, the value of the lots in the said town is much changed since the time of the sale thereof by the commissioners aforesaid, under the above recited act passed in the year one thousand eight hundred and fifteen.

III. *Be it further enacted*, That the purchasers of the said lots, may, by

the consent of the said commissioners or a majority of them, renounce their purchases, and time is hereby given to the said purchasers, to the 12th day of February next, to make known to the said commissioners whether they will renounce their said purchases, and each of the said purchsers so wishing to renounce shall within ten days after the said 12th day of February, release to the said commissioners, all his or her right, title, interest and estate in and to the lot or lots by him or her purchased; and thereupon the said commissioners shall surrender the bond or bonds given to secure the purchase money of such lot or lots; and every purchaser not making known to the commissioners his or her purchase as aforesaid, on or before the day aforesaid, shall be held, deemed and taken to have elected to hold the lot or lots by him or her purchased, and shall be compelled to pay the purchase money therefor with interest; and all lots, the title to which shall be released to the commissioners under this act, may be held by the said commissioners for the use and benefit of the county as herein before mentioned.

CHAPTER LXXXI.

An Act to repeal parts of certain Acts respecting the town of Edenton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the twenty sixth section of an act passed in the year one thousand seven hundred and eighty seven, entitled an act for the better regulation of the town of Edenton, and the eleventh section of an act passed in the year one thousand seven hundred and ninety eight, entitled an act for the better regulation of the town of Edenton, be, and the same are hereby repealed.

CHAPTER LXXXII.

An Act to regulate the town of Leaksville in Rockingham County, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Patrick Fountain, David H. Clark, Richard Mishaux, James Dilliard, Robert Menzies, Anderson Waddle and Robert Burks, be and they are hereby appointed commissioners for the town of Leaksville, Rockingham county, and they or a majority of them are hereby authorised to fix and determine the limits of said town, and to lay out additional streets and alleys, and they or a majority of them shall cause two fair plans of said town to be made out, in which plan shall be represented the several lots with their respective numbers, and also the streets and alleys, with the names of the streets, one of which said copies shall be deposited in the office of the county court of Rockingham, and registered by the Register of said county, and the other copy shall be kept by the commissioners and recorded in a book to be kept by them for the purpose of recording their proceedings, and the limits so fixed and determined are hereby declared to be the true limits of the town of Leaksville.

II. *Be it further enacted*, That the said commissioners and their successors in office, chosen and qualified agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate and politic, by the name of the commissioners of the town of Leaksville, and by that name to have succession by the election of the freemen as by this act is directed, and a common seal, and they and their successors by the

name aforesaid shall be able and capable in law to have, to purchase, receive, possess and retain to them and their successors forever, in trust for said town, any lands, rents or tenements, of what kind, nature, or quality soever, and also grant, sell, alien and dispose of the same, and to receive and take any gift, or donation to said town, and also by the same name, to sue and be sued, to plead and be impleaded, to answer and be answered in all courts of record whatsoever, and from time to time at all times hereafter, to make such rules, orders, regulations and ordinances, as to them shall seem right and necessary for repairing the streets appointing a constable or constables, town watches or patrol, and making proper allowances by fees or otherwise for such services and for all such other necessary ordinances, rules and orders, which may tend to the advancement, improvement and good government of said town; and the said rules, orders and regulations, from time to time, to alter, change, amend and discontinue, as to the said commissioners, or a majority of them, shall appear necessary, and shall also have full and ample power to enforce a compliance and observance of such regulations by laying fines and penalties, on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves the punishment of thirty nine lashes, the said penalty to be recovered and the punishment inflicted in manner hereafter mentioned. That in case of death, removal, or refusal to qualify of any of the commissioners appointed by this act, a commissioner shall be elected by the freemen of said town in the room of the person so dead, removed or refusing to qualify, for which purpose it shall be the duty of the Intendant of Police, or in his absence, the remaining commissioners to notify the Sheriff of said county of Rockingham of such death or removal who upon receiving such notice shall as soon as possible after giving ten days previous notice, by public advertisement attend by himself or deputy at the most convenient place in said town of Leaksville, at ten o'clock of the day so appointed by advertisement, open the poll, and receive the tickets before two inspectors, and when the election shall be finished, such officer and inspectors shall examine and number the ballots, and the person having the greatest number of ballots, shall be declared duly elected to the office of commissioner, and the said Sheriff of the county of Rockingham shall perform the duties aforesaid, under the penalty of fifty pounds for every neglect, or refusal, one half to the person suing for the same, the other half to be paid to the Treasurer of said town, for the use of the town: and the commissioners so chosen, and those appointed by this act, shall before they enter on the duties of their office, take the following oath: I, A B do swear that I will faithfully discharge the office of commissioner for the town of Leaksville agreeable to law and to the best of my knowledge and judgment, so help me God: And whereas the proper office of said commissioners is that of making bye-laws, and regulations for the government of said town, and it has been found inconvenient, and often impracticable to call together commissioners for the immediate purpose of punishing offenders whereby the said regulations are never properly carried into effect. For remedy whereof

III. *Be it enacted*, That the commissioners of the town of Leaksville

shall on or before the first Monday in March next, having first advertised the same for five days, meet in the said town at some convenient place and elect a proper person to act as intendant of police for the said town, whose duty it shall be to enforce obedience to the laws, and punish offenders, and shall be, and is hereby authorised to issue his warrant directed to the sheriff, deputy sheriff, or town constable, to summon the offenders against the laws, rules and ordinances made and provided for the regulation of the said town to appear before him, and on conviction, which shall be in the manner of the trials before justices of the peace, the said magistrate is hereby authorised and required to give judgment, and award execution, agreeably to the laws, rules and ordinances provided for the government of the said town, which warrant or execution the said sheriff, deputy sheriff or constable, is hereby required to execute, and on such trials or enquiries is hereby authorised and declared to possess all the necessary powers to administer oaths and subpoenas and examine witnesses, and shall take the following oath, before he enters on the execution of his office. I, A B, do solemnly swear that as intendant of police for the town of Leaksville, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the good government of said town, all fines and amersements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belonging to my office, during my continuance therein. I will faithfully, truly and justly, according to my skill and judgment, do equal and impartial justice to the public and individuals, so help me God." *Provided*, that in all cases whatsoever, respecting the judgement of the intendant of police in consequence of the authority delegated to him by this act, any person or persons being dissatisfied with such judgment, he, she or they shall have the liberty of appealing therefrom to the Court of Pleas and Quarter Sessions for the County of Rockingham.

IV. *And be it further enacted*, That no person shall be deemed qualified to act as commissioner of the town of Leaksville unless he hath a lot of land therein in his own right in fee, or on lease for one year; and that all the freemen, who are liable to pay taxes and are inhabitants of the said town six months next before and at the day of election, shall be entitled to vote for the commissioners of the said town and no others.

V. *And be it further enacted*, That the commissioners shall appoint one of their body to act as Treasurer of the town for one year, to receive and account for the town monies for which a regular entry must be made in a book kept for that purpose, and upon the appointment of a new Treasurer, the old one shall immediately pass his account with him, and pay any balance there may be in his hands: *Provided*, that before such Treasurer enters on his office, he shall give his bond with approved security, payable to the commissioners, for the faithful discharge of his duty.

VI. *And be it further enacted*, That the commissioners of the said town, shall choose and appoint a proper person to be their clerk, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the commissioners of the said town and their successors, with sufficient security in the sum of one hundred pounds for the

due and faithful execution of his office and the trust reposed in him for the safe keeping of the books and papers put in his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in office, and all persons shall have free access to the journals and papers on paying two shillings to the clerk, under the penalty of twenty shillings for every refusal, to be recovered before a justice of the peace of the county of Rockingham, by any person who shall sue for the same within a month after such refusal, one half to the prosecutor the other to be paid to the Treasurer of the town, for the use of the town.

VII. *And be it further enacted*, That the commissioners of the said town or a majority of them, shall annually levy a tax not exceeding five shillings on every hundred pounds value of taxable property within the said town and a proportionable poll tax on all persons, who do not possess in the said town the value of one hundred pounds taxable property, which tax shall be collected by a warrant under the hands and seals of the commissioners directed to such persons as they appoint for the purpose, and the collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same, in like manner as collectors of public taxes, and the monies arising therefrom after deducting five per cent for commissions shall by him be paid into the hands of the town Treasurer, to be by the commissioners or a majority of them applied and laid out in clearing and repairing the public streets and passages, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary, and the more effectually to ascertain the taxable property within the said town:

VIII. *And be it further enacted*, That every inhabitant thereof shall yearly at the time he shall give in his taxable property to be asessed for the use of the state, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied on the whole amount of the taxable property, of the persons so failing as aforesaid, although part thereof may not be within said town, any thing herein contained notwithstanding; and it is hereby declared that every person inhabiting or occupying any house, or other building, or improvement or lot within the said town shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant: *Provided*, That all persons who have been six months residing in said town shall be subject to pay taxes: And whereas encroachments may be made on the streets of said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby; For remedy whereof"

IX. *Be it enacted*, That the commissioners are hereby empowered and required to order all such encroachments, from which danger may be apprehended, to be removed, under such pains and penalties as they may think necessary to enforce; and where any encroachments shall be found in any street or streets, from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent, not exceeding twenty shillings, to be annually paid for every foot in front of each piazza,

porch, platform, or other encroachment on the street, adjoining to or being before any one house or tenement, to be applied to the public stock of the town, and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the defendant.

X. And whereas the laying out of new streets and alleys may become necessary, and in doing the same, injury may be done to the grounds of persons:

Be it enacted, That the said commissioners, or a majority of them, be and they are hereby authorised to lay out new streets, and alleys, and upon application to a justice of the peace by the said commissioners, he shall issue his warrant to the sheriff of Rockingham county commanding him to summon a jury of good and lawful men, to meet on the premises; and the said sheriff shall then and there administer an oath to each of the jurors, to value the ground over which the said street or alley shall be laid off impartially; and to asses the damages which the proprietor or proprietors may sustain by reason of the said street or alley; and the jury being so sworn shall value the said ground and assess the said damages; and the said damages shall be paid out of the funds of the said corporation, and being paid, the said ground shall be vested in the said commissioners, and their successors in trust for the said town. The sheriff shall certify his proceedings upon the warrant to the county court of Rockingham, and the clerk of said court shall record the same.

CHAPTER LXXXIII.

An Act to incorporate the Leaksville Toll Bridge Company, 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 company to be composed of subscribers, their successors and assigns, be created and established a corporation and body politic in law, and in fact, and shall be continued during the term of ninety nine years by the name and style of "the President and Directors of the Leaksville Toll Bridge Company," and by that name and style they are fully empowered, and made capable to sue, and be sued, plead and be impleaded, to answer and be answered, to defend and be defended in any court of record whatever, or before any justice of the peace in this state, and also to make, have and use a common seal, and to ordain and establish, and put in execution such bye-laws, ordinances and regulations, as may seem requisite and proper for the government of said corporation, not contrary to the municipal laws of the land, and generally to do, and execute all such acts and things as come within the common implied powers of corporations and bodies politic so far as the intended object of this institution may require.

II. *Be it further enacted*, That agreeable to the end and design of the corporation hereby constituted and appointed, the said corporation is hereby authorised and empowered to build a bridge across Dan river opposite Hamilton street, at the town of Leaksville in Rockingham county, and until such time as the said bridge can be completed that they be authorised and empowered to keep a ferry or ferries, for the purpose of

of transporting carriages, passengers and stock of all kinds across the said river Dan, opposite Hamilton street at Leaksville or as nearly opposite said street as they may find convenient.

