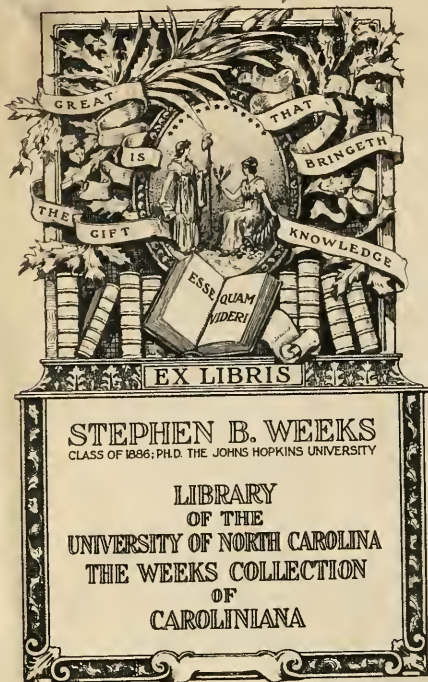


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John Sprunt Hill



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THE  
LAWS  
OF  
THE STATE OF



NORTH-CAROLINA,  
ENACTED IN THE YEAR  
1820.

Transmitted, according to Law, to

*Bartholomew Vance*

One of the Justices of the Peace for the county of

*Warren*

*Vance*

Raleigh :

PRINTED BY THOMAS HENDERSON, SR.

Printer to the State.

1821.

Handwritten text in cursive script, possibly a signature or name, located in the lower portion of the page. The text is written in dark ink on aged, yellowish paper. The word "Smith" is clearly legible in the lower part of the signature.

# LAWS

## OF NORTH CAROLINA,

Enacted by a GENERAL ASSEMBLY, begun and held at Raleigh, on the twentieth day of November, in the year of our Lord one thousand eight hundred and twenty, and in the forty-fourth year of the Independence of the said State.

---

JESSE FRANKLIN, Esq. Governor.

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### CHAP. 4.

~~An~~ Act to amend an act passed in the year eighteen hundred and nineteen, entitled "an act making provision for the running the boundary between this state and the state of Tennessee, and to repeal a part thereof."

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners appointed under an act of Assembly, passed in the year one thousand eight hundred and nineteen, entitled an act making provision for the running the boundary line between this state and the state of Tennessee, or who may hereafter be appointed under the before recited act, shall be allowed two pack horses and two men for the transportation of all necessary baggage, who shall be appointed by the said commissioners, and receive as a compensation for their services the sum of two dollars per day, each of them bearing their own expenses.* Making allowance for the commissioners.

2. *And be it further enacted by the authority aforesaid. That so much of the fifth section of the before recited act as allows the sum of two dollars and fifty cents per day to each chain bearer and marker who may be appointed under the before recited act, be, and the same is hereby repealed and made void.* Repealing clause

3. *And be it further enacted by the authority aforesaid, That each chain bearer and marker who shall be appointed under an act passed in the year eighteen hundred and nineteen, entitled an act making provision for the running the boundary line be-* Making compensation to chain-bearers

A. D. 1820. <sup>ers and</sup> <sup>markers.</sup> tween this state and the state of Tennessee, shall in future receive, as a compensation for their services, the sum of two dollars per day, said chain bearers and markers bearing their own expences.

Read three times and ratified in General Assembly, this 23d day of December, A. D. 1820

R. M. SANDERS, s. c.  
B. YANCY, s. s.

A true Copy, WM. HILL, Sec'y.

## CHAP. 2.

AN Act to revive and continue in force an act entitled "an act concerning military land warrants," passed in the year one thousand eight hundred and nineteen.

Directing the Govern-  
nor, Treas-  
urer and  
Comptrol-  
ler to hear  
and deter-  
mine appli-  
cations for  
land war-  
rants, and  
authorising  
the Secre-  
tary to is-  
sue war-  
rants.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the above recited act vesting the Governor, Public Treasurer and Comptroller, or a majority of them, with full power and authority to hear and determine all applications which may be made for military land warrants; and that their direction in writing, or the direction in writing of a majority of them, shall authorise the Secretary of State to issue a warrant for such quantity of land as they, or a majority of them, may certify to be due to each applicant, is hereby revived and re-enacted, and shall be in force from the ratification of this act until the meeting of the next General Assembly, and no longer.

## CHAP. 3.

An Act prescribing the time within which mortgages and deeds, and conveyances in trust shall be proved and registered.

Prescrib-  
ing the  
manner and  
time in  
which they  
shall be  
made valid.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That no mortgage, nor deed, or conveyance in trust for any estate, whether real or personal, executed after the first day of June next, shall be good and available in law against creditors or purchasers for a valuable consideration, unless the same shall have been proved and registered in the manner already prescribed by law in the case of conveyances, other than mortgages, within six months after the execution of such mortgage or deed, or conveyance in trust; but that all mortgages, deeds, and conveyances in trust, not so proved and registered within the time aforesaid, shall be held and taken as against such creditors or purchasers, as utterly null and void.

## CHAP. 4.

A. D. 1826.

An Act allowing additional compensation to the Attorney General and Solicitors of this State.

1. *Be 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 Attorney General, Solicitor General and Solicitors for the state, shall hereafter receive the sum of twenty dollars for each court they shall attend, to be paid by the Public Treasurer on their presenting a certificate of such attendance from the clerk of the court. Fixing their fees.

2. *Be it further enacted,* That the Attorney General or Solicitor who may attend in his place, shall hereafter receive the sum of one hundred dollars, for each term of the supreme court, which he shall attend instead of the sum now allowed by law. Fees for each supreme court they attend.

3. *And be it further enacted,* That the Attorney General & Solicitors of this State, shall in addition to the above compensation receive the following fees and no other, to wit, for each and every indictment for Murder, Perjury, Forgery, and Burglary which they or either of them may have occasion to prosecute on behalf of the state, they and each of them, shall receive the sum of ten dollars, upon the conviction of the defendant; to be paid by the party convicted. That for each and every indictment for Grand or Pettit Larceny, arson, for frauds, deceits and main, the sum of five dollars, to be paid as aforesaid: and for all other offences whatsoever the sum of three dollars, to be paid as aforesaid, and in no other manner whatsoever: except in cases of inferior offences, where the court shall be of opinion, that the prosecution is frivolous or malicious and may think proper to order that the prosecutor shall pay the costs. Extra fees.

4. *And be it further enacted,* That all laws heretofore passed coming within the meaning and purview of this act, be and the same are hereby repealed and made void. Repealing clause.

## CHAP. 5.

An Act further pointing out the duty of Guardians.

1. *Be 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 all Guardians of every description heretofore appointed, as well as all those hereafter to be appointed, to renew their respective bonds in the several County courts of this state at the following periods, to wit, all Guardians heretofore appointed, shall renew their respective bonds at the first court which shall happen in their respective counties after the first day of January 1822, and every three years thereafter, during The times when their bonds shall be renewed.

Swiss

A. D. 1820. The continuance of their respective Guardianships, and all Guardians hereafter to be appointed, shall renew their bonds every three years after the date of their respective appointments.

Penalty for  
refusal or  
neglect.

§. *And be it farther enacted*, That it shall be the duty of the clerks of the several County courts in this state, to issue a notice in nature of a Scire Facias against each and every Guardian in whatsoever county he may reside, who shall fail to comply with the requisitions of this act, and upon a return made of the service of such notice that the Guardian is not to be found, an alias shall issue, and if upon the return of such Alias notice that the Guardian is not to be found, it shall be the duty of the several County courts to remove such Guardian from office and to appoint a successor to him or them so removed, and to take bond with good and sufficient security to be approved of by the said court from the succeeding guardian, unless the former Guardian shall at the court to which notice shall be returned, appear and comply with the requisitions of this act.

## CHAP. 6.

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 twenty-one.

States how  
levied.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the year one thousand eight hundred and twenty-one, 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.

Enacted  
Horses and  
Jack asses.

2. *Be it farther enacted*. That a tax on all Stud Horses and Jack Asses within this State, of the highest 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; and all Stud Horses and Jack Asses which 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 a justice of the Peace of the county from whence such Horse or Jack Ass came, (if in this State) that such Stud Horse or Jack Ass has been enlisted 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 Sheriff to distrain for the same by seizing the said Horse or Jack Ass, and make sale thereof for the tax.

3. *And be it further enacted*, That each and every person who shall peddle in any county in this State, and not on a navigable stream, Goods, Wares or Merchandize, not of the growth or manufacture of this State, or any Wooden Clock or the Machinery or Materials thereof, which shall not be of the manufacture of this State, or Jewelry, shall pay the Sheriff of each and every county in which he, she, or they shall so peddle Goods, Wares and Merchandize, or Jewelry, the sum of fifteen dollars on every Cart, Waggon or other vehicle employed in the transportation of said Goods, Wares and Merchandize: *Provided*, That no license to peddle, shall authorize such Peddler to sell Goods at auction: *Provided*. That should two or more persons employ one Cart, Waggon or other vehicle, to transport their Goods, Wares or Merchandize, each and every of them shall pay the aforesaid tax on said Cart, Waggon, or other vehicle by them employed; nor shall any thing in this act be construed to authorize two or more persons under the pretence of being partners in trade, to peddle Goods, Wares or Merchandize under the same license; which tax shall be accounted for by the Sheriff in like manner as other taxes: and upon paying such tax, and obtaining a receipt therefor, such person shall be authorized and permitted to hawk and peddle Goods, Wares and Merchandize, Wooden Clocks or the Machinery or Materials which shall not be of the manufacture of this State, or Jewelry as aforesaid, in such county, and no other, for the term of one year thereafter: And every person who shall peddle Goods, Wares and Merchandize not of the growth or manufacture of this State, except vegetables, or other provisions of the produce of the United States, on any navigable waters in this State, shall pay the Sheriff of each and every county in which he shall so peddle, fifty 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 Goods as aforesaid, in such county, and no other, for the term of one year thereafter; and each and every person who shall peddle in any county without previously having paid the tax thereon, and having obtained a licence as hereinafter directed, or who shall refuse or neglect upon the 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 extend to tax persons who sell Books only; and provided nothing herein contained shall exempt the person or persons thus licensed, from being liable to the duties imposed on those who sell Goods, Wares and Merchandize, or Wooden Clocks, or the Machinery or Materials thereof, which shall not be of the manufacture of this State, at auction.

A. D. 1820.

On pedlars who sell imported wares or merchandize.

Provided. Not to sell at auction without licence.

Provided: If more than one pedlar sell from the same vehicle each shall pay a separate tax.

Provided: Those who sell books only not to be taxed.

LAWS OF NORTH-CAROLINA.

A. D. 1820.

Comptrol-  
ler to issue  
blank no-  
tices to  
sheriff's

4. *And be it further enacted,* That the Comptroller shall issue to the several Sheriffs blank licenses to 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 person so applying, upon his paying the taxes so imposed; and that all licenses so issued by the Comptroller and delivered to any sheriff, shall stand as a charge against said sheriff for the amount of said licenses: and the Sheriff shall be entitled in the settlement of his public accounts to a credit for all licenses not issued and countersigned, which he shall return to the Comptroller: And that the Comptroller shall issue and deliver to the members of this General Assembly, to be delivered to the respective sheriffs not less than twenty licenses for each county before the rise of the General Assembly: And should any sheriff who shall have received any licenses as aforesaid, resign or the term of his service expire without having issued the licenses 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.

Merchant's  
and jewel-  
er's tax on  
imported  
wares and  
merchan-  
dise.

5. *And be it further enacted,* That every merchant or Jeweller who shall sell goods, wares and merchandise, not the growth and manufacture of this State in any retail store shall pay the following tax, (to wit) if the amount of his capital stock in trade shall be between four hundred and two thousand dollars, a tax of six dollars; if between two thousand and five thousand dollars, a tax of eight dollars; if the amount of his capital stock in trade as aforesaid shall be between five thousand and ten thousand dollars a tax of twelve dollars; if the amount of his capital stock in trade as aforesaid shall be between ten thousand and fifteen thousand dollars a tax of fifteen dollars, and if the amount of his capital stock in trade as aforesaid shall be above fifteen thousand dollars a tax of twenty dollars, and every wholesale merchant shall pay a tax of twenty five dollars, and every commission merchant a tax of fifteen dollars; and every such merchant shall give in such store or stores in the list of 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 in addition to the tax imposed on said retailers, the tax also imposed on stores, unless said retailers shall own goods, wares and merchandise other than liquors to the amount therein stated. *Provided* also that the sheriff shall and may be entitled to collect the tax imposed by this section from such persons also as keep stores for a less time than one year, and shall have capital stock in trade to the amount herein specified, although such stores were not open on the first day of April; and every retail merchant who shall fail or refuse to comply with the requisitions of this section shall be liable to pay the highest tax im-

Proviso,  
Retailers of  
spirituous  
liquors ex-  
empt from  
additional  
tax.

posed on retail stores. *Provided*, That no retail or wholesale merchant shall pay the tax imposed on commission merchants. A. D. 1820.