III. *Be it further enacted*, That Sterling Ruffin, William Bethel, George Winston, Nathaniel Scales, jr. and Patrick Fontaine, be and they are hereby appointed commissioners for the purpose of opening books for receiving subscriptions to the capital stock of said corporation, which capital stock shall not exceed the sum of twenty thousand dollars, and the sum of each share subscribed shall be fifty dollars, one third of which shall be paid at the time of subscribing.

IV. *Be it further enacted*, That the company hereby constituted and appointed, shall be entitled to receive for toll and ferriage, the following rates and no higher. to wit: foot passengers six and a quarter cents; man and horse ten cents; two wheeled carriages twenty five cents; four wheeled carriages of pleasure fifty cents, and waggons fifty cents each; and for horned cattle, five cents per head; hogs and sheep two and a half cents per head; rolling hogsheads of tobacco twenty-five cents. Any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXXIV.

An Act to incorporate the town of Clinton and to appoint commissioners for the 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 Jesse A. Pearson, Joseph Pearson, John Calloway, William Laughorne and George T. Hearsey, be, and they are hereby appointed commissioners for the town of Clinton in the county of Rowan, and the said commissioners shall ascertain and fix the boundaries of said town, and shall deposit a plan of the same in the office of the clerk of Rowan county, whose duty it shall be, to record the said plan in the books of his office, subject to the inspection of any person who may be desirous of inspecting the same; and the said town is hereby incorporated into a township by the name of Clinton.

II. *And be it further enacted*, That upon the death, removal or refusal to act of any of the aforesaid commissioners, those that remain, or a majority of them shall have power to elect new ones, to supply the places of those who remove, die or refuse to act, and these when so elected as aforesaid, shall be invested with the same power and authority as those appointed by this act.

II. *Be it further enacted*, That the said commissioners shall convene as soon thereafter as possible, and enter upon the duties of their office, first taking and subscribing the following oath, I A B do solemnly and sincerly swear, that I will do and execute the office of commissioner for the town of Clinton, to the best of my skill and ability, so help me God.

III. *Be it further enacted*, That the said commissioners and their successors in office, shall be a body politic and corporate by the name of "the commissioners of the town of Clinton," and shall have full power and authority to appoint a Treasurer, Clerk and such other officers as to them shall appear necessary for the regulation of the said town, and regulate the salaries of such officers.

IV. *Be it further enacted*, That the commissioners shall have full power and authority to lay a tax upon the property in said town, not exceeding

fifty cents upon every hundred dollars value of real property, nor exceeding fifty cents upon every free taxable poll who resides in the said town; and it is expressly declared to be the duty of the sheriff of said county to collect the same, at the same time, under the same rules and regulations, as he collects other taxes, and shall pay over to the treasurer of the board of commissioners all such monies as he has received on or before the first day of October in each and every year, under the penalty of ten dollars, to be recovered by the treasurer of the board of commissioners, upon motion in open court, at the first court, in the county of Rowan, after such default shall happen.

V. *Be it further enacted*, That the said commissioners shall have full power and authority to make such bye-laws, rules and ordinances for the good government of said town, as to them may appear just and proper, not inconsistent with the laws of the State.

VI. *Be it further enacted*, That all fines and forfeitures which may be incurred under the ordinances of the commissioners of the said town, shall be enforced and recovered before any justice of the peace of the county of Rowan, subject to appeal as in all other cases, and it is hereby declared and made the duty of the justices of said court to respect the same as far as they are consistent with the laws and constitution of the State.

VII. *Be it further enacted*, That the said commissioners shall obtain from the clerk of the county court of Rowan, a copy of the returns of taxable property in the said town, for each and every year, and cause the same to be delivered to the sheriff within one month from the time the annual returns are delivered to him by the clerk of the court, with the rates of taxes by them imposed, which list shall be the guide of the said sheriff for collecting the internal taxes of said town, and if such list with the above rates are not delivered in due time, the said sheriff shall not be liable to any fine or forfeiture incurred under this act.

VIII. *And be it further enacted*, That the county court of Rowan, shall be authorised and empowered to appoint inspectors of tobacco and inspectors of flour for the said town; and the board of commissioners of said town shall be authorised and empowered to erect or provide suitable ware houses for the reception and storage of tobacco and flour brought to the market of Clinton, and when the said ware houses are ready for the reception and storage of tobacco and flour, it shall be the duty of the said commissioners to give public notice thereof, in one of the newspapers published in the town of Fayetteville and also one of the newspapers published in the City of Raleigh.

CHAPTER LXXXV.

An Act to appoint commissioners of the town of Hamptonville in Surry county and to incorporate the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Ephraim Hough, James Hicks, Richard I. Coke, William D. Kelly and Josiah Cowles, be, and they are hereby appointed commissioners of the town of Hamptonville in Surry county, and they are hereby incorporated into a body politic and corporate, and they or a majority of them are declared to possess power and authority to sue and be sued, plead and be impleaded in

any court of law, or other competent authority in this State, and also to pass such bye laws and ordinances, to advance the interest of the said town, and for the good government of the same as they may deem expedient, not inconsistent with the laws and constitution of this State or the United States.

CHAP. LXXXVI.

An Act to amend an act, entitled an act to incorporate the town of Hamilton in the County of Martin, passed in the year 1804, and an amendment passed in the year one thousand eight hundred and sixteen

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That Joseph J. Williams, James Gardner and Wilson Sherrod, be, and they are hereby appointed commissioners of the town of Hamilton, in addition to those heretofore appointed by the before recited acts.

II. *And be it further enacted,* That in case of the failure, or refusal of any inhabitant of said town, lawfully summoned to work on the streets or procure a sufficient substitute to perform such work, such inhabitant, so failing or refusing to do the same shall forfeit and pay one dollar for each and every days failure or refusal, to be recovered in the same manner now prescribed by the before mentioned acts.

III. *And be it further enacted,* That the treasurer and clerk of the board of commissioers for said town, before they enter on the duties of their office, shall each of them give bond in the sum of five hundred dollars payable to the chairman or his successors in office, with such security as may be approved of by the majority of the board for the faithful performance of their several duties and for the safe keeping of all monies, books, deeds, grants, plots, plans or other papers which may be committed to their care by virtue of their respective offices.

IV. *And be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, are hereby declared to be repealed, and made void:—Any thing to the contrary notwithstanding.

CHAPTER LXXXVII.

An Act to establish a town in the county of Montgomery at or near the mouth of Clark's creek on the lands of Sias Billingsby, Senr.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a town shall be established on the lands of Sias Billingsby, Senr. at or near the mouth of Clark's creek in the county of Montgomery, which shall be called and known by the name of Wilton.

II. *And be it further enacted,* That Sias Billingsby, Senr. Edmund Lilly and William Scarbrough, be, and they are hereby appointed commissioners to lay off said town upon such plan as they may think proper.

III. *And be it further enacted,* That the lots so laid off shall be disposed of by the said Sias Billingsby, Senr. to his own benefit.

CHAPTER LXXXVIII.

An Act for the sale of commons in the town of Halifax.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Andrew Joy-

ner, Robert Johnston, Joseph John Daniel, Benjamin F. Hallsey and Shirley Tisdale or a majority of them, be, and they are hereby appointed commissioners to lay out, all or any part of the commons of Halifax town, in such lots as they shall think most convenient, and cause a plan thereof to be made, and therein insert marks and numbers to the lots in the same contained; which lots so laid out, shall be by the said commissioners or a majority of them, sold in separate lots, at public auction at such times, and on such terms as they or a majority of them may deem most advantageous; and the said commissioners or a majority of them, shall make and execute deeds for the granting and conveying the same to the purchaser or purchasers in fee simple; and the money arising from such sale shall be applied for the benefit and improvement of said town in such manner as a majority of said commissioners may think proper.

CHAPTER LXXXIX.

An Act to lay off and establish the town of Fountainhead, on the lands of John and James Permenter in Anson county, on the road leading from Rockingham to Wadesborough, eleven miles east of Wadesborough.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Samuel Spencer, Joseph Clark and Thomas C. Ellerbe, be, and they are hereby appointed commissioners to survey and lay off into lots, streets, squares and alleys, the town of Fountainhead, on the lands of John and James Permenter, in Anson county, on the road leading from Rockingham to Wadesborough.

II. *And be it further enacted*, That the said John and James Permenter, be, and they are hereby authorised to sell the lots of said town on such terms as they may deem proper, for their own use and benefit; and deeds executed by the said John and James Permenter, shall convey a fee simple estate in the lots of said town, to the respective purchasers, any law to the contrary notwithstanding.

CHAPTER XC.

An Act to authorise the county court of Sampson, to appoint commissioners to lay off a town on the public lands 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 pleas and quarter session for the county of Sampson, be, and they are hereby authorised and directed to appoint commissioners, as soon as they may deem it expedient for the purpose of laying off a town on the public lands in said county, which when so laid off agreeably to the directions of a majority of said commissioners, shall be called and known by the name of Clinton, and the said commissioners shall lay off the said lots of such size as the said court may direct, with suitable streets or alleys, and the said commissioners are hereby directed to return a fair plat and full representation of the said town, particularly designating the lots agreeable to their number, and also the streets and alleys appertaining thereto to the clerk's office of said county, and it shall be the duty of said clerk to record the same in the books of his office, open to the inspection of any person any time concerned, and thereupon the said

commissioners are hereby directed to make sale of the said lots at auction to the highest bidder after giving public notice thereof, and the money arising from the sale of the same, shall be by the commissioners paid over to the treasurer of the public buildings of said county, who shall apply the same to the defraying the expences of building the new court house in said county, and the commissioners shall be entitled to receive adequate compensation for their services to be fixed upon and allowed by the said court; said commissioners may reserve so many lots contiguous to one another as shall make two acres of ground for the public use of said county.

CHAPTER XCI

An Act to establish the town of New Salem on the lands of Benjamin Marmon, Esq. on the east side of Deep River in Randolph county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Marmon, Peter Dicks, Jesse Henshaw, Moses Swain Esq and William Dennis, be, and they are hereby appointed commissioners with full power and authority to lay off into lots, streets, and alleys as they may think proper, the town of New Salem on the lands of Benjamin Marmon, on the east side of Deep River in the county of Randolph, and the said commissioners are hereby authorised and empowered to sell and dispose of the lots of the said when laid off as aforesaid, and the money arising from the sale of the said town lots to be applied to the sole and proper use of the said Benjamin Marmon and his legal representatives.

CHAP. XCII.

An Act to establish a town on the lands of William Hall, Sen. and sons, in the county of Duplin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That Nicholas Hall, Thomas P. Hall, John Farrar, Nathan Waller, Archibald Maxwell and Samuel Houston, be and they are hereby appointed commissioners for the purpose of laying off a town on the lands of William Hall, Sen and sons, on the lower side of Limestone Creek, near the mouth, on the East side of the North East of Cape-Fear river in the County of Duplin, by the name of Hallsborough; and it shall be the duty of said commissioners or a majority of them, as soon as may be, to lay off and exhibit a fair plan of said town in acre or half acre lots on such part of the lands of the said Wm. Hall, Sen. and sons, as they or a majority of them may think proper; and when the said lots shall be so laid off, the same shall be at the entire will and free disposal of the aforesaid commissioners, and the money arising from the sale of said lots shall be applied to the use of the said William Hall, Sen. and sons: *Provided*, that the consent of the proprietors of the land shall first have been obtained: *Provided further*, that the said William Hall, Sen. and sons, shall at and before the laying out and selling the lots of the said town, execute to the commissioners aforesaid a good and sufficient title in fee simple to the lands upon which the said town of Hallsborough is to be established.

CHAPTER XCIII.