6. *And be it further enacted*, That the 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 five hundred dollars, and after the first day of April next no Billiard Table shall be erected or kept up until such tax shall be paid to the Sheriff of the county in which said table is erected or 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 or 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 imprisoned at the discretion of the court. \$500 on Billiard Tables.

7. *And be it further enacted*, That every company of Stage Players, Rope Dancers, Tumblers and Wire Dancers or company of Circus Riders, or Equestrian Performers, and each and every person or company who shall exhibit Natural or Artificial Curiosities of any kind or sort, 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 authorised 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 Itenerant Stage Player, Rope Dancer, Tumbler or Wire Dancer; or company of Circus Riders, or Equestrian Performers, or Exhibitors of Artificial or Natural 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, by distress and sale of the 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. On itin- erant play- ers.

8. *Be it further enacted*, That a tax of five dollars be, and the same is hereby laid on Turnpike Roads where toll is received, Gates which have been or which hereafter may be at any time erected across any public road of this state, and the owners of such Gates or Turnpike Roads, shall give in the same at the same time they give in their taxable property, and the tax shall be levied, collected and accounted for in the same manner as other taxes. On turn- pike road.

9. *And be it further enacted*, That all persons who shall bring Negro Slaves from another state into this state, for sale, shall pay the Sheriff of some one county the sum of ten dollars upon each Negr. 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 per- On negro traders.

A. D. 1820. sons 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 in which any Negro Slave shall be taken by any person or persons whatsoever to seize such Negro Slave until the tax hereby imposed be paid, or until the person in whose possession such Negro Slave may be, shall produce to 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, the certificate of 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 expenses that may accrue in consequence of seizing, keeping, and feeding such Slaves.

Poll Tax.

10. *And be it further enacted,* That for the year one thousand eight hundred and twenty one, 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, collected and accounted for, under the same rules, regulations and restrictions as poll taxes heretofore have been collected and accounted for.

11. *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 pay a poll tax, and all slaves shall be listed in the county wherein they reside.

Sheriff's  
oath on set-  
tlement.

12. *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 list of taxable property furnished by the clerk of his county, and shall append to 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.

13. *And 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 four fold 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. A. D. 1827.

## CHAP. 7.

An Act concerning the marriage of Infant females.

*Be it enacted by the General Assembly, of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That if any person shall marry a female Infant under the age of fifteen years, the person so offending shall be deemed guilty of an indictable offence, and on conviction, shall be fined at the discretion of the court: *Provided,* That this act shall not extend to cases in which the father of the female shall be living, and shall previous to the marriage have consented thereto in writing. Indictable to marry, under 15 years.

2. *Be it further enacted,* That the Superior Courts of law shall have exclusive jurisdiction of offences arising under this act.

3. *And be it further enacted,* That upon such conviction being had it shall be the duty of the court, before whom the same is had, to appoint one or more trustees to take charge of the property belonging to the female so married, and the whole estate both real and personal, vested in the said female at the time of such marriage, and all the right, title and interest which she had at such time to any property, either at Law or in Equity, shall be vested in and belong to the trustee or trustees so appointed by the court, and he, she or they, shall have full power and authority to take all such estate into his, her or their possession, and if necessary to sue for and recover the whole or any part of said property in his, her or their own name as trustee or trustees aforesaid, and the said trustee or trustees shall hold the said estate and property so received and recovered, to and for the following uses and trusts, to wit, to the sole and separate use of the said female, during the continuance of the said marriage, free and separate from the controul of her husband. And upon the termination of the said marriage, if the said female shall be then living, the said trustee or trustees, shall convey the said estate to the said female absolutely, and in fee simple; and if the said female shall not be then living, then the said estate shall be conveyed to such child or children as she may leave surviving her, share and share alike: and in default of such children, then the said estate to be conveyed to such person or persons as would have been distributees or heirs at law, according to the nature of the estate, if she had died unmarried, and the husband convicted of the offence prohibited in the first section of this act, shall in no case be permitted to have, hold, use or enjoy, sell or dispose of any part of the estate, to which his wife was entitled at the time of such mar- On conviction trustees appointed.

A. D. 1820. *viage, and all sales and dispositions and releases made by him of such property before such conviction shall be and are hereby declared to be null and void, nor shall he in case of the death of his said wife, be entitled to administration on her estate, nor to any distributive share thereof, nor to any right of courtesy therein*

Who are to give bond. *4. And be it further enacted, That the said trustee or trustees shall give bond payable to the Judges of the superior courts of Law and their successors in Office with security in such sum as the court appointing him, her or them, shall prescribe for the faithful performance of the trusts reposed in them and for accounting for all the profits of the estate entrusted to them, and shall be allowed such compensation, for his, her or their trouble in the management of such estate as the court shall direct : and the superior courts shall have power at any time, when sufficient cause is shewn to them, to remove the said trustee or trustees and appoint others in their stead, who shall have the same powers and authorities, and be governed by the same rules, as the first appointed trustee or trustees.*

Certificates required in certain cases. *5. Be it further enacted, That in all cases where a licence is applied for to marry a female whose parents or guardian resides without the limits of this state, it shall be the duty of the person so applying, to produce to the clerk of the county court, or any other person legally authorised to grant licence to marry, a certificate in writing from under the hand of the parent or guardian of said female, as the case may be, stating that she has arrived to the full age of fifteen years, and has leave to marry, which certificate shall be filed in the clerk's office in the county where the licence was obtained.*

Penalty. *6. Be it further enacted, That if any clerk or any other person legally authorised to issue licences to marry, shall give, grant or issue any licence contrary to the true intent and meaning of this act, he shall forfeit and pay the sum of one thousand dollars to be recovered in any court of justice having cognizance of the same.*

## CHAP. 8.

An act concerning the Clerks of the Courts of Pleas and Quarter Sessions

12 months absence from the county shall disqualify. *Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That it shall not be lawful for any clerk of the court of Pleas and Quarter Sessions in any county of this state, to retain his office after he shall have resided out of the county wherein he was appointed clerk, for more than twelve months.*

Course to be pursued. *2. Be it further enacted, That when any clerk of the court of Pleas and Quarter Sessions, shall have resided out of his county for more than twelve months, it shall be lawful for the*

A. D. 1820.

court on application of any person so applying, to grant a rule on such clerk, returnable to the next court of Pleas and Quarter Sessions of such county, to shew cause, if any he has, why he shall not be removed from his office, for so removing himself out of his county. which rule shall be served on such clerk, if he resides in the state, and on the return of such rule, if it shall be made appear to the satisfaction of said court, that such clerk has so removed, it shall be the duty of said court to vacate his office, and elect another clerk, according to the now existing laws, to supply his place. But in case such clerk resides out of the state, it shall be sufficient service of said rule, to have it published, by order of the court for two months in any newspaper at the seat of Government in this state; which publication being made appear at the next court, and proof being made to the satisfaction of said court, of such removal; it shall be the duty of said court, and they are hereby required to remove such clerk from his office in the same manner and for the same cause, as in case of actual service of the rule, any law to the contrary notwithstanding.

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### CHAP. 9.

An Act to authorise the Supreme Court to hear parol evidence 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 all exhibits or other documents relative to cases in equity now pending, or which may hereafter be pending in the Supreme court, may be proved by the parol testimony of a witness or witnesses to be examined in said court in the same manner, and under the same rules, as such exhibits or documents may be proved in the Supreme courts: And suitors in said court shall have Subpenas to enforce the attendance of witnesses, who shall be liable to the same penalties and actions for non attendance, and be entitled to the same compensation for travelling, ferriage and attendance as witnesses in the Superior courts: *Provided always,* That the witnesses attending the Supreme court, shall be taxed in the bills of costs and paid by the party on whose behalf they may be summoned.

Subpenas  
may be s-  
sued.

2. *And be it further enacted,* That this act be in force from the passing thereof.

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### CHAP. 10.

An Act to explain the duties of county courts, of Executors and Administrators, and of Guardians in certain cases therein mentioned and for other purposes.

*Be it enacted by the General Assembly of the State of North-*

A. D. 1820. *Carolina, and it is hereby enacted by the authority of the same,*  
 Guardians appointed in another state may demand property. That where any orphan or orphans residing in any other State or Territory, or who may have removed from this to any other State or Territory, shall be entitled to any personal property in this State, by bequest, gift, or as the next of kin to any person dying intestate or otherwise: it shall and may be lawful for any guardian or guardians of such orphan or orphans, regularly appointed in the State where they reside, upon producing a copy of his her or their appointment, properly authenticated, and upon making it appear to the court of the county in which the property may then be, that security has been given in a sum amply sufficient to cover all the personal estate, to which said orphan or orphans may be entitled, and also the profits of the landed estate if any; to call upon any executor or executrix, administrator or administratrix, or guardian having in his or her possession any personal estate to which the said orphan or orphans may be legally entitled, or any monies or debts for which he or she may be liable to account for, rents of the landed estate, hire of negroes or otherwise, for a settlement by petition or bill in equity in the usual way: and it shall be the duty of the said executor or executrix, administrator or administratrix, or guardian, to account with such guardian or guardians so as aforesaid appointed, as fully and completely as they would be bound to account with the orphans themselves were they of lawful age: *Provided*, nothing herein contained shall be construed to compel any executor or executrix, administrator or administratrix, to account in a shorter period than they are now by law bound to do, or to exempt such guardian or guardians from giving the usual refunding bonds.

2. *Be it further enacted*, That upon any guardian or guardians producing to the court of the county in which there may be any personal estate belonging to his or their ward or wards, authenticated copies of his or their appointment by the proper authority of the State or Territory in which the said ward or wards may reside; and it so happens that there is no guardian at the time in the county in which the said estate may then be; that it shall be lawful for such guardian or guardians upon filing in said court, authenticated copies of their appointment as guardians; and making it appear to said court that security has been given, in a sum amply sufficient to cover all the estate to which his or their ward or wards may be entitled; to take said property into his or their possession and to remove it to the State or Territory in which their ward or wards may reside.

*Be it further enacted*, That this law shall take effect immediately after the passage thereof.

## CHAP. 11.

A. D. 1820.

An Act to extend the jurisdiction of Justices of the Peace.

Extended  
to \$100.

*Be 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 jurisdiction of Justices of the Peace within this State, be, and is hereby extended to all sums due on bonds, notes, and liquidated accounts not exceeding one hundred dollars: *Provided nevertheless,* that no longer stay of execution shall be allowed on all judgments above sixty dollars than is already prescribed by law, for the stay of executions for sums above twenty dollars.

2. *And be it further enacted,* That in future, it shall be the duty of the several county courts in this State, to require of the persons appointed to the office of constable to enter into bond, with approved security in the sum of four thousand dollars, instead of two thousand dollars as now required by law.

3. *And be it further enacted,* That all suits hereafter commenced in the Superior or county courts in this State, on any bond promisory note or liquidated account for a less sum than one hundred dollars, shall be abated on the plea of the defendant. Nothing in this act contained shall prevent either party from an appeal to the county or Superior court.

## CHAP. 12.

An Act to amend an act passed in the year 1817, entitled "an act concerning promisory notes and other negotiable instruments"

Requires  
suits to be  
consolidat-  
ed.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the ratification of this act, in all cases where there are more obligors or endorsers than one, on any promisory note or other negotiable instrument, and the plaintiff should think proper to institute suit against more than one or all of them, the suit or suits respectively on the return of the writs to the court from whence they issued shall be consolidated, so that but one set of costs shall accumulate thereon, except as to the sheriff and clerk's fees for serving and issuing the said writs, which shall be the same as heretofore; any law, usage or custom to the contrary notwithstanding.

## CHAP. 13.

An Act concerning Coroners.

Shall give  
bond.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.*

A. D. 1820. That from and after the ratification of this act it shall be the duty of all Coroners heretofore appointed and now in office, or any that may hereafter be appointed, to give Bond and sufficient security in the sum of two thousand dollars, payable to the Governor or his successors, to be approved of by the Court of the County in which he resides.

2. *And be it further enacted,* That all Coroners shall renew their Bonds the first Court after the first day of April in each year, or be no longer considered capable of holding said office; any Law, usage or custom to the contrary notwithstanding.