An Act to establish and lay off a town on the lands of Hezekiah Naylor and Maccajah Lassiter 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 Thomas Thornbrugh, Jesse Shaw, Davis Hix and Michael Bingham, be and they are hereby authorised to establish and lay off a town on the lands of Hezekiah Naylor and Maccajah Lassiter, by the name of Jacksonville in the county of Randolph on the road leading from Fayetteville to Salisbury.

CHAPTER XCIV.

An Act to authorise the sale of the Town Commons of the Town of Trenton in Jones County, and to establish an Academy 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 Durant Hatch, jr. Robert O'Kornegey and Alexander Sledge, be, and they are hereby appointed commissioners to lay off the lands adjoining the town of Trenton in Jones County, which were reserved as a town common in the act establishing said town, into lots of such size as they shall deem fit, and shall sell the said lots, except as hereinafter excepted, to the highest bidder, at public sale, during the sitting of some court of Jones county, at a credit of not less than six months; and the deeds of the said commissioners or any two of them to any purchaser of said lots his heirs and assigns, shall convey the estate in fee simple in such lots, to such purchaser, his heirs and assigns forever: *Provided*, That said commissioners before such sale, shall give bond to the chairman of the Court of Pleas and Quarter Sessions of Jones county, with such security as said court shall approve, in the sum of two thousand dollars for their faithful discharge of the duties aforesaid.

II. *Be it further enacted*, That said commissioners shall lay off a lot of said ground not less than two acres for the use of the seminary of learning hereinafter established, and one other lot of not less than one acre for the purpose of erecting one or more places of worship, as the inhabitants of said town of Trenton, may at any time think proper.

III. *Be it further enacted*, That the said commissioners shall make a return to the Court of Pleas and Quarter Sessions of Jones county at the first term after their said sale of all their proceedings under this act, with a plat of said land, their division of the same into lots, shewing the lot reserved for the seminary of learning, and that reserved for the places of worship; and upon demand of the Trustees of the Academy hereinafter named or their successors in office, shall deliver and assign to the said Trustees, the whole proceeds of the said sale of said lots for the use of said Academy.

IV. *Be it further enacted*, That James Shine, Durant Hatch, jr Robert O'Kornegay, Alexander Sledge, Isaac Hathway, Lemuel Hatch, William H. Conner and Hardy Bryan, be, and they are hereby declared to be, a body politic and corporate, by the name of the Trustees of the Trenton Academy, and by that name shall have perpetual succession, and shall have power to appoint a Treasurer; and power and authority to ask, demand and receive whatever may be given or become due to said corpora-

tion, and to do and act in all things which shall tend to the promotion of said Academy in as full and ample a manner as the Trustees of all other Academies in this state: and shall have power to make bye-laws for the good government thereof, not repugnant to the laws of this state: and upon the death, removal or refusal to act of any of said Trustees, the remaining Trustees or a majority of them shall have power to appoint other Trustees in their places: the said Treasurer shall give bond to said Trustees in the sum of one thousand dollars for the faithful discharge of his duty.

V. *Be it further enacted*, That the lot of ground, herein before directed to be reserved for a seminary of learning, shall be, and hereby is vested in said Trustees and their successors in office, in trust for the use of said Academy forever, and the lot reserved for public worship is hereby vested in the commissioners of the town of Trenton for the purpose aforesaid forever.

VI. *And be it further enacted*, That the Trustees of the Trenton Academy aforesaid shall be entitled to demand, sue for and recover for the benefit of said Academy, all monies which may be in the hands of any person or persons whatever that have been received on account of rent for the said town commons or any part thereof, and be authorised to call the said receivers of such rent to account, in such manner as may be most consistent with the usages of law.

VII. *And be it further enacted*, That so much of any act or acts as come within the purview of this act, be the same is hereby repealed.

CHAPTER XCV.

An Act for the government of the Town of Plymouth, and for other purposes.

BE it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That from and after the passage of this act, the government of the town of Plymouth in the county of Washington, shall be vested in five commisioners, elected in the following manner. That twenty days previous to the first Saturday of April next, the town constable or an assistant constable for the time being shall give notice by advertisement, in three public places, in the town of Plymouth, that an election shall be held for the purpose of electing commissioners for the town of Plymouth, on the first Saturday in April, and on the same day at the place notified, the poll shall be opened at twelve o'clock, and the election superintended by a town constable or assistant constable of said town, and shall not be closed until five o'clock in the afternoon, after which time the votes shall be counted out and the five persons having the greatest number of votes shall be certified by the town constable, or assistant constable, as duly elected; and shall be served with a notice thereof, in the space of five days if practicable, or as soon thereafter as may be done by the officer holding the election, under the penalty of five dollars for every neglect.

II. *Be it further enacted*, That no person shall be eligible as a commissioner or entitled to vote for a commissioner, unless they are of the age of twenty one years, and have resided in said town for one year preceding the day of election, and any person elected to serve as a commissioner and refusing to qualify within five days after the notice of his be-

ing so elected, shall forfeit and pay the sum of twenty dollars: *Provided*, no person shall be compelled to serve more than two years out of three.

III. *Be it further enacted*, That in case any person shall refuse to qualify, or become incapable, or die, or remove out of the bounds of said town after the notice being served upon him, the vacancy caused by the failure of such person, shall be filled by another appointment, which shall be made by the commissioner or commissioners that may be in office, at any time when the filling of such vacancy shall be necessary: and such commissioner shall have the same powers, perform the same duties, and be liable to the same penalties, as the commissioners elected by ballot.

IV. *Be it further enacted*, That no person shall enter on the duties of commissioner, until he shall take an oath before some justice of the peace of said county of Washington to well and faithfully discharge the office of commissioner of the town of Plymouth, to the best of his knowledge and ability: and that on the first Saturday of April in each and every year, a new election shall be held to elect new commissioners, in the manner described above, and the office of the old commissioners shall expire immediately after such commissioners place is supplied.

V. *Be it further enacted*, That the commissioners elected, or appointed and qualified in manner aforesaid, and their successors in office, shall be incorporated into a body corporate and politic, and by the name and style of commissioners of the town of Plymouth, shall sue and be sued, plead and be impleaded, and shall be capable to purchase and hold to them and their successors, any lands, tenements and hereditaments or goods and chattels for the use and benefit of said town; or the same to convey in fee simple, and may erect a jail and stocks in said town for such purposes as they shall deem expedient, and shall be capable of passing all ordinances, rules, regulations, provisions, restrictions and limitations for the good government of said town, as to them or a majority of them shall seem fit or expedient, not inconsistent with the laws of the state, and to enforce the observance thereof; so that the punisment of a free man, or woman shall in no case exceed the penalty of ten dollars, and imprisonment during ten days and being in the stocks more than two hours: nor the punishment of a slave exceeding imprisonment for ten days, and standing in the stocks six hours, and receiving thirty nine lashes on his or her bare back. And shall have capacity in a particular manner for laying off and repairing the streets: for fixing and constructing drains and common sewers: for the preventing and removing nuisances in said town: for providing against fire by the purchase of an engine, or removing combustible matter from said town, or the prohibiting the exercise of any calling whereby the town may be endangered from fire, or the reduction of combustable matter within the same: to appoint a town Physician: to preserve the health of the town: to compel vessels to perform quarantine: to establish a public market and regulate the same: to erect an hospital for sick seamen, and strangers: and lay off a burying ground: to regulate the sale of fire wood and wharfage; and to lay a tax on all real and personal estate, not exceeding in any one year fifty cents on the hundred dollars worth of real property, nor one dollar on each taxable male, whether slave or free man, nor fifty cents on each taxable female slave, for the purpose of carrying all laws passed pursuant to this act into exe-

cation, and to make all ordinances, rules, regulations, restrictions and limitation now allowed by law to any chartered town in this state, and all other necessary rules and regulations whatsoever, not inconsistent with the laws of this state.

VI. *Be it further enacted*, That the commissioners appointed by virtue of this act, shall appoint among their own body, a President, Treasurer and Secretary, who respectively shall hold their office during the pleasure of the commissioners and perform the duties assigned them: and all fines and forfeitures incurred by virtue of this act, shall be recovered in the name of the commissioners of the town of Plymouth, by a warrant before any justice of the peace of Washington county, or commissioner of the town of Plymouth, all of which commissioners are hereby invested with the powers and authorities of a justice of the peace in said town, but no further, and shall hear and determine accordingly.

VII. *Be it further enacted*, That the town constable or any other constable in the town of Plymouth, shall execute all warrants, subpoenas and executions issued or obtained by virtue of this act, and shall have full power and authority to call a posse comitatus to their aid when necessary. And the commissioners, or any of them, shall be competent witnesses on any trial had for the violations of this act, or the laws made pursuant thereto; and all laws coming within the purview of this act, are hereby repealed.

CHAP. XCVI.

An Act to revise and amend an act passed in the year 1817, entitled "An Act to revise and amend the laws heretofore passed for the town of Smithville, so far as respects the appointment of Commissioners thereof;" and to repeal the fifth, sixth, seventh and eighth sections of an act entitled, "An Act respecting the Academy and town of Smithville 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 whereas, there was not an election agreeably to the above recited act in consequence of the persons authorised to hold the same not having a knowledge of the law, previous to the time of election; That an election for commissioners agreeably to the directions of the above recited act shall and may be lawful on the second Monday in January next, and that every two years thereafter an election shall be held for commissioners agreeably to the directions of the above recited act. Any law to the contrary notwithstanding.

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

CHAPTER XVII.

An Act for the regulation of the town of Lawrenceville in the county of Montgomery.

Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That Edmund Deberry, John Deberry, John Christian, John Culpepper and Thomas Christian, be, and they are hereby appointed commissioners with full power and authority to make such rules and regulations for the government of the town of Lawrenceville as they, or a majority of them may agree upon; and they are hereby fully authorised and empowered to make such rules and bye-laws for the government thereof, and have full powers

to enforce the same: *Provided*, such rules, regulations and bye-laws shall not be inconsistent with the constitution and laws of this State.

II. *And be it further enacted*, That in case of death, removal or refusal to act, of any of said commissioners, those remaining shall have power and authority to appoint others to fill such vacancy; who shall have as full power and authority to act, as those appointed by this act.

CHAPTER XCVIII.

An act to amend an act passed in the year one thousand eight hundred entitled an act to regulate the town of Haywood, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Farrar, John A. Ramsey, Herndon Harelson, David Tate and Theophilus Sanders, be, and they are hereby appointed commissioners for the town of Haywood; and the said commissioners or a majority of them shall fix and determine the limits of said town, and shall cause to be made two fair copies of the plan of said town, one of which shall be deposited with the clerk of Chatham county court, and be registered by the register of the said county, and the other shall be kept by the said commissioners, and recorded by them in a book kept for the purpose of recording their proceedings; and the limits so fixed and determined shall be held, deemed and taken the true limits of the town of Haywood.

II. *Be it further enacted*, That the court of pleas and quarter sessions for Chatham county, be, and they are hereby authorised to appoint inspectors of tobacco and flour for the town of Haywood.

CHAPTER XCIX.

An Act for the government of the town of Milton, to extend the boundaries 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 James Rainey, James Holder, Philip J. Ingle, Solomon Graves, William Irvine, Washington Jeffreys, John P. Harrison, Thomas McGehee and John Rogers, or a majority of them, be, and they are hereby appointed commissioners to lay off and establish, adjoining the town of Milton, such number of lots or quanty of ground, and to lay out and establish such streets and alleys on the same, as they may deem the public interest shall require; and when the said commissioners, shall have so laid out the said lots, streets and alleys, and establish the boundary aforesaid, they shall make or cause to be made, two fair and full copies of the plan of the said town of Milton, including the town heretofore incorporated by an act of the General Assembly of this State, passed in the year one thousand, seven hundred and ninety six, and that part of the said town authorised to be laid out by this act, in which plan shall be represented, the several lots of the town with their numbers, the streets and alleys of the same, with the names of the said streets: one of which said copies, as soon as the same shall be completed, shall be deposited in the office of the clerk of the county court of Caswell, and registered by the register of the county of Caswell, and the other copy deposited with the commissioners of police herein after mentioned, and by them recorded in a book to be kept for the purpose of entering all proceedings of the said commissioners.