## CHAP. 14.

An Act directing the County court to pay fees to certain officers therein named in certain cases.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in all criminal prosecutions in the County or Superior court, when the defendant shall be acquitted and the court shall not think proper to order the prosecutor to pay the costs, or where the defendant if convicted shall be insolvent and incapable to pay costs, the Sheriff, Clerk or Constable who may be entitled to fees in said prosecution shall render to the County court an accurate fee bill, enumerating the costs due each officer, and upon presenting the same to the County court, it shall be and is hereby declared to be the duty of such court, to order and decree that the County Trustee shall pay to them and each of them the amount of their respective fees as contained in the fee bill aforesaid, any law to the contrary notwithstanding.

## CHAP. 15.

An Act to authorise the Treasurer of this State to appropriate the surplus money to the purchase of Bank Stock.

1. *Be 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 Treasurer of this State, he and he is hereby authorised and directed to appropriate the surplus money in the Treasury, which has not been appropriated by law, to the purchase of Bank Stock, at the lowest price at which it can be obtained, not exceeding in any instance the par value thereof.

## CHAP. 16.

A: D. 1820.

An Act allowing compensation to the members of the Senate and House of Commons of this State, and to the Officers of both Houses.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* Members' pay.  
That at the present General Assembly, and at every session of the same hereafter, each Senator and Member of the House of Commons shall be entitled to receive three dollars for every day he shall attend the Senate or House of Commons, and shall also be allowed his necessary ferrriage and the sum of three dollars for every thirty miles of the estimated distance of going and returning by the most usual Road from his place of residence to the seat of Government; and in case any member of the Senate or House of Commons shall be detained by sickness on his journey to or from any such session, or after his arrival shall be unable to attend the Senate or House of Commons, he shall be entitled to the same daily allowance as if he had attended regularly in his place.

2. *And be it further enacted,* Speakers' pay.  
That the Speaker of the Senate and the Speaker of the House of Commons of the present General Assembly, and at each Session hereafter, shall each be entitled to receive the sum of four dollars for every day he shall attend the Senate or House of Commons, and shall also be allowed the same mileage going to and from the seat of Government as is allowed to members of the Senate or House of Commons, and in case either of them shall be detained by sickness on his journey from any such session or after his arrival, shall be unable to attend the Senate or House of Commons, he shall be entitled to the same daily allowance as if he had attended regularly in his place.

3. *And be it further enacted,* Clerks' allowance.  
That there shall be allowed as a compensation to the Clerks and Officers of the Senate and House of Commons of the present General Assembly the same compensation as heretofore, and at every session of the same hereafter, the following sums; to each principal clerk the sum of six dollars for his daily attendance and services; to each assistant Clerk the sum of six dollars for his daily attendance and services; to each Engrossing Clerk the sum of four dollars for his daily attendance and services, and to each Door Keeper the sum of three dollars for his daily attendance and services.

4. *And be it further enacted,* Principal clerks' additional allowance.  
That there shall be allowed annually to each of the principal Clerks of both Houses the sum of sixty dollars, as a full compensation for transcribing the Journals of each House for the Public Printer and for taking care of the Books, papers and effects of each House, and all other incidental services attached to their Office; and the principal Clerks, assistant Clerks and the door keepers of both Houses and also the Engrossing Clerks shall each be allowed the sum of three dollars for every thirty miles of the estimated

A. D. 1820. distance in going and returning by the most usual Road from the Seat of Government to his place of residence, and also their ferriages.

5. *And be it further enacted*, That the compensation which shall be due to the Members and Officers of the Senate shall be ascertained by the principal Clerk, and certified by the Speaker thereof, and that which shall be due to the members and officers of the House of Commons, and to the Engrossing Clerks, shall be ascertained by the principal Clerk of the House of Commons and certified by the Speaker thereof, and the same shall be passed as public accounts and paid by the Treasurer.

## CHAP. 17.

An Act for establishing a College in the western part of the State of North Carolina.

WHEREAS, Learning is vitally important to a Republican government, and the establishment of several public Seminaries in a state is the best means of diffusing virtue and knowledge among the citizens thereof, and fitting them for the correct and honorable discharge of social duties: and whereas the more western counties in this State are distant from Chapel Hill, which renders it inconvenient for their youth to prosecute their education there:

Incorporating the same.

1. *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 Rev. James M'Fee, George L. Davidson, Thomas G. Polk, Rev. Samuel C. Caldwell, Joseph Picket, Rev. John M. Wilson, Isaac T. Avery, John Nesbit, John M. Greenlee, Rev. John Robinson, John Phifer, Montfort Stokes, Robert H. Burton, Lawson Henderson, Rev. Humphrey Hunter, Rev. Henry Kerr, Meshack Franklin, Samuel Davidson, John M'Entire, Rev. Robert J. Miller, Thomas Lanoir, Rev. James Kilpatrick, James Patton, John Culpepper and Charles Stork, 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 Western College of North Carolina, and by that name shall have perpetual succession and a common seal, and that they the trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods, and chattles, that shall be given them for the use of the said College, and the same apply according to the will of the donor; and by gift, purchase, or devise to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements, and hereditaments of what kind, nature or quality soever, the same may be in special trust and confidence, that the same or the profits thereof shall be applied to and for

the use and purposes of establishing and endowing the said Col- A. D. 1820.  
lege.

2. *And be it enacted by the authority aforesaid,* That the said Trustees and their successors or a majority of them, by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them or the will of the deviser does not forbid it, *And further,* that the said Trustees and their successors forever, or a majority of them, shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of Record whatever; and they shall have power to open and receive subscriptions, and in general, they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

3. *And be it further enacted, by the authority aforesaid,* That the aforesaid trustees in order to carry this act into effect, shall meet at the Court house in Lincolnton on Monday the seventh day of May next, at which time they shall choose a President and Secretary, and may, if they adjudge it conducive to the public interest, elect a number of other Trustees at said meeting, or at any future meeting, not exceeding twenty, who, when so elected, shall have the same powers and privileges and be under the same regulations in all respects as those by this act appointed; and they shall fix the time of their annual meetings, and they may appoint special meetings within the year, and have power to adjourn to such time and place as they may think proper; and at each annual meeting of the trustees, the members present, with the President and Secretary shall be a quorum to do any business; or the majority of the members, without either of those officers shall be a quorum: but at their first meeting as above directed, there shall be at least a majority of the above trustees present, in order to proceed to business; but the members present, provided a majority should not attend at the above mentioned time and place, shall have power to adjourn to any other day, and from time to time until a majority shall attend: if any unforeseen accident may render a meeting necessary, the Secretary by order of the President, and any two of the Trustees, signified to him in writing shall, by particular notice to each trustee, as well as by an advertisement in the State Gazette, convene the trustees at the time and place proposed by the President: and the members thus convened, shall be a quorum to do any business, except the appointment of a President or professors in the said College or the disposal or appropriation of monies: but in the case of the death or resignation of the President or any professor, the Trustees thus convened, may supply the place until the next annual meeting of the Board of trustees and no longer; and the meeting at which the seat of the said College may be fixed shall be advertised in

Time and  
place of  
meeting.

Number  
required  
for business

Advertis-  
ment.

A. D. 1820. the Gazette of this State at least three months, stating the time, place and object of said meeting.

4. *And be it further enacted, by the authority aforesaid,* That the said trustees or a majority of them, at a meeting to be advertised as aforesaid, shall fix the scite of said College some where to the South west of the Yadkin River, and procure lands on which to fix the same and erect the necessary and proper buildings, whenever they may adjudge the funds of said College may be adequate to the same, paying particular regard to have it fixed on some convenient and healthy situation.

5. *And be it further enacted, by the authority aforesaid,* That the trustees shall elect and commission some person to be treasurer for the said College during the term of three years, which treasurer shall enter into bond with sufficient security to the Governor for the time being, in the sum of ten thousand dollars conditioned for the faithful discharge of the duties of his office, and the trust reposed in him, and that all monies and chattels belonging to the said corporation, that shall be in his hands at the expiration of the term of his appointment to said office, shall then be immediately paid and delivered into the hands of the succeeding Treasurer, and every Treasurer shall receive all monies, donations, gifts, bequests, and charities whatsoever that may belong or accrue to the said College, during his office; and at the expiration thereof shall account with the trustees for the same and the same pay, and deliver over to the succeeding Treasurer; and on his refusing or on neglect to pay and deliver as aforesaid, the same method of recovery may be had against him as is or may be provided for recovery of monies from Sheriffs or other persons chargeable with public monies: and the Treasurer of said College shall cause annually to be published in the State Gazette for the satisfaction of the subscribers and benefactors, a list of all monies and other things by him received for said University, either by subscription, legacy, donation or otherwise, under a penalty of two hundred dollars to be recovered in the name of the Governor for the time being, in any Court of record having cognizance thereof, to be appropriated to the said College.

6. *And be it further enacted, by the authority aforesaid,* That on the refusal to act, death, resignation or removal out of the State of any of the Trustees for the time being, it shall be lawful for the remaining trustees or any fifteen of them, and they are hereby authorised and required to elect and appoint a Trustee or Trustees in place of those dead, refusing to act, resigned or removed, which trustee, or trustees so appointed, shall be vested with the same powers, trust and authorities as the Trustees are by virtue of this act.

7. *And be it further enacted, by the authority aforesaid,* That the Trustees shall have the power of appointing a President of said College and such professors and tutors as to them shall appear necessary and proper, whom they may remove for misbehaviour, inability, or neglect of duty, and they shall have the

Scite.

Donations  
to be pub.  
lished.

power to make all such laws and regulations for the govern- A. D. 1820.  
ment of said College and preservation of order and good morals  
therein as are usually made in such seminaries, as to them may  
seem necessary; *Provided*, the same are not contrary to the  
unalienable rights of a citizen or to the laws of the State. And  
the faculty of said College, that is to say, the President and  
professors, by and with the consent of the Trustees, shall have  
power of conferring such degrees as are usually conferred in  
Colleges or Universities.

8. *And be it further enacted*, That the land and other pro- College  
perty belonging or which may belong to the said College, shall land ex-  
be and is hereby exempt from all kind of public taxation. taxation

9. *And be it further enacted*, That no person shall set up any No gaming  
gaming table or any device whatever for playing at any game allowed  
or hazard within ten miles of said College, or having set up the within 10  
same, shall continue it after the establishment of said college, miles.  
any person or persons so offending shall forfeit and pay the sum  
of two hundred dollars, to be recovered in any Court of Record  
having cognizance of the same, one half to the use of the in-  
former and the other half to the use of the said College.

## CHAP. 18.

An act for clearing out and deepening the swash or swashes at Ocracock Inlet,  
and improving the navigation of the same.

1. *Be it enacted by the General Assembly of the State of* Commis-  
*North Carolina, and it is hereby enacted by the authority of the* sioners ap-  
*same*, That Alex. Hender-on, Jno Harvey, Moses Jarvis, Stephen pointed, &  
M. Chester, Silvester Brown, David Wallace, Thomas S. Sin- company  
gleton, John Little and William A. Blount, be and they are incorporated.  
hereby appointed Commissioners for receiving subscriptions,  
to the amount of fifty thousand dollars, for the purpose of  
clearing out and deepening the swash or swashes at Ocracock  
Inlet, and improving the Navigation of 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 shall 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 Newbern; and at the same  
time there shall be a general meeting of the subscribers in the  
said town, either personal or by proxy; and such meeting may  
continue from day to day until the business thereof be finished.  
And if it shall appear, that two hundred and fifty 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, and they are hereby declared to be incor-  
porated into a company by and under the name of the Ocrac-

A. D. 1820. cock Swash 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 directed 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 Stockholders. And in counting the votes of all the general meetings of said Company, each member shall be allowed one vote for every share as far as five shares; and one vote for every four shares above five shares, by him or her, held at the time of the said general meeting. And every 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 a 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 might be.

Officers.

Proxy.

2. *And be it further enacted,* That if two hundred and fifty 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 directions of such persons as they shall appoint, and shall give notice in the news-paper, printed in the town of Newbern, of the day on which said books shall be returned; and when the said number of two hundred and fifty 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 five 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 five 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 1812, 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."

3. *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 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, the President and Directors may open Books from time to time, to receive subscriptions to increase the capital stock of said company. 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. A. D. 1839.

4. *Be it further enacted,* That the shares shall be paid for at such times and places, and by such instalments as the President and Directors of said Company shall direct; they first advertising the same in at least two newspapers printed within this State, thirty days before the time when payment is required: And if any person or persons holding any share or shares in said company, shall fail to pay for the same in the manner, and at the time prescribed by the President and Directors as aforesaid, the said President and Directors may proceed to enforce said payments by legal process, or declare the same to be forfeited, as they may prefer.