II. *And be it further enacted.* That the boundary laid off by the said commissioners shall be considered the limits of the said town of Milton and all lands lying in the same is hereby declared to be included in the corporation established by this act.

III. *And be it further enacted,* That on the first day of March next, the qualified voters in the said town of Milton, shall convene at some suitable place within the said town and shall elect eight persons to be commissioners of police for one year next ensuing, which said commissioners and their successors shall be, and are hereby declared to be a body politic and corporate, by the name of the commissioners of police for the town of Milton, and as such shall have perpetual succession and a common seal, shall sue and be sued, and by such name shall have power from time to time, and at all times hereafter to make such rules, regulations and bye-laws, as they or a majority of them shall think necessary, for the suppression of vice and immorality, and for the good government of the said town which are not repugnant to the laws of this State. They shall have power to appoint a town constable, superintendant of the streets of the town, and a superintendant of the public buildings of the town, and to establish and regulate the fees of the said officers, as they may think necessary: and the said commissioners and those hereafter to be appointed, shall before they enter upon the duties of their appointment take and subscribe before some justice of the peace of the county of Caswell, the following oath, (to wit,) I, A B do solemnly swear (or affirm, as the nature of the case may be.) that I will well and truly perform the duties of commissioner of police of the town of Milton, so long as I shall continue to serve in the said appointment, to the best of my knowledge and ability, so help me God.

IV. *And be it further enacted,* That the said commissioners of police, shall be appointed annually on the first Monday of February in each and every year, in the manner hereinafter mentioned, and no person shall be a commissioner of police, who at the time of his appointment is not a resident of the said town of Milton, and owner of real property therein.

V. *And be it further enacted,* That the commissioners of police aforesaid, shall on or before the second Monday of February in the year of one thousand, eight hundred and twenty, and the commissioners thereafter appointed, as often as the interest of the town shall require it, lay off the said town into four wards, each of which shall have the same white population, as nearly as may be, and from each of the said wards, shall thereafter be elected two commissioners of police, which said commissioners chosen as aforesaid shall annually elect an intendant of police, who shall preside at the board of commissioners, and in case of an equal vote of the commissioners on any question submitted to their consideration, shall give the casting vote; and it shall be the duty of the said intendant of police, to enforce obedience to the laws and regulations of the said commissioners of police and punish offenders, and for that purpose he is hereby authorised to issue his warrant to the sheriff of the county or to the town constable, to apprehend offenders against the laws and regulations aforesaid, and to compel them to appear before him, to answer the said charge, and when brought before him, the trial of said offender shall be in a summary way as before a justice of the peace, and the said intendant is hereby invested with full power to administer oaths,

issue subpoenas, examine witnesses and adjudicate thereon; and on conviction of the offender, the said intendant is hereby authorised to give judgment and award execution, agreeable to the laws, regulations and ordinances, made and provided for the government of said town; which warrant or execution, sentence or judgment of the said intendant, the sheriff or constable is hereby required to execute: *Provided*, That in all cases whatsoever tried before said intendant, any person or persons being dissatisfied with such judgment, he, she or they may appeal from said judgment, to the next county court of pleas and quarter sessions for the county of Caswell, under the same rules and restrictions as are now provided for appeals from the decision of a justice of the peace, to the county courts of this State.

VI. *And be it further enacted*, That the intendant of police of the said town shall before he enters upon the duties of his appointment, take and subscribe before some justice of the peace for the county of Caswell the following oath, I, A B do solemnly swear (or affirm as the case may be,) that I will well and truly perform the duties of intendant of police of the town of Milton, so long as I shall continue in the said appointment, to the best of my knowledge and ability, so help me God.

VII. *And be it further enacted*, That the town constable, authorised to be appointed under this act shall take an oath, well and truly to perform the duties of his office of constable, while he shall continue therein, and shall give bond with two or more good securities in the sum of one thousand dollars, to the commissioners of police, conditioned that he will well and truly perform the duties of constable according to the laws of the State, and the rules and regulations of the said commissioners, upon which said bond, suit may be brought and recovery had against the constable and his securities in the same manner as is prescribed by law against other constables.

VIII. *And be it further enacted*, That every free white person, who shall be the owner of real property in the town, or who shall have resided within the said town, twelve months next preceding an election and shall have arrived at the age of twenty one years, paid a public tax and a tax of the town, shall be entitled to vote for commissioners of police.

IX. *And be it further enacted*, That the said commissioners of police and their successors, shall have power from time to time, to make or cause to be made, an assessment and valuation of all property in the town, subject to taxation by the laws of the State and to levy and collect a tax thereon, and to levy and collect a poll tax on the inhabitants thereof, and a tax on stores and retailers of spirits in the said town, in such manner as they shall deem the public interest may require, for the purpose of repairing the public streets of the town and making such other improvements of a public nature as may be necessary for the health and good government thereof.

X. *And be it further enacted*, That so much of the act of the General Assembly of this State, passed in the year one thousand, seven hundred and ninety six, incorporating the town of Milton, as comes within the meaning and purview of this act, be, and the same is hereby repealed.

CHAPTER C.

An Act to appoint commissioners for the town of Snow Hill in Greene 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 Adam Tooley, William D. Harte, Richard H. F. Harper, William Eastwood and Palmer Mosely, be, and they are hereby appointed commissioners for the town of Snow Hill in Greene County, and the said commissioners are hereby authorised and empowered annually to levy and collect a tax, not exceeding fifty cents on the poll, (including slaves subject to taxation,) and fifty cents on every hundred dollars value of town lots with their improvements, to be applied to the improvement of said town, in such manner as the said commissioners shall appoint.

II. *Be it further enacted,* That the said commissioners be, and they are hereby authorised to establish such bye-laws, rules and regulations, as they may think proper, not inconsistent with the laws of this State, and of the United States, any law to the contrary notwithstanding.

CHAPTER CI.

An Act to appoint commissioners for the town of Pittsborough in Chatham county, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Winship Steadman, Senior, William Scurlock, Zachariah Harman, and Richard C. Cotton, be, and they are hereby appointed commissioners for the town of Pittsborough in Chatham county, with full power and authority to make such bye-laws, rules, and regulations for the government of said town as they may deem expedient, not inconsistent with the laws of this State.

II. *Be it further enacted,* That the said commissioners be, and they are hereby authorised and empowered to lay off into acre or half acre lots, as they may think proper, the whole or any part of the town commons adjoining said town, and to sell the same at public auction on a credit of twelve months, the proceeds of such sales to be applied by said commissioners to the purpose of defraying the expence of building a jail in the county of Chatham, and deeds executed by the said commissioners or any three of them, for the lots laid off and sold under this act, shall convey a fee simple estate therein to the respective purchasers, any law to the contrary notwithstanding.

CHAPTER CII.

An Act concerning the town of Oxford.

Be 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 hereafter to be appointed for the town of Oxford in the county of Granville, shall be possessed of a fee simple title to real estate in said town and shall be elected annually on the first Thursday in January by the inhabitants thereof; and each inhabitant possessing a fee simple title to real estate therein, shall be authorised to vote at said election, which election shall be held for the first time by the commissioners or a majority thereof appointed by the act of Assembly passed in 1816, entitled an act to incorporate the town of Oxford.

II. *Be it further enacted,* That hereafter there shall be five commissioners only, which commissioners shall be governed by, and capable to

do all things vested by the laws incorporating said town in the former number.

III. *And be it further enacted*, That the said commissioners or a majority of them as soon as convenient after the first Thursday of January next, shall proceed to ascertain and number all the lots reserved for Thomas B. Littlejohn by the third section of an act of 1811, entitled an act to appoint commissioners to contract with Thomas B. Littlejohn for fifty acres of land to erect a town upon and for other purposes, also to extend the limits of said town so as to include all the adjoining improved lots and such other lots and streets as they may lay off and annex thereto.

IV. *And be it further enacted*, That the said commissioners or a majority of them shall make out a fair plot of the lots thus laid off, and return the same under their hands and seals to the next court of Pleas and Quarter Sessions that may be held for said county of Granville, after the lots and streets are laid off as aforesaid, which plot and certificate shall be recorded by the clerk of said court at full length on the minutes of the court, and owners of said lots shall be entitled to all the privileges, and subject to the same rules, regulations and restrictions prescribed by the act of eighteen hundred and sixteen as aforesaid.

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

CHAPTER CIII.

An act to establish an academy in the Town of Asheville in the County of Buncomb, and to establish an academy 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 Samuel Churn, David Swain, John Patton, Nathan McDowell, William Brittain, Robert Henry, and Samuel Davidson, be and they are hereby constituted and incorporated a body politic and corporate, to be known by the name and title of the Trustees of the Asheville Academy; and by that name shall have perpetual succession, and shall have full power and authority under that name, to ask, demand, sue for and receive all property both real and personal which may be given to the said institution, to be disposed of according to the will of the donor, and to do and transact all other business which may tend to the promotion and prosperity of said academy, in as full and ample a manner as the trustees of any Academy in this state; and that in case of the death, resignation, or removal from office of any trustee, or trustees of said Academy, a majority of the acting trustees for the time being shall have full power and authority to appoint others to fill the vacancy or vacancies, occasioned by such death, resignation or removal from office.

II. *And be it further enacted*, That the said trustees of Asheville Academy, or their successors in office, shall have full power and authority to raise the sum of two thousand dollars by way of lottery or lotteries, donations, or subscriptions for the purpose of completing the necessary buildings and of purchasing lands, apparatus, &c. for the use of said Academy.

III. *And be it further enacted*, That the said trustees or a majority of them at their first meeting after the passing of this act, shall have full

power and authority to select five members of their body to draft a scheme of said lottery or lotteries, who shall be considered entire managers of the same, and previous to their entering on the duties of their appointment shall in open court take an oath for the honest and faithful performance of the same, and shall also enter into bond jointly to the chairman of the county Court of Buncomb and his successors in office in the sum of twenty thousand dollars for their punctually paying, out of the monies received for the sale of tickets to fortunate adventurers in said lottery or lotteries, such sum or sums as may be drawn to the number of their respective tickets, within sixty days after the drawing is completed, deducting therefrom such per cent as may be agreed on by such managers in favour of said Academy. And said managers shall have full power and authority to establish and carry on said lottery or lotteries in such manner as they may think most conducive to the interest of said institution, and may sue and be sued as managers of the same in any court of record in this state, any law to the contrary notwithstanding.

And whereas the diffusion of useful knowledge by establishing seminaries for the education of youth is productive of general benefit and essential to the permanance of a republican Government,

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hardy Jones, Daniel Hunt, Thomas W. Mitchell, Thomas Hampton, Daniel Dyernett & John P. Parks, be & they are hereby declared to be a body politic & corporate, to be known by the name of the trustees of the Jonesville Academy, and by that name shall have perpetual succession and they or their successors, or a majority of them, by the name aforesaid shall be able and capable in law to take, demand and receive any property real or personal, and any monies or other things that shall be given for the use of the said Academy, and the same to apply according to the will of the donor, and by gift, purchase or devise, to take, have, possess, receive, enjoy and retain to them and their successors forever, any lands, rents or tenements of whatever nature or kind soever, in special 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 monies which may be given or subscribed for the use of this institution.

II. *And be it further enacted*, That the said trustees or a majority of them shall have full power and authority to make such bye-laws and regulations as are usual in such seminaries, and to appoint other trustees who shall have the same power and authority as are granted to the trustees appointed by this act.

CHAPTER CIV.

An Act to incorporate the Trustees of the Milton Female Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Bartlett Yancey, Henry M. Clay, Thomas M'Gehee, Warner Williams, Bedford Brown, Romulus M. Sanders, William Irvine, John McAden, James Rainey and James Holder, Esquires, shall be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the trustees of the Milton Female Academy, and by that

name shall have perpetual succession and a common seal; and that they the said trustees, and their successors or a majority of them, shall be able and capable in law to take, demand, receive and possess, all monies, goods and chattels, that shall be given them for the use of the said Academy, and apply the same according to the will of the donors, and by gift purchase or devise, to take, have, possess and retain, to them and their successors forever, any lands, tenements, rents or hereditaments of whatsoever kind, in special trust, that the same, or the profits thereof, shall be applied to and for the use and benefit of the said Academy.

II. *And be it further enacted*, That said Trustees, and their successors or a majority of them, by the name aforesaid, shall have full power and authority to bargain, sell, grant, demise, alien and convey to the purchaser any such lands, tenements, rents or hereditaments aforesaid, when the condition of the grant to them, or the will of the devisor does not forbid it

III. *And further*. That the said trustees and their successors forever, or a majority of them, shall be able and capable in law to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever; and that they shall have full power to open and receive subscriptions, enforce their collection and in general do all such things as are usually done by bodies corporate and politic.

IV. *And be it further enacted*, That on the death, refusal to act, resignation or removal out of the State of any of the said trustees for the time being, it shall be lawful for the remaining trustees or a majority of them, and they are hereby authorised and empowered to elect and appoint one or more trustees in the place of such trustee or trustees dead, refusing to act, resigned or removed, or to elect and appoint any additional number which may seem to them proper and necessary, and the said trustee or trustees so appointed shall be vested with the same trusts, powers and authorities as the original trustees are by virtue of this act.

V. *And be it further enacted*, That the said trustees and their successors or a majority of them shall have the power and authority to appoint a President, Treasurer and Secretary and to employ such tutors and tutoresses as to them shall appear necessary and proper, whenever they may remove for misbehaviour, inability, or neglect of duty. And they shall have the further power of making all such bye laws, regulations for the government of said Academy, and the preservation of good order and morals therein, as are usually made in such seminaries and as to them may seem necessary: *Provided*, the same be not contrary to the constitution and laws of the State.

CHAPTER CV.

An Act to remove a separate election heretofore held at the house of the late William Tarkinton, to the house of Samuel Skinner, of 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 the separate election held at the house of the late William Tarkinton, in the county of Washington, shall hereafter be held at the house of Samuel Skinner in said county, on the same days, under the same rules, regulations and restrictions as they have heretofore been held at the said William

Tarkintons, any thing contained in the law establishing said seperate election to the contrary notwithstanding.

CHAPTER CVI.

An Act concerning the town of Salisbury.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Salisbury, be, and they are hereby authorised to form and organize one or more fire companies in said town, and to make such rules and regulations for the government and operation thereof, as to them may seem necessary, and to compel the inhabitants of said town to procure fire buckets, and said commissioners shall provide a convenient and fit place for keeping in safety the fire engine of said town.

II. *And be it further enacted.* That it shall be the duty of the commissioners to appoint one or more overseers as often as to them may seem proper to superintend the working and keeping in proper order the streets of said town, and to divide the hands in such a manner as will most promote the object in view, the penalties being the same as under existing laws: *Provided nevertheless,* that should the commissioners think expedient to farm out the said streets, or any particular part thereof instead of requiring the hands to work thereon, they may levy and collect a tax on the inhabitants of the town to defray the expence of the same.

III. *And be it further enacted,* That the commissioners shall cause said town to be surveyed; the width and lines of the streets and the corner of each square and lot, to be distinctly ascertained and marked; a plat of which shall be filed with the Clerk of the commissioners, subject to the inspection of all whom it may concern.

CHAP. CVII.

An Act to establish a seminary of learning on the lands of John Martin, in the county of Wake, by the name of Forest Hill Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Crenshaw, John Martin, David Fowler, James Harris, Foster Fort, Anderson Harrison, John Ligon, Doctor James D. Ridley and Thomas Alston, 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 Forest Hill 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 receive subscriptions and donations, and possess all monies, goods and chattels that shall be given for the use of said Academy, and the same to apply accordingly to the directions of the donor, and by gift, purchase or devise to take possess and enjoy to them and their successors forever any lands, tenements and hereditaments in trust that the same or the profits thereof be applied to and for the purposes of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said trustees or a majority of them by the name aforesaid shall be fully authorised and capable in law to grant, bargain, sell and convey any such lands and tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation, and further the said trustees, their successors

or a majority of them, shall be able and capable in law by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity in this State.

III. *And be it further enacted*, That the said trustees and their successors or a majority of them, shall have and are hereby declared to have full power to make or ordain such laws and regulations for their own government and for the regulations, and government of said Academy, as to them may appear necessary.

IV. *And be it further enacted*, That upon the death or resignation, inability or refusing to act of any of the trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them to elect others to supply their places, and when so appointed shall have equal powers with the trustees appointed by this act.

CHAPTER CVIII.

An Act to establish a seminary of learning on the lands of James Hilliard in the county of Nash by the name of Hilliardston Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Bellamy, George Boddie, John H. Drake, Joseph Arrington, senr. Michael Collins, William W. Boddie, William Burt, Joseph Arrington, junr. Drury L. Bynum, Thomas Mann, Robert C. Hilliard, Francis Drake and James Hilliard, 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 Hilliardston 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 receive subscriptions and donations, and possess all monies, goods and chattels that shall be given for the use of said Academy, and the same to apply according to the directions of the donor, and by gift, purchase or devise to take, possess and enjoy to them and their successors for ever, any lands tenements and hereditaments in trust that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said trustees or a majority of them, by the name aforesaid, shall be fully authorised and capable in law to grant, bargain, sell and convey any such lands and tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation, and further the said trustees, their successors or a majority of them shall be able & capable in law by the name aforesaid to sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity in the State.

III. *And be it further enacted*, That the said trustees and their successors, or a majority of them shall have and are hereby declared to have full power to make or ordain such laws and regulations for their own government and for the regulations and the government of said Academy as to them may appear necessary

IV. *And be it further enacted*, That upon the death or resignation, inability or refusing to act of any of the trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them to elect others to supply their place, and when so appointed shall have equal powers with the trustees appointed by this act.

CHAP. CIX.

An Act to establish an Academy in the town of Haywood in Chatham county, and to incorporate the trustees thereof.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That John Farrar, Thomas Hill, Herndon Haralson, Archilaus Carloss, Thomas Farish, Richard C Cotton and John A. Ramsay and their successors be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the president and trustees of the Haywood Academy, and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattels and monies that may be given to them and apply the same according to the will of the donor, and dispose of the same if not forbidden by the terms of said gift, they may sue and be sued, plead and be impleded in any court of law within this State, shall have power to fill the place of such as may die, remove, resign or be incapable of acting, and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, & do and perform all such acts and things as are incident to, and usually exercised by bodies politic for the accomplishment of the subject contemplated.

CHAPTER CX.

An Act to establish a Female Academy in the county of Orange.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac Shugart, Nathaniel Newlin, James Jones, John Woody and John Newlin, shall and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of "the managers of the prospect company," and by that name shall have perpetual successsion, and that they the said managers and their successors by the name aforesaid or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies and chattels that shall be given for the use of the said company, and the same apply as they or a majority of them shall think fit, for the advantage of the said company, and by gift, purchase or devise, shall receive, enjoy and retain to them and their successors forever, any lands, tenements or hereditaments in special trust and confidence that the same or the profits thereof be applied to and for the use of the said company in the support of a Female Academy.

II. *And be it further enacted,* That the said managers, or a majority of them shall have full power and authority to make such laws and regulations for the government of the said Academy, and the preservation of order and good morals therein as they may deem necessary: *Provided,* that such laws and regulations be not inconsistent with the laws of this State.

III. *And be it further enacted,* That when any vacancy in the said company shall be occasioned by the death, resignation or removal of either of any of said managers, that in such case it shall be lawful for the remaining managers or a majority of them, from time to time to appoint other managers to fill such vacancy or vacancies occasioned as aforesaid.

CHAPTER CXI.

An Act to establish Wayne Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That Nicholson Washington, Jesse Slocumb, Frederic Burn, Theophilus Best, Claudius Hamilton, Barnabas McKinne, Robert G Green, Richard Washington, William Raiford, Ezekiel Slocumb, Allen Whitfield, Edmund Whitfield, senr. Lemuel H. Whitfield, Benjamin Whitfield, Lewis Coor Pender and Robert McKinne, 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 Wayne 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 to apply according to the directions of the donor, and by gift, purchase or devise to take, possess and enjoy to them and their successors for ever, any lands, tenements and hereditaments, in trust that the same or the profits thereof be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted,* That the said trustees or a majority of them by the name aforesaid, shall be able and capable in law to grant, bargain, sell and convey any such lands, tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation, and further, that the said trustees, their successors or a majority of them shall be able and capable in law by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State.

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

IV. *And be it further enacted,* That upon the death or resignation, inability or refusing to act of any of the trustees aforesaid, it shall be lawful for the remaining trustees or a majority of them, to elect others to supply their place, and when so appointed shall have equal powers with the trustees appointed by this act.

CHAPTER CXII.

An Act to amend an act passed in the year one thousand eight hundred and sixteen entitled "An Act to establish an Academy in the county of Martin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the board of trustees of the Williamson Academy shall hereafter consist of seven members, any four of whom shall be a quorum to do all acts which said trustees are authorised to do, and no vacancy which may happen in the present board of trustees shall be filled, until such vacancy shall reduce the number below seven, any law to the contrary notwithstanding.

CHAPTER CXIII.

An Act to establish separate elections, at places and in the counties hereinafter mentioned.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future there shall be a separate election established at Johnston Busbee's Esq. in Wake county, that the separate election heretofore held at Flat Rock in Buncomb county, be removed to George Justices in said county, that the election heretofore held at a place known and called by the name of Cagles election in Moore county be removed to Hiram Kenedy's in said county; that in future there shall be one other separate election in Buncomb county, established and held at John Barnett's on little river, that the election held at James Patterson's. be removed to the house of Robert Carson's, senr. in Iredell county, that the election heretofore held at Thompson's Mill in the county of Rowan, be removed to the house of Noah Partie, and that two other separate elections be established in said county, one at the house of John Ward, on the east side of the Yadkin River, the other at the place called Fullenwider's Mill, (now John Linns,) that the election heretofore held at the widdow Dodson's, on Snow Creek, in the county of Stokes be removed to the house of Obediah Dodson, (now Hugh Martin's,) in said county; that the election heretofore held at the house of John McPherson, be removed to William Houston's in Iredell county; that in future there shall be established at Cockran's Store, in Orange county, one other separate election; that there shall be three other separate elections established in the county of Burke, one at David Baker's on Cain Creek, one at Thomas Park's on Upper Creek, and one at John Cobbs, on the Horseford road; that one other separate election be and is hereby established at the house of Joseph D. Jones on the South Fork of Lewis's in Wilkes county, that one other separate election be and is hereby established at the house of William Gores on Stewart's creek in Duplin county; that a separate be, and is hereby established at Isaac Pipkin's tavern in the county of Gates; that in future an election shall be held at the house of John Whitesides in the county of Rutherford, and that an election shall be held at Capt. John Porter's muster ground in Sampson county; and that the election held at Jeremiah York's be removed to the place where John White formally lived, (now the property of Leeves McMasters in Randolph county,) that a separate election shall in future be held at James Perry's store house in the county of Perquimons, under the same rules, regulations and restrictions as all other elections in said counties, any law to the contrary notwithstanding.