5. *Be it further enacted,* That the general meetings of the said Company shall be in the town of Washington, or at such other places as the Stockholders in general meeting shall order and direct.

6. *Be it further enacted,* That the said President and Directors shall have the power of collecting a toll on all vessels drawing more than seven feet water when passing the Swash, from the owner or owners, commander or commanders thereof, in such manner or way as the President and Directors shall prefer. And 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 cent. upon the capital stock actually paid for the purposes of said navigation, after payment of the sums allowed annually to the officers of said Company, expenses incurred for repairs and other incidental charges; and the said toll shall be so apportioned, as to do equal and impartial justice as near as may be to all passing over the said Swash. The General Assembly may from time to time call upon the President and Directors for an account of the monies actually paid for the purposes of the said navigation and the amount of the tolls received, which account shall be rendered upon oath.

Power of regulating and collecting tolls vested in President and Directors.

7. *And be it further enacted,* That the right of collecting tolls as aforesaid granted, shall be vested exclusively in said President and Directors of said Company: *Provided nevertheless,* That a period of ten years is hereby allowed the said Company, to complete and improve the navigation as contemplated by this act. And if the said navigation shall not be improved or completed as thus contemplated within said term, all exclusive preference granted said company shall cease and determine.

8. *And be it further enacted,* That the incorporation granted by this act, and all the rights and privileges incident thereto, shall cease and determine at the expiration of fifty years.

Incorporation limited.

9. *And be it further enacted,* That 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 be, and he is hereby required to take measures to obtain the same.

A. D. 1820.

## CHAP. 19.

An Act limiting the time within which Judgments before a Justice of the Peace may be revived.

3 years  
from the  
date of the  
judgment.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That hereafter no action, suit, Scire facias or other process, to revive or inforce a judgment obtained before a justice of the peace, shall be commenced, brought or sued out, but within three years from the date of such judgment, or from the date of the last execution lawfully issuing on the same; but every such action, suit, Scire facias or other process commenced, brought or sued out, after the expiration of the time aforesaid, shall be and is hereby declared to be void and may be abated on the plea of the defendant; any law, usage or custom to the contrary notwithstanding.

## CHAP. 20.

An Act compensating the Commissioners appointed by virtue of an act of the General Assembly, passed in the year one thousand eight hundred and nineteen, for surveying and selling the public lands adjoining the City of Raleigh.

\$3 per day  
allowed.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each and every one of the Commissioners mentioned in the before recited act shall be entitled to, and receive, three dollars per day, for each and every day they were engaged, about surveying and selling the lots of land mentioned in said act, and the same for travelling to and from the City of Raleigh; to be paid upon warrant of the Governor upon the Treasurer, who shall be allowed the same in the settlement of his public accounts.

## CHAP. 21.

An Act to quiet the title of persons in possession of Slaves.

1. *Be 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 person or persons shall remain in the possession of a slave or slaves until such possession is protected by the Statute of Limitations; the person or persons, so in possession and those claiming under them, shall be deemed and held to have a good and absolute title to such slave or slaves against all persons whose claim is barred by said Statute of Limitations: *Provided,* That nothing herein contained shall in any way affect the law now in force, that requires all gifts of slaves to be by deeds of gift.

CHAP. 22.

A. D. 1840.

An Act to regulate the proceedings in suits against Corporations.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in all actions or suits which may be instituted against any Corporation, instead of the process heretofore used to compel the appearance of such corporation, it shall be sufficient to issue a summons to the Sheriff or other proper officer, reciting the cause of action and summoning the said Corporation to appear and answer the same on the proper return day; which summons shall be returnable in the like manner and subject to the same rules and regulations as other original process.

In suits against corporations summons to issue.

2. *And be it further enacted,* That if a summons be issued as aforesaid, against any Banking, Turnpike, Navigation, Insurance, or other incorporated Company, service on the President or other head, or in his absence, on the Cashier or Treasurer, or in the absence of both the President or chief officer and the Cashier or Treasurer, then on any Director of such Company; such President or other officer being at the time of such service in the county in which he usually resides, shall be deemed sufficient service of the summons; and if the summons be issued against the Corporation of any city or town, service on the Chief Magistrate, or in his absence, on any Commissioner of such city or town, such Chief Magistrate or Commissioner being at the time of service within the limits of such Corporation, shall be deemed sufficient; and in like manner the service of such summons on the President, or in his absence, on any Trustee of any incorporated College or Academy, or on the chief Officer of any other Corporation whatever or for want of such chief Officer, on any member of such Corporation; such President, Trustee, chief Officer, or other member, being at the time of the service, within the county in which he usually resides, shall be deemed sufficient, and on the return of such summons, served in manner aforesaid in any of the said cases, the same proceedings to a final judgment, shall be had against such Corporation as are had in other suits at law after the return of a *capias ad respondendum* executed, on every summons served as aforesaid, the Sheriff or other proper officer shall make return distinctly on whom the same hath been executed, otherwise such service shall not be deemed valid.

On whom to be served.

3. *And be it further enacted,* That suits in equity against Corporations shall hereafter commence by subpoena; and the service of such subpoena and of all interlocutory orders and decrees, shall be made in the same manner and under the same restrictions as is herein before provided for the service of a summons in a suit at law, and the same proceedings to a final decree shall be had against such Corporations as are had in other suits in equity.

Suits in equity to commence by subpoena.

4. *And be it further enacted,* That if any judgment at law or

A. D. 1820. decree in equity shall be rendered against any Corporation, it shall be lawful for the plaintiff or complainant in the suit to sue out either a *Distringas* or *Fieri Facias*, as he may think proper; and that the said writs of *Distringas* or *Fieri Facias* may be levied as well on the current money as on the goods, chattels, lands and tenements of the said Corporation.

What writs of execution & how levied.

5. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act are hereby repealed

Repealing clause.

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

## CHAP. 23.

An Act in aid of an act passed by the Legislature of Virginia, entitled "An act incorporating a Company to establish a communication between the waters of Roanoke River and those which fall into Chowan River, and the rivers and other water courses intermediate between any of them and the River Potomac."

Preamble.

WHEREAS, the Legislature of the State of Virginia, did, on the twenty-sixth day of February, one thousand eight hundred and eighteen, pass an act, entitled "an act incorporating a company to establish a communication between the waters of Roanoke River and those which fall into Chowan River, and the Rivers and other water courses intermediate between any of them and the River Potomac;" the objects of which said act are for the most part succinctly expressed in the title thereof: And whereas, it is represented to this present General Assembly, that the stock by the said act authorised to be taken hath been subscribed for, and that a company hath been duly formed and organized under the authority of that act, for the purpose of carrying the same into execution; but that the said company cannot with convenience, effect the proposed communication between the waters of Roanoke and Chowan Rivers, and those of James River and the tributary streams thereof, and particularly between Barnett's Creek, which empties into Chowan River and Nans-emon'd River, in Virginia, for want of sufficient authority to cut canals through, and to construct locks, make roads, erect toll houses and other buildings, and establish gardens where they may be necessary or proper, on lands situate in the State of North-Carolina: And whereas, the completion of so great a work as that contemplated by the said act of the Virginia Legislature will afford peculiar benefits and advantages to a great portion of the good citizens of this State, and will be of the highest importance to the public at large; therefore,

1. *Be 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 Company aforesaid, formed under the authority of the said act of the Legislature

of Virginia, or for the President and Directors thereof or a majority of them, and they are hereby authorized and empowered for the purpose of effecting the contemplated communication between the waters of the said Rivers, Roanoke, Chowan and Naasemond, or the tributary streams thereof, to cut such a canal or canals and construct such lock or locks, and to make and establish contiguous to such canal or canals, such road or roads and erect such toll houses or other buildings, and establish such gardens as in their judgment may be expedient or necessary, through and upon the land or lands of any person or persons whatever, which they may select for that purpose, any law, usage or custom to the contrary notwithstanding, so that the land on any route selected for the purposes aforesaid, shall not exceed three hundred feet in width: *Provided nevertheless*, That all damages occasioned by cutting such canal or canals, constructing such lock or locks, and making such roads and erecting such toll houses or other buildings, and establishing such gardens through or upon the land or lands of any person or persons shall be valued by the County Court in which such land or lands may be situate, or by three freeholders on oath, to be chosen by such Court, which value shall be paid to the proprietor or proprietors of such land or lands, by the said Company or by the President and Directors thereof, or a majority of them, and upon condition that such canal or canals shall be cut and lock or locks shall be constructed of sufficient width and depth to be navigable in ordinary seasons for boats or vessels fifteen feet wide, and drawing three feet water; and such lock or locks shall moreover be at the least, ninety feet long in the clear, and upon condition also that the work aforesaid or such part thereof as that on which the said Company shall claim tolls, be completed within eight years from the seventh day of September last; and the said canal or canals, lock or locks, road or roads, toll houses and other buildings and gardens, shall, from and after the period at which the damages aforesaid shall be paid, enure to the only proper use, benefit and behoof of the said company, and be subject to the exclusive and absolute control of the Company or of the said President and Directors or a majority of them.

A. D. 1820.

Company to make such improvements as they think necessary.

2. *And be it further enacted by the authority aforesaid*, That the capital of said Company, if in the opinion of the said President and Directors or a majority of them, it shall be insufficient for the completion of the said work, may be increased in the mode authorised by the said act of the Legislature of Virginia, or in such other manner and by such other means as the said President and Directors or a majority of them may seem to be expedient. And the tenure by which, and terms and conditions, rights and privileges on, and with which shares and stock in the said Company shall be held, and the mode of transferring the same, shall be such as are directed and established by the said act of the Virginia Legislature.

Power to increase their capital.

3. *And be it further enacted by the authority aforesaid*, That

**A. D. 1826.** the said President and Directors shall have power and authority to demand such tolls as are directed, and enforce the payment thereof, in such manner as is authorised by the said act of the Virginia Legislature.

**Power to demand and enforce toll.**  
**Style of the corporation**  
 4. *And be it further enacted by the authority aforesaid.* That the said Company denominated "The Virginia Canal and Navigation Company," shall be, and they are hereby declared to be incorporated by that name, and may sue and be sued as such; which said Company and the President and Directors thereof shall, for the collection of their debts and management of their concerns, in the State of North-Carolina generally, have like power and authority as is vested in them for the collection of their debts and management of their concerns generally in Virginia.

**AND WHEREAS.** it hath been represented to this General Assembly that sundry public spirited persons are willing and anxious, on account of the great public advantage to result from the completion of the laudable and important work aforesaid to promote the same by voluntary but conditional contributions,

**To receive conditional subscriptions.**  
 5. *Be it therefore also further enacted by the authority aforesaid,* That the said President and Directors or a majority of them, shall be and are hereby authorised to receive and take conditional subscriptions and to enforce the payment thereof, in like manner and on like terms as is directed by the said act of the Virginia Legislature in reference to conditional subscriptions authorised by that act to be received, taken and recovered by the said President and Directors, in the said State of Virginia.

**Repealing clause.**  
 6. All acts and parts of acts coming within the purview of, and contrary to this act, shall be and the same are hereby repealed.

7. This act shall be in force from and after the passing thereof.

## CHAP. 24.

An Act to authorise Commissioners to erect a house in the town of Fayetteville, for the safe keeping of the public Arms.

**WHEREAS** the public Arms in the town of Fayetteville are now stored in a private ware house, and are annually of considerable cost to the state, while they are injured materially by not being properly attended to; **AND WHEREAS,** the officers of the Fayetteville corps of Artillery have two field pieces, which they hold for the use of the state, but for which they have no suitable house.

**Commissioners appointed to build a**  
 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That George T. Hearsey, Abraham Stevens, Henry Ayears, Thomas Tryon and Jesse Birdsall be, and they are

herely appointed Commissioners. with full power and authority to contract for a suitable lot of ground in the town of Fayetteville, to buy the same, and thereon to erect a building of brick, in which shall be deposited all the arms belonging to the state which are now in Fayetteville, or which at any future time may be placed there; and in which the officers of the Fayetteville corps of artillery may and shall have power and authority to keep and deposit all the pieces of artillery which they now hold, or may hereafter hold, to the use of the state.

A. D. 1820.  
house as a  
deposi-  
tory of pub-  
lic arms.

2. *And be it further enacted,* That the said Commissioners or any three of them. have full power and authority to act in the premises, and that the lot of ground which they may purchase as aforesaid, shall by them be purchased in the name of the Governor of this State, and the house to be by them built thereon, shall be the property of the State, and be kept and reserved for the storage of arms.

3. *And be it further enacted,* That as soon as the said house is erected it shall be the duty of the said Commissioners to have the public arms now in Fayetteville, removed thereto, and shall see in future that they are kept in good order.