CHAP. CXVI.

An Act to establish and remove seperate elections in the counties and places herein after mentioned.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future a separate election be held at Pleasant Grove Academy in Perquimons county, that the election heretofore held at the house of Matthew Kelly in Bladen county be removed to the house of James Skipman, senr. that the separate election heretofore held at the house of Thomas Dilliard in the county of Haywood, be removed to the muster ground on Oconolofty ri-

ver in said county, that the election heretofore held at John Smith's in the county of Wayne be removed to Mrs. Blackman's mills in said county, that the separate election held at Crowderston in Lincoln county be removed to such place as the county court shall designate, and that the election heretofore held at William Cook's in Moore county be removed to the store of Dugal Matthis in said county, each and every election to be under the same rules, regulations and restrictions as all other elections in said counties, any law to the contrary notwithstanding.

II. *And be it further enacted*, That a separate election shall hereafter be held in the town of Haywood in the county of Chatham, which election shall be held at the same time, under the same rules, regulations and restrictions as have heretofore been established by law for elections in said county.

III. *And be it further enacted*, That the separate election heretofore held at the house of David Watson in Beaufort county, shall be removed to the house of Micajah Everett in said county; the separate election heretofore held at Cooper's spring, in the county of Rutherford shall be removed to the house of James Craw in said county; and that a separate election be established at Capt. James McCalebs in Cabarrus county, to be governed by the same rules, regulations and be subject to the same restrictions as other separate elections in said county; that there shall hereafter be a separate election held at the Store of Anderson Harrison in Wake county, under the same rules and restrictions as other elections are held in said county; that there shall hereafter be a separate election held at the store of Turner Pully, Esq. in Wake county, under the same rules and restrictions that other elections are held and governed by; that a separate election be held at the house of Frederic Stearns deceased, in the county of Mecklenburg under the same rules and regulations as other separate elections in said county.

CHAPTER CXVII.

An Act to alter the mode of elections in Tyrell 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 all elections in the county of Tyrell shall in future be opened and held at the places pointed out by law on the second Thursday in August in every year.

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

II. *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 the voters names shall be by them or some of them, returned (at or before Friday after the said Thursday at three o'clock,) at the Court House in said county to the sheriff; and on the returns being made to said sheriff or his deputy, he shall in presence of the

inspectors proceed to add the number of votes to him returned, with those taken at the Court House, and the persons having the greatest number of votes shall be deemed duly elected, and the sheriff shall immediately at the Court House door make proclamation accordingly.

III. *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 justice of the peace and two freeholders to appoint inspectors, and when so appointed, they shall have the same authority and be subject to the same restrictions as if they had been appointed by the court.

IV. *Be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointment of said inspectors to the sheriff whose duty it shall be to notify them of their appointment; and the sheriff is hereby required to advertise said elections in every captain's district and at the Court House, at least twenty days previous to said election.

V. *Be it further enacted*, That all laws coming within the perview of this act are hereby repealed.

CHAPTER CXVIII.

An Act to establish a poor house in the counties of Johnston, Stokes and Brunswick.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall & may be lawful for the wardens of the poor for the counties of Johnston, Stokes and Brunswick or a majority of them as soon as they may deem it necessary after the passage of this act, to make application to the county court of pleas and quarter sessions of the aforesaid counties, and the said courts are hereby authorised and empowered if deemed necessary by a majority of the justices in the respective counties above named to lay a tax, not exceeding ten cents on every poll, five cents on every hundred dollars worth of land and town property to be collected and accounted for, as other taxes are with the wardens in said counties; which taxes when collected shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land by purchase or otherwise within four miles of the Court Houses of the counties of Johnston and Stokes, and within five miles of the centre of Brunswick county, and to build or cause to be built thereon in each county a house or houses for the reception of the poor of said counties, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the wardens, incapable from old age or infirmities to procure subsistance for themselves, and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and provided with suitable diet, clothing and fuel, and to enforce al such regulations as may be established from time to time, for the well ordering and governing of the poor in said counties, which regulations said wardens are hereby empowered to make.

II. *Be it further enacted*, That it shall be lawful for said county courts respectively, to renew the imposition of said taxes from year to year, if necessary, either to complete said building or buildings, or defraying the

expences that may be occasioned by keeping up the same, and the said overseers for their services shall be allowed for each year, such sum or sums as the wardens may deem adequate for their services to be paid out of the tax laid for that purpose.

III. *Be it further enacted*, That the overseer or manager of the poor in said counties are hereby required to keep at moderate labor, all such of the poor under their care as they shall judge capable of labor, and at the end of each and every year shall account to the wardens of their respective counties on oath, for all such sum or sums which may have arisen from the labor of said poor, and have the same deducted from the amount their expences, any law to the contrary notwithstanding.

CHAPTER CXIX.

An Act to establish a poor and work house in the county of Camden, 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 it shall and may be lawful for the overseers of the poor in the county of Camden or a majority of them, annually to lay a tax, for the purpose of defraying the expense in the erection of a poor and work house in said county if not exceeding the public tax on land and polls, to be collected and accounted for as other taxes are in said county, which tax when so collected, shall be paid into the hands of the wardens of the poor, who are hereby authorised and empowered to contract for, and procure a piece of land either by purchase or otherwise, the title of the said property to be taken in the name of the overseers of the poor and their successors in office forever; and to build or cause to be built thereon a house sufficiently large for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the wardens incapable through old age or other infirmities, to procure a subsistence for themselves, and the said wardens shall appoint the keeper or overseer of said poor whose duty it shall be to preserve good order, see that they are humanely treated, and sufficiently provided for with good clothing, lodging and wholesome diet, and to enforce all such regulations as shall be established from time to time for the well ordering and good government of said poor, which regulations the said wardens are hereby empowered to make, and the said keeper or overseer for his services, shall be allowed each year such sum as the wardens may deem adequate for his trouble, to be paid out of the taxes laid for the aforesaid purposes, and the keeper or overseer of said poor, is hereby required to put to moderate labour, such of the poor under his care as he shall judge capable of labour, and at the end of each and every year, he shall account to the wardens of said county on oath for all such sums as may have arisen from the labour of such poor and have the same deducted from the amount of their expenditures, any law to the contrary notwithstanding.

II. *Be it further enacted*, That upon complaint made by any citizen of said county to any justice of the peace, that any person is loitering about the county, spending their time in sloth and idleness, and following no visible trade or occupation for support, whereby to acquire an honest living, or that any loose or disorderly persons have been eating, drinking or keeping company with slaves, or that any person or persons have been sauntering about, and endeavouring to maintain themselves by gambling

or other unfair and unlawful means or that any person keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness it shall and may be lawful for the said justice of the peace to issue his warrant against all whom such a complaint may have been lodged, directed to any lawful officer in said county, to bring such offender or offenders, before him or any other justice of the peace for said county, and on conviction of the offender, he is hereby authorised to bind such person or persons over to the next county court, there to be proceeded against in the same manner as other persons are charged with misdemeanors, and if it shall appear to the satisfaction of the court and jury that the charges exhibited against him or them are true and well founded, then and in that case the court shall have full power, and are hereby authorised to sentence such persons to be confined to the work house for any time not exceeding six months, to be kept at hard labour unless he or she shall find sufficient security at the discretion of the court in any sum not exceeding two hundred pounds, for his or her good behaviour thereafter, upon giving which bond the court may fine the culprit not less than five, nor more than fifty dollars, and such fine and costs being paid by the culprit, he shall be discharged and set at liberty, and in case of conviction for keeping a lewd or disordely house such person or persons shall not thereafter be allowed to keep a house for lodgings in said county, without a special permit from the wardens of the poor.

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

CHAP. CXX.

An Act to erect a poor house in the county of Lincoln, 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 wardens of the poor of the county of Lincoln for the time being and their successors, shall hereafter in fact and in name, be, and they are hereby declared to be a body politic and corporate in Law to all intents and purposes, and shall have perpetual succession, and by the name of the wardens of the poor of Lincoln county, may sue and be sued, plead and be impleaded, in all courts of jurisdiction within this State, and by that name, shall and may purchase, take or receive any lands, tenements, hereditaments, goods, chattels, sum or sums of money, to hold to them the said wardens and their successors in trust for the use of the poor of Lincoln county aforesaid, and the said wardens may ordain, establish and put in execution, such bye laws, regulations and ordinances as to them or a majority of them may seem meet for the government of the corporation and the poor of said county whom they may take in charge, not inconsistent with the constitution and laws of this State and of the United States.

II. *Be it further enacted*, That the said wardens, or their successors in office shall have full power and authority to purchase a tract of land within five miles of Lincolnton in the county Lincoln aforesaid, not exceeding two hundred acres and have a good and sufficient title executed by the vendor in fee simple to the wardens of the poor of Lincoln county, and their successors for the use of the poor of said county, and the wardens aforesaid are authorised, empowered and required to erect suitable build-

ings on the aforesaid tract of land for the comfortable accommodation of the poor of said county, and the said wardens are authorised to employ a fit person to superintend the poor, whose duty it shall be to furnish them with convenient food, full clothing and give them due attendance when sick and call in medical aid when he may judge it necessary, it shall also be the duty of said superintendant or overseer of the poor to employ any of them who may be capable, the men in farming, gardening and other employments of the like kind, and the women in spinning, knitting, sewing and other employments of the like kind, and it shall be the duty of the wardens to furnish implements and materials to carry the above operations into effect.

III. *Be it furthr enacted*, That the said overseer shall keep a regular account of all receipts and expenditures which relate to the institution and make a settlement with the wardens half yearly, whose duty it shall be to supply him with all necessary funds for the aforementioned purposes of accommodating the poor, and for his services as superintendant.

IV. *Be it further enacted*, That the wardens of the poor aforesaid, are hereby authorised to demand and receive a sum, not exceeding two thousand dollars from the treasurer of the commissioners, who made sale of the lots sold in the said town of Lincolnton, agreeable to an act of the General Assembly made for that purpose in November, one thousand eight hundred and sixteen. The above mentioned two thousand dollars to be applied by the wardens aforesaid, to the purchase of the land, and building the houses aforesaid for the comfortable accommodation of the poor of said county of Lincoln.

And whereas there will be funds still remaining in the hands of the commissioners aforesaid on account of the lots sold by them in the town of Lincolton.

V. *Be it therefore further enacted*. That the commissioners aforesaid are hereby authorised to appropriate said funds so far as they will extend to the several purposes of purchasing a fire engine, building a market house, and erecting an Academy in the said town of Lincolnton.

VI. *Be it further enacted*. That all acts and clauses of acts which come within the meaning and purview of this act, or in any wise operate against it, be and the same are hereby repealed.

CHAPTER CXXI.

An Act to establish a separate election in each Captain's District 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 in future all elections for Members of the General Assembly of this State, shall be held in the county of Nash on the third Thursday in July, in each and every year, at the following places, viz: at the house of Richard Arrington, Eli Manning, George Cooper, Wm. J. B Harper, Michael Collins, William Dorch, Edward Taylor, Ansel Farrel, Irwan Eatman's Old Field.