4. *And be it further enacted.* That to enable the said Commissioners to buy a lot of ground, and to build a house for the purposes aforesaid, the Governor of this State is hereby authorised and required, to issue his warrant to the Public Treasurer for seven hundred and fifty dollars in favor of said Commissioners who are hereby required, upon the completion of the works, to deliver to the Governor the deed for the lot, and a correct account of the expenditures authorised by this act.

Treasurer  
to pay 750  
dollars to  
the com-  
missioners.

## CHAP. 25.

An Act granting farther time to perfect titles to lands within this State.

1. *Be 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 on all entries on vacant lands within this State, made since the year one thousand eight hundred and nine, and upon which the purchase money shall 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 three: *Provided,* nothing contained in this act shall effect the rights of persons claiming under grants bona fide issued, since the year one thousand eight hundred and nine, or under entries bona fide made since the same period.

Time ex-  
tended.

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

## CHAP. 26.

An Act to authorise the Governor of this State to direct the sale of the lands lately acquired by treaty from the Cherokee Indians which are yet unsold.

1. *Be it enacted by the General Assembly of the State of North*

A. D. 1820. *Carolina, and it is hereby enacted by the authority of the same,* That the Governor of this state be, and he is hereby authorized and empowered, to direct the sale of so much of the lands lately acquired by treaty from the Cherokee Indians as have been surveyed and yet remain unsold, at such time and place as he may deem proper, under the direction and superintendence of two Commissioners, to be by him appointed for that purpose, after having first advertised the same for one month in the public news papers published at this place, which sale shall be kept open for one week and no longer.

Governor  
to appoint  
commissioners  
to sell the  
lands.

2. *And be it further enacted,* That the commissioners who may be appointed by authority of this act, shall each give bond and security in the sum of twenty five thousand dollars, payable to the Governor for the time being. for the faithful performance of the duties of their appointment, and that they shall receive the same compensation for their services per day, as was allowed the commissioners appointed by virtue of an act passed the last session of this General Assembly, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians.

Commissioners  
to give bond.

3. *And be it further enacted,* That the provisions of the before recited act, contained in the seventh, eighth, tenth, twelfth, thirteenth, fifteenth and eighteenth sections, are hereby declared to be in force, and applicable to the commissioners and sale which may be held agreeably to this act.

Certain  
sections in a  
prior act to  
be in force.

4. *And be it further enacted,* That the persons that have already settled on said lands, waiting for the sale thereof, shall be entitled to the benefit of the crops that they may have planted previous to the sale above recited.

Discount  
allowed on  
payments  
in advance.

5. *And be it further enacted,* That if any purchaser shall be disposed to pay the whole of the purchase money, or any particular instalment, in advance, the treasurer or the commissioners are authorized to receive the same, and he shall be allowed a discount at the rate of eight per cent. on such advancement.

## CHAP. 27.

An Act to amend the Militia Laws of this State.

1. *Be 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 seventh section of an act entitled "an act to revise the Militia Laws of this State," passed in the year one thousand eight hundred and six, that makes it the duty of the Adjutant General to bring suit in any of the courts of record in this state, against Field and General Officers, be, and the same is hereby repealed.

Part of former  
act repealed.

2. *Be it further enacted,* That from and after the passing of this act it shall be the duty of the Adjutant General of this

State to bring suit against General and Field Officers in the Superior Court of the county in which such General or Field Officer resides, under the same rules and regulations as are prescribed by the Militia Laws of this State.

A. D. 1820.  
Adjutant  
General  
where to  
bring suit.

3. *And be it further enacted*, That the Clerks of the Superior Courts shall make return and account to the Public Treasurer for the fines so collected, in the same manner as the Clerks of the County Courts now do, of the taxable property of their respective counties.

Clerks to  
make re-  
turns of  
fines.

## CHAP. 28.

An Act prohibiting White Men from cultivating the Lands reserved to the Cherokee Indians.

1. *Be 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 white man to buy, rent, lease or cultivate any of the Lands reserved to the Cherokee Indians by the late treaties in eighteen hundred and seventeen and eighteen hundred and nineteen, nor to act as agent, attorney or trustee, in buying, renting, leasing or cultivating such Lands: And any persons violating the provisions of this act shall forfeit five hundred dollars, to be recovered in any court having cognizance of the same, the one half to any person suing for the same, and the other half to the State: *Provided nevertheless*, That this act shall not extend or be so construed as to prevent Richard Walker on the Big Bear from managing the Lands allotted to them as they may think proper.

Fine for  
disobedi-  
ence.

## CHAP. 29.

An Act to repeal an act passed in the year one thousand seven hundred and ninety six, entitled "an act to punish persons for removing debtors out of one county to another, or out of the State," and for other purposes.

1. *Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same*, That an act passed in the year one thousand seven hundred and ninety six, entitled "an act to punish persons for removing debtors out of one county to another, or out of the State," be, and the same is hereby repealed.

Former act  
repealed.

2. *Be it further enacted*, That if any person or persons shall remove or shall aid and assist in removing any debtor or debtors out of any county in which he, she or they shall have resided for the space of six months or more, with an intent by such removing, aiding or assisting, to delay, hinder or defraud the creditors of such debtor or debtors, or any of them, then such person or persons, so removing, aiding or assisting, shall be liable to pay all debts which the debtors or debtor so removed

Persons  
moving  
debtors lia-  
ble for  
their debts.

A. D. 1820 shall or may justly owe, in the county from which he was so removed; which debts may be recovered by the creditors respectively, who may be entitled thereunto, their executors or administrators, by an action on the case: *Provided*, such suit shall be commenced within three years from and after the time of such removal.

### CHAP. 30.

An Act to authorize and direct the publication of the British Statutes in force in this state.

1. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Henry Potter be, and he is hereby authorised and empowered, to contract with the present undertaker of the publication of the Revisal of the Laws of this State for the printing and publishing of such Statutes and parts of Statutes of Great Britain as have been reported by the commissioners appointed to revise the laws of this state, in their opinion to be in force, upon the same terms of the contract now made for the printing and publication of the Revisal

Directing  
the British  
Statutes to  
be publish-  
ed.

Formal  
parts to be  
omitted.

2. *And be it further enacted,* That in preparing for publication the said Statutes, the said Henry Potter is directed carefully to omit the formal parts of the said Statutes, and that they be bound in the second volume of the Revisal.

### CHAP. 31.

An Act to amend an act entitled "An act laying duties on sales at Auction of Merchandise"

1. *Be 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 several towns of Fayetteville, Wilmington, Newbern, Edenton, Elizabeth City, Halifax and the City of Raleigh, shall have full power to appoint not less than one nor more than three Auctioneers for their respective towns, which Auctioneers shall be appointed annually on the first Monday in April in each and every year, and who shall give bond to be approved of by the Court of Pleas and Quarter Sessions of the county and otherwise be subject to the rules and regulations contained in the aforesaid act.

Commis-  
sioners of  
police to  
appoint auc-  
tioneers.

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

A: D 1820.

## CHAP. 32.

AN Act directing the manner in which property levied on by Sheriffs and Constables shall be sold hereafter.

1. *Be 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 several Sheriffs and Constables in this state, when they or any of them do levy an execution on land or slaves, to sell the same at the Court House of their respective counties, on the last Thursday in each and every month in each year, which shall happen after the first day of February next, and the last Thursday in each and every month in each year, is hereby set apart for that purpose, and shall be considered as a sale day in every county in this state; and if on any sale day as aforesaid, the whole of the property taken by virtue of an execution cannot be sold on the same day, the Constables or Sheriff shall be authorised to continue the same from day to day until the whole shall be sold, on giving notice at the Court House that such sale will be continued on the ensuing day: *Provided nevertheless,* That the same notice shall be given at least forty days previous thereto, of the sale of real estate, and twenty days notice of the sale of slaves; and the sale shall be conducted under the same rules and restrictions as heretofore prescribed in such cases, and the said sale shall be made between the hours of ten and four o'clock.

Duty of Sheriffs & Constables when they levy an execution on land or slaves.

2. *And be it further enacted,* That any Sheriff or Constable who shall sell any land or slaves, taken by virtue of an execution at any other time or place than as above prescribed, shall forfeit and pay the sum of two hundred dollars, to be recovered in the name of any person who shall sue for the same.

To forfeit \$200 in case of disobedience.

3. *And be it further enacted,* That sales in the county of Currituck shall be held at the usual places of holding petit murrsters in said county in which the defendant may reside.

Fixing the sales in Currituck county.

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

Repealing clause.

## CHAP. 33.

An Act for the relief of Honest Debtors.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of January next, when any debtor or debtors shall be taken upon any *capias ad satisfaciendum*, and shall be desirous of taking the benefit of the oath prescribed for the relief of insolvent debtors, or of rendering a full and fair schedule of his property, it shall and may be lawful for such debtor or debtors to tender to the Sheriff of the

A. D. 1820. county, his lawful deputy, or any Constable by whom he, she or they may have been taken, a bond or bonds, payable to the party at whose instance the arrest was made, with good and sufficient securities in twice the amount of the debt, conditioned for his appearance at the next county court, then and there to stand to and abide by such proceedings as may be had by the court in relation to his, her or their taking the benefit of this act; and in case of failure to appear, judgment shall be entered up *instanter* upon said bond against the principal and his securities, to be discharged upon the payment of the debt and costs. And when an execution issues thereon neither of the defendants shall be entitled to the benefit of this act. *Provided*, that if either of the parties to the said bond shall be desirous to have an issue made up and submitted to a jury, a jury shall be immediately impannelled to try such issue, and the plea of *non est factum* shall only be received upon the party making oath of its verity.

If debtor is prevented from attending court case may be continued.

*And provided further*, that if it shall be made to appear satisfactorily to said court that said debtor or debtors are prevented from attending court by sickness or other sufficient cause to be judged of by the court, the case shall be continued over to the next court, at which time the same proceedings shall be had as if he had appeared at the first term. *And provided further*, that if such debtor or debtors shall die in the mean time it shall be an absolute discharge of said bond or bonds: *Provided nevertheless*, that when any debtor or debtors shall be taken as aforesaid, within twenty days before the sitting of said court, said bond shall be conditioned for his, her or their appearance at the succeeding term of the court aforesaid.

Debtor giving bond shall be released.

2. *Be it further enacted*, That upon such debtor or debtors tendering such bond or bonds it shall be the duty of such Sheriff, Deputy or Constable, as the case may be, to release him, her or them from confinement or custody; any law, usage or custom to the contrary notwithstanding.

Security may surrender his principal to court.

3. *Be it further enacted*, That to enable the honest debtor the more easily to obtain the security required in the first section of this act, it shall be lawful for the said security, at the court to which the principal is bound to appear, to surrender in open court the said principal in discharge of the security. And for the purpose of making the surrender the security is hereby authorised to exercise all the power which by law special bail have over their principal.

Debtor allowed to swear to a schedule of his property or take the oath of insolvency.

4. *Be it further enacted*, That upon the appearance of such debtor or debtors at the county court aforesaid it shall be lawful for him, her or them, either in person or by attorney, to move the court to be admitted to take the oath prescribed for the relief of insolvent debtors, or to swear to the schedule previously filed with the clerk of said court, agreeably to the provisions of this act herein after contained; and it shall be the duty of said court, upon such debtor or debtors making it appear to them that at least ten days notice has been given, in writing, to his, her or their creditors, of the intention to avail him, her or

themselves of the benefit of this act, to administer the oath prescribed for the benefit of insolvent debtors, or to swear him, her or them to the schedule as aforesaid, (as the case may be) and to direct the clerk to make an entry of the same upon his minutes, which shall exempt the body or bodies of such debtor or debtors from imprisonment for debt in all the cases where notice may have been given to the creditors, which notices shall be filed with the clerk of said court. *Provided nevertheless*, that if any creditor or creditors shall suggest any fraud or concealment of any property, money or effects, it shall be the duty of the court to direct an issue to be made up and tried by a jury at the first term before such debtor or debtors are sworn. *Provided further*, that if either of the parties shall be unprepared for the trial of such issue, the court may continue the same under the same rules and regulations by which suits at law are now continued; and if the said jury shall find that there is any fraud or concealment, or if said debtor or debtors shall fail or refuse to answer upon oath, or if said debtor or debtors shall fail to make it appear to the court that he, she or they have given the necessary notice to the creditor or creditors at whose instance he, she or they may have been arrested, then and in that case the said debtor or debtors shall be deemed in the custody of the Sheriff, and the court shall adjudge that he, she or they be imprisoned until a full and fair disclosure of all the property, money or effects be made by said debtor or debtors, and until he, she or they have given the necessary notice as aforesaid, to be judged of by said court.