II. *And be it further enacted*. That it shall hereafter be the duty of the court of said county, at the court next preceding the day of any election, to appoint one Justice of the Peace, and two Freeholders to act as inspec-spectors of polls; whose duty it shall be to attend at the places for which they are appointed on the day mentioned in this act for holding said

elections; which election shall be held in the same manner and under the same rules, regulations and restrictions as are observed in other cases of elections within this state.

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

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

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointment of the said inspectors to the Sheriff, whose duty it shall be to notify them as soon as may be. of their appointment: and the sheriff is hereby required to advertise said elections in each Captain's District, at least twenty days previous thereto.

VI. *And be it further enacted*, That if any person shall vote at more than one election on the same day, he shall on conviction before any justice of the Peace for said county, forfeit and pay the sum of ten pounds to any one who will sue for the same.

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

CHAPTER CXXII.

An Act to establish a Poor House in the County of Rowan.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and and may be lwful for the Wardens of the Poor in the county of Rowan, or a majority of them, annually to lay a tax, not exceeding the public tax on the land, poll and lots in said county to be collected and accounted for as other taxes are in said county, which taxes when collected shall be paid into the hands of the Wardens aforesaid, who are hereby authorised with the proceeds of said taxes, to procure a tract of land either by purchase

or otherwise, to be located by the county court, a majority of the acting justices of said county being present, and to build or cause to be built thereon a house or houses sufficient for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex as shall be adjudged by the Wardens incapable through old age or other infirmities to procure a subsistence for themselves: and the said wardens shall appoint a keeper or overseer of said Poor, whose business it shall be, to preserve good order, see that they are humanely treated, and sufficiently provided for with good clothing and wholesome diet; and to enforce all such regulations as shall be established from time to time, for the well ordering and governing said poor, which regulations the said wardens are hereby empowered to make, and the said keeper or overseer, for his services shall be allowed each year such sum as the wardens may deem adequate, to be paid out of the taxes laid for that purpose; and the keeper or overseer of said poor, is hereby required to put to moderate labor, such of the poor under his care as he shall judge capable to labour, and at the end of each and every year shall account to the said wardens on oath for all sums which may have arisen from the labor of said poor and have the same deducted from the amount of his expenditures: Any law to the contrary notwithstanding.

II *Be it further enacted*, That upon complaint made by any citizen of said county, to any Justice of the Peace, that any person is loitering about the country, following no visible trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly person has been seen eating, drinking or keeping company with slaves, or that any person has been sauntering about, or endeavoring to maintain themselves by gambling or other undue and unlawful means; or that any person keeps a house of ill fame resorted to for the purposes of prostitution or lewdness; it shall and may be lawful for the said Justice of the Peace to issue his warrant against any person or persons complained against, directed to any lawful officer in said county to bring him or her before two Justices of the Peace; and if the said Justices shall find the complaint well founded they shall, and are hereby authorised to bind such persons over to the next county court, there to be proceeded against as other persons charged with misdemeanors; and if it shall appear to the satisfaction of the court and jury that the charges exhibited against said person are true, then and in that case, the court shall have full power, and are hereby authorised to sentence such person to the work-house for any time not exceeding six months to be kept at hard labor unless he or she shall find sufficient security at the discretion of said court in any sum not exceeding two hundred pounds for his or her good behaviour, upon giving which bond the court may fine the culprit not exceeding fifty dollars; and such fine and costs being paid, such culprit shall be discharged: and in case of conviction for keeping a lewd or disorderly house, such person shall not be authorised afterwards to keep a house for lodgers in said county without the consent of the Wardens of the Poor.

CHAPTER CIV.

An Act to authorise the Wardens of the Poor to build a Poor-House in the County of Beaufort, to regulate the keeping the same, 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 it shall and

may be lawful for the Wardens of the Poor in the county of Beaufort or a majority of them annually to lay a tax not exceeding the public tax on the land, poll, and town lots in the said county 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 hereby authorised with the proceeds of said taxes to procure a piece of land either by purchase or otherwise, and to build or cause to be built thereon a house or houses sufficient for the reception of the poor of the county, and all bastard or other children that the county are bound to provide for, and under the denomination of poor shall be comprehended all such persons of either sex as shall be adjudged by the wardens incapable through old age or infirmities to procure a subsistence for themselves, and said Wardens shall appoint a keeper or overseer of said poor and a schoolmaster whose business it shall be to preserve good order, see that they are humanely treated and sufficiently provided with good clothing and wholesome diet and to enforce all such regulations as shall be established from time to time for the schooling the children and well ordering and governing said poor, which regulations the said Wardens are hereby empowered to make and the said keeper or overseer and schoolmaster for their services shall be allowed each year such sum as the Wardens may deem adequate, to be paid out of the taxes laid for that purpose, and the keeper or overseer of said poor is hereby required to put to moderate labour such of the poor under their care as they shall judge capable to labour, and at the end of each and every year shall account to the Wardens of said county on oath for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures: Any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That upon complaint made by any citizen of said county to any justice of the peace that any person is loitering about the county following no visible trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly persons has been seen eating, drinking or keeping company with slaves, or that any person has been sauntering about or endeavoring to maintain themselves by gambling or other undue and unlawful means, or that any person keeps a house of ill fame, resorted to for the purpose of prostitution or lewdnes, it shall and may be lawful for said justice of the peace to issue his warrant against any person so complained against directed to any lawful officer in said county, to bring him or her, before two justices of the peace for said county, and if the said justices shall find the complaint well founded, they shall and are hereby authorised to bind said person over to the next county court, there to be proceeded against as other persons charged with misdemeanors, and if it shall appear to the satisfaction of the court and jury that the charges exhibited against the said person are true, then and in that case the court shall have full power and are hereby authorised to sentence such person to the work-house for any time not exceeding six months to be kept at hard labour, unless he or she shall find sufficient security at the discretion of said court in any sum not exceeding two hundred pounds for his or her good behaviour, upon giving which bond the court may fine the culprit not exceeding fifty dollars, and such fine and cost being paid such culprit shall be discharged, and in case of conviction for keeping a lewd

or disorderly house, such person shall not be authorised afterwards to keep a house for lodgers in said county without the consent of the Wardens of the poor in said county.

CHAPTER CXIV.

An Act to authorise the Courts of Pleas & Quarter Sessions of Craven and Cumberland counties to appoint special Justices of the Peace, and making compensation to such Justices for certain services.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the Justices of the Court of Pleas and Quarter Sessions of Craven and Cumberland counties, at the term of appointment of Sheriffs in said counties a majority of said Justices being present to select and nominate such and so many of the justices of their counties as they think proper to act in said counties as special justices for one year, and the said justices so elected shall be entitled to demand and receive the following fees for their services: that is to say,

For every affidavit not on the trial of a case,	10 cents;
For every warrant or attachment,	10 cents;
For every subpoena or order to summon a witness,	5 cents;
For every judgment rendered upon every warrant,	25 cents;
For granting an appeal or stay of execution,	10 cents;
For every execution,	10 cents;
For taking the deposition of any witness under a commission from any court of Justice,	50 cents;

which fees may be recoverd and collected as other fees to officers are or may be collected: *Provided*, that not more than three special justices shall be appointed in the town of Newbern nor in the town of Fayetteville

II. *Be it further enacted*, That the justices receiving such special appointment shall notwithstanding the said appointment, retain, use and exercise all and every right and privilege of other justices of the peace within his county and may at pleasure resign the said special appointment.

CHAPTER CXV.

An Act to increase constables fees in certain counties therein mentioned.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all constables who may hereafter be appointed in the counties of Bertie, Brunswick, Northampton, New-Hanover, Cumberland, Onslow, Washington, Tyrrell, Pasquotank, Sampson, Anson, Chowan, Jones, Granville, Greene, Perquimons, Stokes, Johnston, Rowan, Richmond and Robeson, shall and they are hereby authorised to charge and receive the following fees, to wit: for each and every days attendance on court when summoned by the sheriff, one dollar—for serving a warrant on each and every person named therein fifty cents—for whipping a negro by order of court or justice of the peace, twenty five cents—for summoning a witness, twenty five cents—for every execution fifty cents—for every attachment levied, one dollar—for every bail bond taken, twenty five cents, and commissions of two and a half per cent on all sums collected on executions.

II. *And be it further enacted*, That the constables aforesaid shall be entitled and are hereby authorised to receive and collect their fees in the same manner, as is now by law directed.

CHAPTER CXXV.

An Act to repeal part of an Act passed in 1816, entitled "an Act relative to the County Courts of Stokes and 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 so much of an act passed in eighteen hundred and sixteen, entitled an act relative to the county courts of Stokes and Surry, as relates to the appointment of Clerk and Sheriff of the county of Surry, be, and the same is hereby repealed and made void.

II. *And be it further enacted,* That in future, in the appointment of Clerk and Sheriff of the county court of Surry, there shall be present a majority of the acting Justices of the Peace of the county, and no person shall be deemed, to be duly elected, without receiving a majority of the votes of the Justices present.

CHAPTER CXXVI.

An Act for the relief of the estate of Smith Burrows, late Sheriff of Martin County.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the judgment in behalf of the State against James Carmer, administrator of Smith Burrows, late Sheriff of Martin County so far as the same is for the penalty imposed by law on defaulting Revenue Officers, be, and the same is hereby released and remitted.

CHAPTER CXXVII.

An Act to authorise a certain number of the Justices of the Peace for the County of Warren, to appropriate the county monies.

Be 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 Court of Pleas and Quarter Sessions of the county of Warren, seven Justices being present, shall have power and authority to appropriate any sum or sums of money, in the hands of the County Trustee, which may be necessary for the discharge of any demand or demands against the county; any law to the contrary notwithstanding.

CHAP. CXXVIII.

An Act to repeal the first section of the 26th chapter of the acts of 1791 so far as relates to the Counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Cartaret and 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 said first section of the twenty sixth chapter of the acts of seventeen hundred and ninety one, be and the same is hereby repealed, so far as respects the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston.

CHAPTER CXXIX.

An act to prevent persons from obstructing the passage of fish up Mitchell's river 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 from and after the passing of this act it shall not be lawful for any person or persons, to

erect fish dams or other obstructions in the county of Surry across Mitchell's river to a greater extent or distance than two thirds of the width of the said river, and any person or persons offending against the provisions of this act shall forfeit and pay the sum of ten pounds for each and every offence to be recovered before any justice of the peace by warrant, and to be applied to the use of the person suing for the same, any law to the contrary notwithstanding.

CHAPTER CXXX.

An act to complete the division of the counties of Pasquotank and Perquimons.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Perry, William Jones and Aaron Albertson of Perquimons county and Stephen White, William Perry and John Overman, of the county of Pasquotank, are hereby appointed commissioners, to run and mark the remaining division line between the counties of Pasquotank and Perquimons, and to employ surveyors and chain carries, to assist them in executing the same.

II. *And be it further enacted*, That the said counties of Pasquotank and Perquimons, shall each pay one half of the expence thereof, and that two of the commissioners from each county, shall be deemed sufficient to execute the object of this bill, any law to the contrary notwithstanding.

CHAPTER CXXXI.

An act to amend an act passed in eighteen hundred and seventeen, entitled an act to appoint commissioners to run and establish the dividing line between the counties of Franklin and 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 Gideon Glenn, Thomas Dunn and William Harrison, be appointed commissioners on the part of Franklin county, and that Henry Harrison, Jesse Hammons and Michael Collins, commissioners on the part of Nash county, or a majority of them from each county, be and they are hereby authorised to carry the above recited act into effect, and that they report to the next General Assembly, any law to the contrary notwithstanding.

CHAPTER CXXXII.

An act to incorporate the Buffaloe and the Fayetteville Libary Company.