A. D. 1829  
7  
ia  
10

Notice to be given.

When fraud is suggested.

1  
1  
103  
1012  
102  
119  
107

5. *Be it further enacted*, That when any debtor or debtors, taken upon any *capias ad satisfaciendum* as aforesaid, shall be desirous to render a full and fair schedule of his, her or their property and effects, he, she or they shall file the same with the clerk of the county court, at least ten days before the sitting of the court at which he proposes to avail himself of the benefit of this act; and that upon his being permitted to swear to the said schedule the same proceedings shall be had thereon as may be now had on schedules filed under the law now in force.

Debtor to file schedule before court.

6. *Be it further enacted*, That no person shall be imprisoned for debt upon any *capias ad satisfaciendum* who will comply with the requisites of this act, except in cases of fraud or concealment herein before mentioned; any law, usage or custom to the contrary notwithstanding.

11  
1  
1

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

Repealing clause.

1

CHAP. 34.

An act for the purpose of aiding to open the State Road from Jonathan Woody's Black-smith Shop to the Tennessee line in the counties of Wilkes and Ashe.

1. *Be it enacted by the General Assembly of the State of*

A. D. 1820. *North Carolina, and it is hereby enacted by the authority of the same, That Elijah Calloway, George Bower, Gideon Lewis, James M. Neil and William Judd, be, and they are hereby appointed Commissioners to run the road already laid out from Jonathan Woody's Black-smith Shop to the Tennessee line, and to designate on what parts of the said road it is most important to make the appropriation hereafter set apart for that purpose.*

Platts to be made.

2. *And be it further enacted, That the said Commissioners shall cause two fair platts of the said road to be made out, one of which shall be transmitted to the board of managers of the fund for internal improvement, and the other shall be filed in the office of the Clerk of the county court of Ashe; which platts shall represent the mountains and water courses over which the said road shall pass, and the distance of one remarkable place to another, together with the whole distance of the same.*

Commissioners to contract for clearing the road.

3. *And be it further enacted, That after having made out the platts as aforesaid, it shall be the duty of the Commissioners, and they are hereby authorised and empowered to contract for cutting out and clearing the said road in such a way and on such terms and conditions as they, or a majority of them, shall deem most advantageous to the public interest, and the speedy completion of the said road; and when it shall be so cut out and cleared and opened, it shall thereafter be and remain a public road and high-way, for the use of the citizens of this state and all others, and shall be kept in repair as other roads or high-ways in this state.*

4. *And be it further enacted, That it shall be the duty of the said Commissioners to transmit to the board of managers of the fund for internal improvement at their annual meeting in December next, all the vouchers, contracts or acts, which they have made or done for the purpose of carrying the provisions of this act into effect.*

Board of internal improvement to pay the expence.

5. *And be it further enacted by the authority of the same, That all the expenses incurred in clearing, opening and making the said road in the manner directed by this act, not exceeding the sum of fifteen hundred dollars, shall be paid out of the fund for internal improvement by the board of managers thereof, whenever a sufficiency of the said funds shall become due and paid into the treasury.*

Compensation to Commissioners.

6. *And be it further enacted, That each of the said Commissioners shall be entitled to receive the sum of one dollar for each and every day they may be engaged in running the said road as aforesaid.*

## CHAP. 35.

A. D. 1820.

An Act to appoint Commissioners to review part of the State Road in the county of Ashe.

1. *Be 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 Edwards, James Maxwell and David Edwards be, and they are hereby appointed Commissioners to view a part of the Great State Road from John Lyle's to Absalom Bowers'. Commissioners appointed.

2. *And be it further enacted,* That before they enter upon the duties of their office they shall take an oath before some Justice of the Peace for the county of Ashe, to view the old way and the new, and make report of the best and most convenient way to the county court of Ashe, and the same shall be considered the public highway. To take oath.

## CHAP. 36.

An Act to amend an act entitled "an act concerning the Clerks of the Superior Courts of law and equity and Clerks of the county courts, passed in the year eighteen hundred and nineteen."

1. *Be 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 provisions of the above recited act shall hereafter extend to the Clerk of the Supreme court of this State.

## CHAP. 37.

An Act for repairing and improving the Road leading from the place known by the name of the Old Fort, in Burke county, over the Swannanoah Gap to Ashville in Buncombe county, and thence to the point of intersection with the Road leading through Haywood county to the southern boundary line of this State.

1. *Be 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 Burgwin and Robert Logan, jr. of the county of Burke, Samuel Davidson, of the county of Buncombe be, and they are hereby appointed commissioners to view and point out such improvements and repairs on the road leading from the place known by the name of the Old Fort, in the county of Burke, over the Swannanoah Gap to Ashville, in Buncombe county, and thence to the point of intersection with the road leading through Haywood county to the southern boundary line of the State, as they or a majority of them shall think most important and necessary. Commissioners appointed.

2. *Be it further enacted,* That the said commissioners shall cause two fair plats of said road to be made out, one of which shall be transmitted to the board of managers of the fund for internal improvement, and the other shall be filed in the office of the clerk of the county court of Buncombe, which plats shall represent the mountains and water courses over which the Platts to be made out.

A. D. 1820. said road shall pass, and the distance from one remarkable place to another, and also the whole distance from the beginning to the termination of said road.

Com-  
missioners to  
contract for  
its speedy  
execution.

3. *And be it further enacted*, That after having made out the plats as aforesaid, it shall be lawful for the commissioners aforesaid, and they are hereby empowered to contract for cutting out, repairing, clearing and improving said road, in such a way, and on such terms and conditions as they, or a majority of them, shall deem most expedient and advantageous to the public interest and speedy completion of the said road; and when the said road shall be so repaired, improved and put in good order, it shall thereafter be deemed and remain a public road and highway, free for the use of the citizens of this State and all others, and shall be kept in repair as other roads and highways in this State.

Further  
duty.

4. *And be it further enacted*, That it shall be the duty of the said commissioners to transmit to the board of internal improvement at their annual meeting in December next, all the vouchers, contracts or acts which they may have made or done in order to carry the provisions of this act into effect.

Expenses  
how to be  
paid.

5. *And be it further enacted*, That all the expenses incurred in laying out, repairing and improving the said road, in the manner directed by this act, not exceeding fifteen hundred dollars, shall be paid out of the fund for internal improvement by the board of Managers thereof, whenever a sufficiency of the monies of the said fund shall become due, and paid into the Treasury.

Com-  
missioners'  
compensa-  
tion.

6. *And be it further enacted*, That each of the aforesaid commissioners shall be entitled to receive the sum of one dollar for each and every day they may be engaged in running and laying out the said road as aforesaid.

#### CHAPTER 38.

An Act, to clear out and improve the navigation of Broad River, in the county of Rutherford

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*; That out of the fund set apart for the Internal Improvement of the State, the sum of five thousand dollars be, and the same is hereby appropriated to the improvement of the navigation of Broad River, from Twitty's Ford to the South-Carolina line, and the board for Internal Improvement is hereby directed, to cause the work to be commenced, as soon as in their judgment, circumstances, and the funds of the institution will justify the same.

#### CHAPTER 39.

An Act to provide for the payment of costs when a Slave is convicted of a Capital Crime.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter, when any slave shall be convicted of a capital crime, and executed in consequence of such conviction, the costs of prosecution shall be paid by the county in which such prosecution shall have commenced.

Read three times and ratified in General Assembly, }  
the 25th day of December, A. D. 1820. }

R. M. SANDERS, S. H. C.  
B. YANCEY, S. S.

A true Copy. WM. HILL, Sec'y.

## CHAPTER 40.

An Act for the enlargement of the town of Washington, in the county of Beaufort, and for the better government of the same, being supplementary to an act passed in the year one thousand seven hundred and eighty-four, and to an act passed in the year one thousand seven hundred and ninety-nine.

WHEREAS, since the incorporation of the said town of Washington, sundry plans or plats of lots adjacent thereto have been laid out and added thereto, none of which are under the jurisdiction of the Commissioners of the said town, nor entitled to the privileges thereof,

1. *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 all those plans or plats of land laid out as town lots adjacent to the town of Washington heretofore incorporated, to wit: Those lots and streets laid out on the lands of Augustus Harvey, dec'd. known by the name of Pungo Town; all those lots and streets laid out by Joseph and Henry Bonner, on their lands, known by the name of Bonner's New Part; all those lots and streets laid out by John Gladden, on his lands, known by the name of Gladden town; all those lots and streets laid out by Hadrienne Van-Ordin, known by the name of Van-Ordin Town, together with the lots and streets added thereto by Grove Wright, on the Congleton lands, be, and they are hereby declared to be incorporated with, and to be integral parts of the town of Washington to all intents and purposes, as fully, largely and amply, as are those heretofore incorporated, and subject to the same rules regulations and restrictions; entitled to a full participation of all the privileges and rights of said town.

2. *And be it further enacted,* That in future the Commissioners of said town are authorised and empowered, and they are hereby required to lay an annual tax not exceeding five, nor less than one dollar on every hog running at large within the limits of said town, owned by any resident of said town; which said tax shall be levied, collected and accounted for in the same manner and for the same purposes as other taxes are, which are imposed by the Commissioners of said town; and persons living in said town and owning hogs as aforesaid shall give them in, in the same manner, at the same time, and under the same rules and regulations as they give in other personal property subject to taxation by the ordinances of the Commissioners of the said town of Washington: and every hog so given in and taxed as by this act directed, shall be distinguished by having a ring of iron inserted in the nose of said hog: And if any hog be suffered to run at large in the streets or lanes of said town of Washington without being given in, taxed and registered as by this act is required, shall be taken up by the constable of said town, or by some person acting by the authority of the Commissioners thereof, and be sold for cash to the highest bidder, and the money arising from such sale shall belong and enure to the said Commissioners of said town, in aid of the funds thereof.

## CHAPTER 41.

An Act to repeal the second and fifth sections of an act passed in the year one thousand eight hundred and eighteen, entitled "an act to authorise the sale of the town commons in the town of Trenton, in Jones county, and to establish an Academy in the said county, and for other purposes."

1. *Be it enacted by the General Assembly of the State of North-Caroli-*

na, and it is hereby enacted by the authority of the same, That the second and fifth sections of the above recited act be, and they are hereby repealed and made void.

2. *Be it further enacted*, That Durant Hatch, jr. Alexander Sledge and Robert O. Kornegay, be, and they are hereby authorised to sell the three acres of ground reserved by them under the second section of the above recited act, for the purpose of erecting thereupon an Academy and a Church, which sale shall be made 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 deed of said Commissioners or any two of them shall vest in the purchaser or purchasers a fee simple estate in such lots, to such purchaser, his or her heirs or assigns forever.

3. *And be it further enacted*, That the before named persons be, and they are hereby vested with full power to vest the monies arising from the sale of said lots in the purchase of a suitable site on which to erect a building which will answer both the purposes of an Academy and a Church.

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

#### CHAPTER 42.

An Act to incorporate the New River Navigation Company.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Edward Ward, Charles Sneed, William Hill, Bazil R. Smith, William Mitchell, John Pollock, John Giles, Christopher Dudley, Edward Williams, William Montfort, Lewis T. Oliver, Joshua Foy, James Thompson, Richard Ward, Daniel Ambrose, William Humphrey, Asa Rhodes, Daniel M. Dulany of Onslow county and their successors be and they are hereby declared to be a body politic and corporate for the purpose of clearing out and improving the Navigation of New River; to be known and distinguished by the name of the New-River Navigation Company, and by that name shall have perpetual succession and a common seal: They shall be able and capable in law to sue and be sued, plead and be impleaded in any court within this State, and to do and perform all such acts and things as are incident to, or usually exercised by bodies politic and corporate by the laws of this state touching the objects of their incorporation.

#### CHAPTER 43.

An Act to repeal the act of last session of the General Assembly of this State, Chapter 47th allowing compensation to Jurors.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the before recited act is hereby repealed and made void so far as it regards the county of Onslow.

#### CHAPTER 44.

An Act to appoint Commissioners for the town of Rockingham, in Richmond County:

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Walter

Leak, sen. James L. Vaughan, Charles Robinson, Thomas Crawford, William P. Leak, James Cole and John L. Campbell be, and they are hereby appointed Commissioners for the town aforesaid; and that the said Commissioners, or a majority of them, shall have power to make, ordain and enforce bye-laws, rules and regulations, for the government thereof; to levy, collect and appropriate town-taxes; and to do and perform such other matters or things, relating to the prosperity and well being of said town, as they in their discretion may think proper, having a due regard to the constitution and laws of the state.

2. *And be it further enacted*, that if any of the said commissioners should die, remove, or refuse to act, the remaining commissioners shall have power to fill such vacancy by the appointment of others in their stead.

#### CHAPTER 45.

An act to authorise and empower the Commissioners of the several towns of Fayetteville, Newbern, Wilmington and Tarborough to organize and keep up Fire Engine Companies.

1. *Be 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 respective Commissioners of each of the towns of Fayetteville, Newbern, Wilmington and Tarborough be, and they are hereby authorised and empowered, to accept as Fire-men, or as members of Fire Engine companies, any number of militia-men, not exceeding the number of sixty in each of said towns, who shall be willing to belong to said Fire Companies, and who shall be enrolled by the said commissioners in the several companies to which they may be allotted, and who shall, during their voluntary enrollment of Fire-men as aforesaid, conform to such regulations and rules as the said commissioners or the bye-laws of the said companies may require.

2. *And be it further enacted*, That in consideration of the enrollment of the said persons as Fire-men, or as members of Fire Engine Companies, each and every militia-man so enrolled shall be free and exempt from the performance of any militia duties (except in cases of war, invasion or insurrection) and shall not be liable to any fines for the non-performance of militia duties; *Provided*, he obtain and produce from the captain of the Fire Company in which he is enrolled a certificate, setting forth that he is a member of his company, and that he has faithfully performed his duty as such since the period of his enrollment.

3. *And be it further enacted*, That any person so enrolled in any of the Fire Companies by the said commissioners shall be at liberty to return to the performance of military duty whenever he thinks proper; and it is hereby declared that nothing in this act contained shall be construed so as to authorise the said commissioners, or any of them, to accept as Fire men any person who now is a member of any chartered or uniform milita company in any or either of said towns.

4. *And be it further enacted*, That the said commissioners respectively shall have full power and authority to keep up the said Fire Companies, by accepting from time to time the services of not more than sixty members in each of said towns, and are authorised to elect all officers

necessary for the due government of said companies, and to make such rules and regulations as are proper and as are necessary to carry into effect the object of this act.

#### CHAPTER 46.

An Act to amend the fourth section of an act passed in the year one thousand eight hundred and twelve, entitled "an act concerning the navigation of Yadkin river."

WHEREAS, the said act, in the fourth section thereof, provides that all the rights, privileges and franchises granted to the Roanoke Company by the fourth, and as far as the eighteenth section of an act, passed in the year eighteen hundred and twelve, entitled "an act for the improving and the navigation of Roanoke river, from the town of Halifax to the place where the Virginia line intersects the same," be, and are hereby granted to the Yadkin Company; and the said sections shall constitute and form a part of the charter of the said company as applied to the Yadkin river: And whereas, the fourth clause of the above recited act requires that all sales of stock for balances due and owing the said company shall be made in the town of Halifax in this state, and also requires one month's notice to be given in some one news-paper published in the town of Petersburg, and one or more news-papers published in the city of Raleigh, which renders the mode of selling stock belonging to the said Yadkin Company highly inconvenient and expensive; for remedy whereof,

1. *Be 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 sale of stock to be in Halifax, and notice to be advertised in the town of Petersburg, be, and the same is hereby repealed, so far as the same respects the Yadkin Navigation Company, and shall no longer be deemed and held applicable to the same, and that all sales of stock subjected to the said Yadkin Navigation Company shall, from and after the passage of this bill, take place and be held in the town of Salisbury, and that the President and Directors of the Yadkin Navigation Company shall hereafter give one month's notice of the time of such sale, by publishing the same in some one news-paper in the city of Raleigh, some one paper in Georgetown, S. C. and in the Western Carolinian, published in the town of Salisbury.

#### CHAPTER 47.

An Act providing for a Female department in the Greensborough Academy.

1. *Be 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 Female Academy which is at present in operation under the direction of certain managers in Greensborough, in Guilford county, shall in future compose a part of the Greensborough Academy already established by law, and is hereby declared to be incorporated therein by the name of the Female Department of the Greensborough Academy, and shall be under the superintendency, direction and control of the Trustees of said Academy, shall be entitled to all the rights, privileges and immunities, and subject to the same rules, regulations and restrictions as are granted to, or exercised by, the said Trustees of the said Academy, as fully, to

all intents and purposes, as if the said department had been particularly mentioned in the act of incorporation, so far as the same may be applicable to the said department.

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#### CHAPTER 48.

An Act to repeal an act passed in the year one thousand eight hundred and nineteen, entitled "an act to repeal certain parts of three acts concerning Patrollers, one passed in the year 1794, one other in the year 1802, and the other in the year 1816," so far as relates to the county of Edgecomb.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same,* That the before recited act be, and the same is hereby repealed and made void, so far as relates to the county of Edgecomb.

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#### CHAPTER 49.

An Act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln county.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same,* That after the passing of this act the two courts of pleas and quarter sessions heretofore held in said county on the third Monday in April and October, shall be hereafter held on the fourth Monday after the fourth Monday in March and September in each year; any law to the contrary notwithstanding.

2. *And be it further enacted,* That all process returnable to or from said court shall be in conformity with this act.

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#### CHAPTER 50.

An Act to authorise William R. Smith, of the county of Halifax, to erect one or more gates across the public road, leading through his plantation in Scotland Neck.

1. *Be 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 R. Smith be, and he is hereby authorised and empowered, to erect one or more gates across the public road leading through his plantation in Scotland Neck, Halifax county, to be under the same rules, regulations, restrictions and immunities as other gates are in like cases so made and provided.

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#### CHAPTER 51.

An Act to establish a court of probate in the county of Cumberland, and for other purposes.

1. *Be 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 hereafter be held at the court house in the town of Fayetteville, in the county of Cumberland, a Court of Probate for said county, and that it shall be competent for the Justices of the court of pleas and quarter sessions for said county, or any three of them, to hold said court.

2. *Be it further enacted,* That said court shall have power to take probate of all conveyances, last wills and testaments, grants, letters of administration, qualify executors and hold orphan's courts, to take cogni-

zance of all petitions for dower, years support and roads, and all other subjects in which the intervention of a jury is not necessary.

3. *Be it further enacted*, That the next court of pleas and quarter sessions to be held for the county of Cumberland, shall be, and they are hereby authorised to appoint and fix the time of holding the first term of said court of probate, and that the same shall be held at that time and quarterly thereafter; and it shall be the duty of the court of pleas and quarter sessions aforesaid to direct their clerk to give general notice of this act and of the times of holding of said court of probate.

4. *Be it further enacted*, That it shall be the duty of the clerk of the court of pleas and quarter sessions for said county, and the sheriff of the same, to attend said court of probate, and to officiate in their respective offices in the same manner they are now bound to do in the court of pleas and quarter sessions.

#### CHAPTER 52.

An Act to restore Joshua Chesnut, of the county of Sampson, to credit.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same*, That Joshua Chesnut, of the county of Sampson, be, and the said Joshua Chesnut is hereby restored to credit, and to every privilege and immunity as a citizen of this state, as fully and amply as though the said Joshua Chesnut had never been convicted and adjudged of the crime of perjury.

2. *And be it further enacted*, That this act shall take effect, and be in full force, from the ratification thereof.

#### CHAPTER 53.

An act to prevent fishing on Sunday with seines in Rocky river of Pedee, or the North West branch of Cape Fear river.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same*, That from and after the ratification of this act it shall not be lawful for any person or persons to haul any sein or seines, for the purpose of catching fish, in Rocky river of Pedee, or in the North West branch of Cape Fear river, between the hours of twelve on Saturday night and twelve on Sunday night; and if any free person or persons shall, within the time aforesaid, haul any sein or seines in Rocky river of Pedee, or in the North West branch of Cape Fear river, for the purpose of catching fish, or shall knowingly permit any slave or slaves under their command to do so, such person so offending shall forfeit and pay the sum of fifty dollars, to be recovered in the name of any person who may sue for the same before any justice of the peace in the county where the offence may be committed, one half to the use of the person suing therefor, and the other half to the use of the poor of said county.

#### CHAPTER 54.

An Act for supplying the town of Fayetteville with pure and wholesome Water.

WHEREAS, William Nichols, together with sundry other persons, have with the consent, and by the desire of the corporation and citizens

of the town of Fayetteville, associated for the purpose of conveying to such of the inhabitants thereof, and others as may be inclined to take the same, a constant supply of pure and wholesome water : And for furtherance of this laudable design, which promises health and safety to the said town ; they pray the Legislature to give them support and encouragement, by granting them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation.

1. *Be 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 Nichols and such persons as he may associate with himself, his and their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of the President and Directors of the Fayetteville Water Works, and are hereby ordained, constituted and declared to be forever hereafter a body, politic and corporate in fact and in name, and by that name be, and they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure : And also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying, any estate real and personal, for the use of the said corporation : *Provided,* That such real estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation.

2. *And be it further enacted,* That it shall be lawful for the said company, and any person or persons employed by them, or acting under their authority, to enter into and upon, and freely to make use of any lands which they shall deem necessary, for the purpose of conducting a plentiful supply of pure and wholesome water to the centre of said town, and to erect any dams or other works across or upon any streams of water or any other place or places where they shall judge proper, for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams or places, for constructing or working of any necessary engine, and to construct, dig or cause to be opened any canals or trenches whatsoever, for the conducting of such stream or streams, or any other quantity of water from any source or sources they may see fit, and to raise and construct such dikes, mounds or reservoirs, as they may judge proper, for securing and conveying such supply of water as aforesaid, to said town ; and to survey and lay out all such lands and streams as they may think proper, in order to ascertain the best mode of furnishing such supply, and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts, through or over any of the said lands, or any streams of water, as they may see fit, to or towards the said town, and in any, and every street, lane or other part of said town, where the same may be requested, and to agree with the owner or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations for and about, a rea-

sonable compensation to be made to him, her or them, for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she, or they or any of them may sustain by the employing, directing or constructing any such stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds aforesaid: But in case of disagreement, or in case the owner or owners of such lands, tenements and hereditaments, shall be *feme covert*, under age, *non compos mentis*, or out of the state, then it shall be lawful and requisite for the said President and directors to file their petition in the court of pleas and quarter sessions for Cumberland county, setting fourth the facts of the case, and the matters in dispute, and upon the filing of said petition, and a copy thereof being served on the opposite party, the said court shall issue their writ to the Sheriff of Cumberland county, commanding him to summon a jury of twelve good and lawful men, who are totally unconnected with any of the parties, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury sustained as aforesaid; and the Sheriff shall make return of the verdict of the said jury to the term of the county court next succeeding that from which he received his writ, and upon the coming in of said verdict or report, and the confirmation thereof by the said court, the said President and Directors shall pay to the said owners respectively, the sum mentioned in such verdict or report, in full compensation for the said lands, tenements or hereditaments, or for the injury sustained as aforesaid, as the case may be: and upon such payment, the said President and Directors shall be, and become seized in fee of all such lands, tenements and hereditaments as they shall have taken possession of and paid for as aforesaid, and they and all those who have acted under them shall be acquitted from and freed from all responsibility for or on account of any such injury: *Provided nevertheless*, That nothing herein contained, is to bar the right of either of the parties appealing from the county to the superior court.

3. *And be it further enacted by the authority aforesaid*, That in consideration of the corporation of Fayetteville, allowing the said President and Directors to carry the conduits or pipes through any parts of the streets or alleys of the said town, it shall be the duty of the said President and Directors and their successors, so to construct their principal mound or reservoir, as to insure a plentiful supply of water, which it shall be lawful for the corporation or any body or company to use in the case of fire; and that the principal pipes shall be so arranged and so constructed as to have fire plugs at the distance of every three hundred feet, which it shall be lawful to take out and use the water in the event of a fire.

4. *And be it further enacted*, That if any person or persons shall do or cause to be done any act whatsoever, whereby the said works or any pipes, conduit, canal, water course, mound, plug, cock, reservoir, dike, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company triple the amount of the damages sustained by means of such

injury, to be recovered by said company with costs of suit, and by action of debt before any justice or court having jurisdiction thereof.

5. *And be it further enacted*, That it shall be lawful for the President and Directors of said company, from time to time, to make and establish such ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of the United States and of this State, for conducting and managing the affairs of the said company, and for conducting and preserving the said works, and any part thereof, and for conveying, employing, distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation, and may also agree with the corporation of the town of Fayetteville, the inhabitants of said town and others choosing to take or use the said waters, regarding the rates at which the same shall be paid for: *Provided*, That the said company shall, within five years from the passing of this act, furnish and continue a supply of pure and wholesome water, sufficient for the use of all such citizens dwelling in said town of Fayetteville, as shall agree to take it on the terms, to be demanded by the said company, in default whereof the said corporation shall be dissolved.