Be 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 persons now associated together in the county of Lincoln as a Libary Society, and all such persons may hereafter become Members of said Society, shall be, and they are hereby declared to be a body politic and corporate, by the name and style of the Buffaloe Library Society, for the promotion of Religious and other useful information, and as such shall have perpetual succession, may take and hold as well real as personal, may by the style and name aforesaid, sue and be sued, plead and be impleaded and may make such bye-laws not inconsistent with the laws and general policy of the state for the regulation and government of their members as the purposes of the institution may require.

II. *And be it further enacted by the authority aforesaid*, That the per-

sons now associated together in the town of Fayetteville as a Library company and all such persons as may hereafter become members of the said company shall be and they are hereby declared to be a body corporate and politic by the name and style of the Fayetteville Library Company and shall have perpetual succession, may take and hold property as well real as personal not exceeding two thousand dollars in real estate, may by the name and style aforesaid, sue and be sued, and may make such bye laws not inconsistent with the laws and general policy of the State, for the regulation of their members as the purposes of the institution may require.

CHAPTER CXXXIII.

An act to authorise William B Alexander of Mecklenburg county, and Noble Hamilton of Rutherford county to erect Gates at the places 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 William B. Alexander of Mecklenburg county, be and he is hereby authorised to erect two gates on his own lands the one across the public road leading from Salisbury to Tuchasings Ford in Moore's lane, the other across the said road opposite the widow Frazer's house, which gates when erected shall be subject to the same tax, and in every respect be under the same rules, regulations and restrictions, as are now, or shall hereafter be prescribed by law, in respect to all other public gates in this State.

II. *And be it further enacted,* That Noble Hamilton, is hereby authorised and empowered to erect a gate across the public road leading from Rutherfordton to the Island Ford on Broad river, at some convenient place near the ford on said river.

CHAPTER CXXXIV.

An act authorising the field officers of the Montgomery Regiment of Infantry, to change the place of their Regiment and Battalion Musters.

BE 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 field officers of the Montgomery and Richmond regiments of Infantry, may at pleasure remove the battalion or regimental musters of said counties from the places at which they are now fixed, to any other place in said counties, any law to the contrary notwithstanding.

CHAPTER CXXXV.

An act prescribing the duty of the court of pleas and quarter sessions of the county of Brunswick, relative to their laying the county tax, and directing the time when the same shall be collected and accounted for by the Sheriff.

Be 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 pleas and quarter sessions of Brunswick county, shall at their next January term, and on the second day of said term, proceed to lay the county tax for said county, seven justices being present, and they shall lay such tax as in their opinion will be amply sufficient to defray all the charges existing against the said county, and they shall in the same manner at their January term in each and every year, lay and determine the county tax for said county and it is hereby declared to be the duty of the sheriff of said county to make a full and fair settlement of said taxes

with the county trustee on or before the fifteenth day of October in each and every year under the same penalties for failures as heretofore prescribed by law in such cases.

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

III. *And be it further enacted*, That this act shall be in force immediately after the passage thereof.

CHAPTER CXXXVI.

An Act to amend an act passed in the year 1786, entitled "an Act annexing part of Craven to Pitt County.

WHEREAS the line between the counties to Craven and Pitt as established by the act above recited has not been run, or if it has been run, the same is not sufficiently ascertained.

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 Guilford Murphy, Bruton Allen, esquires of the county of Craven and Joel Patrick and William Pugh of the county of Pitt, be and they are hereby appointed commissioners to run and mark the line of Craven and Pitt counties agreeably to the act hereinbefore recited; said commissioners shall employ a surveyor and chain carriers and examine and shall return a plat of their survey to the Court of Pleas and Quarter Sessions of their respective counties, and be allowed by their respective courts all necessary expences and a reasonable compensation for their services one half to be paid by each county.

CHAPTER XXXVII.

An Act to empower John Wilfong, George Wilfong and John Fry of the county of Lincoln, to erect and keep two gates across the public road lately laid out and opened from Morganton to Fayetteville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this act, it shall and may be lawful for John Wilfong, George Wilfong and John Fry, or their legal representatives, to erect and keep up two gates across the public road leading from Morganton to Fayetteville, in the county of Lincoln, where the said road crosses the South Catawba river, one on the east and the other on the west side of said river under the same rules, regulations and restrictions as have been established or hereafter may be established by law for erecting and keeping any gate or gates across any of the public highways of this state: any law to the contrary notwithstanding.

CHAP. CXXXVIII.

An Act to revive an Act empowering Dolphin Davis to receive storage of Tobacco inspected and deposited in his Ware-house in Lower Fayetteville.

WHEREAS, the force and effect of an act of the General Assembly, entitled an act to empower Dolphin Davis to receive storage of Tobacco inspected and deposited in such Ware-house or houses as he shall build in Lower Fayetteville, will cease and determine with this session of the General Assembly.

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, and every part thereof, be, and the same is hereby revived and shall continue in full force and effect, for the term of fifteen years from the passage thereof.

CHAPTER CXXXIX.

An Act to carry into effect an act passed in the year 1793, entitled an act to add part of Burke and Wilkes counties to 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 Samuel King and Matthew Baird, Esquires, be and they are hereby appointed Commissioners to run the line between the counties of Burke and Iredell, from the three cornered Island in the Catawba River to the bent of Little River in James Fox's land, agreeable to an act of one thousand seven hundred and ninety three, for establishing the same.

II. *And be it further enacted,* That the said Commissioners shall cause the said line to be marked, and shall return a fair plat of the same, signed by themselves, to their respective County Courts, and shall be allowed by their respective courts an adequate compensation for their services.

CHAPTER CXL.

An act to alter the times of holding the Courts of Pleas and Quarter Sessions of Richmond county, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of April next the Courts of Pleas and Quarter Sessions of Richmond county shall be held on the third Monday of April, July, October, and January, in each and every year, under the same rules and regulations as heretofore prescribed by law.

II. *And be it further enacted,* That at the next March term of the said court the Sheriff of said county shall be elected as usual, and under the same rules and regulations as heretofore, except that the said Sheriff then elected shall hold his office until April term which may happen in the year 1820, and the said Sheriff shall give bond and security accordingly for the full term aforesaid, previous to his entering upon the duties of his office, and at the said April term annually thereafter the election for Sheriff of said county shall take place, under the same rules and restrictions as heretofore observed in the like cases.

CHAPTER CXLI.

An act to authorise the running and re-marking the division line between the counties of Richmond and Robeson.

WHEREAS the line dividing the counties of Anson and Bladen, as run by the commissioners appointed by an act of the General Assembly, entitled "An act for adding part of Anson county to Bladen, passed in the year 1777," which line now divides the counties of Richmond and Robeson, is of difficult ascertainment from the decay and destruction of the trees marked upon said line,

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 Patrick McEachin, John Campbell and James M. Queen, Esquires, or a majority of them, of the county of Robeson, & Ale'r Fairly, Duncan Mc'Intire & Allen Stewart, Esq. or a majority of them of the county of Richmond be, & they are

hereby appointed commissioners to run and mark anew, either by marked trees or other monuments to be erected, the line run and marked by the the commissioners under the authority of the act herein before recited, which line now divide the counties of Robeson and Richmond, which line when so run and marked shall be and continue to be the dividing line between the said counties of Robeson and Richmond—any law to the contrary notwithstanding.

II. *And be it further enacted*, That provided the said commissioners, or any number of them, should fail, neglect or refuse to act, it shall be the duty of the county court where such failure or neglect shall take place, to appoint some other person or persons to act as commissioners aforesaid.

III. *And be it further enacted*, That the said commissioners, or a majority of them, shall employ a surveyor from each of the said counties to run said line and make a plat of said running, noting the natural boundaries, noted objects and marked trees they shall pass in running said line, and make return of the same to the next ensuing court of their respective counties; and said commissioners shall receive from the respective county courts such compensation for their services as said courts shall deem adequate.

IV. *And be it further enacted*, That the said commissioners or a majority of them shall proceed to run and mark said line as above directed, immediately after the passing of this act or at any time thereafter, that a majority of such commissioners shall think proper or convenient.

CHAP. CXLII.

An act to alter the times of holding the Superior Courts of Law and Equity in the first Judicial Circuit.

Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the Superior Courts of Law and Equity in the first Judicial Circuit in the several counties thereof, shall hereafter be opened and held on the following times hereinafter expressed, and each respective court shall continue in session one week, unless the business of the court shall be sooner determined, viz: In the county of Tyrell, the said courts shall be held on the first Monday in March and September; In the county of Washington on the second Monday in March and September; in the county of Bertie on the third Monday in March and September; in the county of Hertford on the fourth Monday of March and September; in the county of Gates on the first Monday after the fourth Monday in March and September; in the county of Chowan on the second Monday after the fourth Monday in March and September; in the county of Perquimons on the the third Monday after the fourth Monday in March and September; in the county of Pasquotank on the fourth Monday after the fourth Monday in March and September; in the county of Camden on the fifth Monday after the fourth Monday in March and September; in the county of Currituck on the sixth Monday after the fourth Monday in March and September.

II. *And be it further enacted*, That all suits now pending in any of the said courts, and all process which has issued, or may hereafter issue returnable to any of the said courts shall stand adjourned to, and be returnable at the times herein established for holding said courts respectively.

III. *Be it further enacted*, That it shall be the duty of the sheriff of each of the said counties immediately after the ratification of this act, to give

notice by public advertisement at the court house of his county of the alteration established by this act of the time of holding the court in such county.

CHAP. CXLIII.

An act more effectually to prevent obstructions to the passage of fish up the Roanoke and its waters

BE 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, from the first day of March to the twenty fifth day of May in each and every year, no person whatever shall fish with, use or employ any drift or drag net upon the river Roanoke and its waters, nor shall set or cause to be set any net or nets, nor fish with, use or employ any drift or drag net or nets between the mouth of the Roanoke and its waters, and a direct course from the eastermost point of Swan Bay, in Washington county, to Black Walnut point in Bertie county.

II. *And be it further enacted*, That any person who shall either directly or indirectly violate any of the provisions of this act shall forfeit & pay for each and every offence one hundred pounds, to any person who shall first sue for the same, and shall be further liable to indictment for a nuisance in any Superior court having jurisdiction of said offence; *Provided nevertheless*, That if no person shall sue for said penalty within one month from its forfeiture, that then and in that case it shall be the duty of the solicitor to commence an action for the same, in the name of the Governor for the use of the State of North-Carolina: *Provided*, That nothing in this act shall be so construed as to prevent any person fishing and setting his nets at the distance of one mile beyond the mouth of Roanoke and its waters in Swan Bay in Washington county between the shore and the edge of the channel, and in Bertie county between the shore and the edge of the channel.

CHAP. CXLIV

An Act respecting the courts held in the county of Rowan.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from & after the passing of this act, there shall be holden for the county of Rowan by three or more of the Justices of the said county, in addition to the Court of Pleas and quarter sessions now established by law, a court of Probate in the town of Lexington, on the second Mondays of February, May, August and November, in each and every year; which said Court of Probate shall have, and it is hereby declared to have the same Jurisdiction in all cases whatsoever now given to the court of Pleas and Quarter sessions of the said county, except in the trial of jury causes, which said causes shall be tried at Salisbury in the same manner as heretofore prescribed by law

II. *Be it further enacted*, That the Clerk of Rowan County Court of Pleas and Quarter Sessions shall be Clerk of the said Court, and it shall be attened by the Sheriff of the county in the same manner, and under the same restrictions and penalties as are established by law for their attendance on the said county court.

Read three times, and Ratified in General Assembly, 23d Dec. A. D. 1818. } *B. FANCEY, S. S.* *JAS. IREDELL, S. H. C.*

A True Copy, WILLIAM HILL, Secretary.

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