#### CHAPTER 55.

An act to establish and incorporate an Academy in the town of Elizabeth City, in the county of Pasquotank, and for other purposes.

1. *Be it enacted by the General Assembly of the state of North Carolina and it is her. by enacted by the authority of the same*, That William T. Muse, Ambrose Knox, Witham Wilson, William Gregory, Frederic B. Sawyer, Wilson Sawyer, William Martin, Samuel Matthews, Lemuel C. Moore and John C. Ehringhaus shall be, and they are hereby declared to be, a body politic and corporate, to be known and distinguished by the name of the Trustees of the Elizabeth City Academy: by that name they shall have perpetual succession, and by the name aforesaid they, 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 or may be given for the use of the said Academy, and the same apply according to the will of the donor, and by gift, purchase or devise to take, have, receive, possess, enjoy and retain to them and their successors forever, any lands, rents or tenements, of what kind or nature soever, in special trust and confidence, that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing said Academy, and shall be capable of pleading and being impleaded by their proper officers, either in law or equity, for any monies or other things, which may be given, devised, or subscribed for the use of said Academy.

2. *Be it further enacted*, That the said Trustees, or a majority of them, shall have power to appoint such professors or tutors as to them shall appear necessary, also a treasurer and secretary, on such terms and conditions, and with such restrictions, as they may think proper, and the said Trustees, or a majority of them, shall have power to make all such laws and regulations for the government of said Academy, and

for the promotion of order and morality therein as they may deem necessary, not inconsistent with the laws and constitution of this state.

3. *And be it further enacted*, That on the death, removal from the county, inability or refusal to act, or resignation of any of the said Trustees, it shall and may be lawful for the remaining Trustees, or a majority of them, to elect other Trustees in the place and stead of such as die, remove, resign or refuse to act; and the Trustee or Trustees so elected shall have equal power, authority and capacity with the Trustees hereby appointed, any law to the contrary notwithstanding.

4. *And be it further enacted*, That the Trustees of said Academy be, and they are hereby authorised to raise, by way of lottery, any sum of money not exceeding four thousand dollars, for the use of said Academy, in such classes as to them may seem most expedient and proper.

5. *And be it further enacted*, That it shall be the duty of the Trustees of said Academy before they shall offer for sale any ticket in any lottery authorised by this act, to appoint one or more persons to draft a scheme of such lottery, and superintend the drawing of the same; and the Trustees of the said Academy shall be jointly and severally liable in their proper person to fortunate adventurers in any lottery authorised by this act, for the amount drawn to their respective numbers in an action on the case brought to recover the same.

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

#### CHAPTER 56.

An act for the better organization of the Militia of Beaufort County.

1. *Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That the Militia of the county of Beaufort shall hereafter be laid off and divided into three battalions to form one regiment, and be commanded by a Colonel Commandant, a Lieutenant Colonel and three Majors, to wit: one Major for each battalion; that the districts of Chockawinity, Washington, Franter's Creek and Beaver Dam, shall form the first battalion, and hold their battalion musters in the town of Washington; the districts of Blount's Creek, South dividing Creek and Goose Creek, shall form the second battalion, and hold their battalion musters at Hickory Point, at the house of Jesse Robinson, Esq. and that the districts of Bath, Longacre, Loghouse, Woodstock and Pantigo, compose the third battalion, and hold their battalion musters at the town of Bath.

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

#### CHAPTER 57.

An act granting to the Superior Court of the county of Robeson, original and exclusive jurisdiction in all cases where the intervention of a jury is necessary.

1. *Be 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 last day of February next, it shall not be lawful for the Jus-

ices of the court of pleas and quarter sessions for the county of Robeson to try any causes where a jury may be necessary; nor shall they summon any jury to attend said county court.

2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the court of pleas and quarter sessions of the county of Robeson aforesaid, to make out a true and correct list or transcript of all suits which may be pending in said court, by the last day of March next, and deliver the same to the Clerk of the Superior Court for the county aforesaid, together with all such papers as may relate to such suits respectively, on or before the first day of August next.

3. *And be it further enacted,* That it shall be the duty of the Clerk of the Superior Court of the county aforesaid, to receive such list or transcript, and original papers, and immediately enter them on his docket in regular succession, and they shall stand in the same order for trial in the Superior Court aforesaid as they originally stood in the court of pleas and quarter sessions; and it is also declared to be the duty of the Clerk of the Superior Court of the county of Robeson aforesaid, on application of either plaintiff or defendant in any suit which may be transmitted to him agreeably to the directions of this act, to issue *subpœnas* for witnesses, or other legal process, returnable to the next Superior Court of the county aforesaid, which shall be as binding and valid in law, to all intents and purposes, as if such suits had originated in the said Superior Court.

4. *And be it further enacted,* That if the Clerk of the court of pleas and quarter sessions, or of the Superior Court of said county, shall fail or neglect to perform the duties enjoined upon him by this act, he shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered by an action of debt in the name of the Governor for the time being, and to be applied to the use of the county.

5. *And be it further enacted by the authority aforesaid,* That from and after the first day of March next all suits in said county, whether civil or criminal, shall originate in the Superior Court aforesaid. And all appeals from Justices of the Peace in said county, in civil cases, and all recognizance by them taken in criminal cases, shall be returnable to the next Superior Court for the county aforesaid.

6. *And be it further enacted,* That the court of pleas and quarter sessions for the county aforesaid are hereby required, at their term next preceding the ensuing fall term of the Superior Court of said county, to take up the state docket in regular order, and bind over the parties and witnesses concerned to the next succeeding Superior Court to be held for said county.

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

#### CHAPTER 58.

An act to prevent the fishing with nett or netts, at the mouth of Great Contentnea Creek.

WHEREAS it hath been ascertained, that in consequence of fishing with nett or netts at the mouth of Great Contentnea Creek, the passage of fish up the said creek is very much obstructed,

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same,* That from and after the first day of February next, any person or persons who shall be known to fish with a nett or netts in Great Contentnea Creek at the mouth thereof, or within one mile thereof, shall on conviction thereof forfeit and pay the sum of twenty-five dollars, to be sued for and recovered in the county in which the defendant may reside, one half to the use of the informant, and the other half to the use of the county in which such person or persons may be convicted of having fished as aforesaid.

2. *And be it further enacted,* That if any slave or slaves shall be convicted of the offence of fishing contrary to the provisions of this act, that he, she or they, shall receive twenty-five lashes on his, her, or their bear backs; and the owner of such slave or slaves shall be liable for the costs of prosecution.

#### CHAPTER 59.

An act to incorporate Widows' Son Lodge, in Camden County.

1. *Be 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 Master, Wardens, and Members which at present are, or in future may be, of Widows' Son Lodge in Camden county, are hereby constituted and declared to be a body corporate, under the name and title of Widows' Son Lodge, and by such name shall have perpetual succession and a common seal; may sue and be sued; plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations as shall not be inconsistent with the constitution and laws of this state, or of the United States.

#### CHAPTER 60.

An act to improve and repair the Turnpike Road, lately owned by Nathan Horton, in the county of Wilkes.

1. *Be 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 Nibb, John Hardin, Nathan Horton, William Miller and James Wellborne be, and they are hereby appointed commissioners, to run and point out such improvement and repairs, as they or a majority of them may think most important and advantageous, on the road called the Deep Gap Road, leading from Wilkesborough to the Tennessee line; beginning at John Sipps on Lewis's fork, thence to Nathan Horton's on New River, then beginning at Howard's old place on the Rich Mountain, to the Tennessee line.

2. *And be it further enacted,* That the said Commissioners shall cause two fair Plats of the said road to be made out, one of which shall be transmitted to the board of managers of the fund for internal improvement, and the other shall be filed in the office of the clerk of the county court of Wilkes; which Plats shall represent the mountains and water courses over which the said road shall pass, and the distance from one remarkable place to another, and also the whole distance of the said road.

3. *And be it further enacted*, That after having made out the Plats as aforesaid, it shall be lawful for the commissioners, and they are hereby empowered to contract for cutting and improving, clearing and making the said road in such a way and on such terms and conditions as they or a majority of them shall deem most advantageous to the public interest, and the speedy completion of the said road; and when it shall be so repaired, improved and put in good order, it shall thereafter be and remain a public road and highway, free for the use of the citizens of this state and all others, and shall be kept in repair as other roads and highways in this state.

4. *And be it further enacted*, That the aforesaid commissioners shall have power to designate the Hands and appoint the Overseers, who shall work on the several parts of this road where it is thickly inhabited: *Provided*, they shall live within three miles on each side of the same.

5. *And be it further enacted*, That it shall be the duty of the said commissioners to transmit to the board of managers of the fund for internal improvement, at their annual meeting in December next, all their vouchers, contracts and acts which they have made or done for the purpose of carrying the provisions of this act into effect.

6. *And be it further enacted*, That all the expences incurred in laying out, repairing and improving said road in the maner directed by this act, not exceeding the sum of fifteen hundred dollars shall be paid out of the fund for internal improvement, by the board of managers thereof, whenever a sufficiency of the said funds shall become due and paid into the Treasury.

7. *And be it further enacted*, That each of the said commissioners shall be entitled to receive the sum of one dollar, for each and every day they may be engaged in running and laying out the said road as aforesaid.

8. *And be it further enacted*, That none of the before recited clauses of provisions of this act, shall be valid or carried into effect, until Nathan Horton shall have surrendered all his right, title, claim or interest in the road recited in this act, any law to the contrary notwithstanding.

#### CHAPTER 61.

An Act to establish Farmwell Grove Academy in the county of Halifax.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same*, That Hutchins G. Burton, Isham Matthews, John Nicholson, Thomas Nicholson, James Grant, Peyton Harvey, Canelhaum H. Hynes, James Moore, Guilford Nicholson, Richard Baxter, Robert Jelks, Thomas Bustin and Eli B. Whitaker, shall be, and 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 Farmwell Grove 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 capable in law to receive, possess and enjoy any quantity of lands or tenements, goods or monies, that may be given to the use of the Academy, and apply the same according to the will of the donor.

2. *And be it further enacted*, That the said Trustees or a majority of

them may sell and dispose of any lands or tenements, goods or chattels, that may be given to the use of the said Academy when the will of the donor does not forbid it, and that the said Trustees, by the name aforesaid, to wit, the President and Trustees of Farmwell Grove Academy, shall be able and capable to sue and be sued, plead and be impleaded, in any court in this state, and shall have power to do all such things as are incident to, and usually exercised by bodies politic for the promotion of the objects contemplated, not incompatible with the constitution of this state.

3. *And be it further enacted*, That the said Trustees or a majority of them shall have power to elect a President, Secretary and Treasurer, and also to appoint such Professors or Tutors as they may deem proper, and that they shall make such laws and regulations for the government of the said Academy as may be necessary for the preservation of order and good morals; that the said Trustees or a majority of them are hereby authorized and empowered to purchase such quantity of land as they may deem expedient for building the Academy thereon: and in case of death, refusal or inability to act, of any of the Trustees now appointed, the remaining Trustees or a majority of them may elect others to supply their places, and shall also have power to elect additional Trustees, so that the whole number may not exceed thirty six.

#### CHAPTER 62.

An Act to authorise the sale of Lands belonging to the town of Hillsborough.

1. *Be 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 Young, John Faddis, William Huntington, William Whitted, Samuel Hancock, Jonathan P. Sneed, and John Scott, Commissioners of the town of Hillsborough, and their successors be, and they are hereby authorized and empowered to sell upon such terms and under such regulations as they or a majority of them shall agree upon, the whole or any part of the lands belonging to said town, lying north thereof, usually called the commons.

2. *Be it further enacted*, That the said commissioners, or a majority of them, and their successors, shall cause the aforesaid lands to be laid off into lots, streets and alleys, of such size and extent as they or a majority of them may deem advisable.

3. *Be it further enacted*, That when the lands have been laid off into lots, streets and alleys, as above directed, the said Commissioners or a majority of them, and their successors, having given forty days notice in one or more of the newspapers of this State, of the time and place, and terms of sale, shall cause the said lots of land or any part of them to be set up and publicly sold to the highest and best bidder.

4. *Be it further enacted*, That the proceeds arising from the sale or sales of said lots shall vest in and belong to the Commissioners aforesaid, and their successors, to the sole use and benefit of the corporation of said town.

5. *Be it further enacted*, That the Commissioners aforesaid and their successors shall be, and they are hereby fully empowered to execute ti-

ties in fee simple by instrument under their hands and seals to the purchaser or purchasers of the whole or any part of the aforesaid lots.

## CHAPTER 63.

An Act to authorise a Lottery for the benefit of Farmwell Grove Academy in the county of Halifax.

1. *Be 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 Farmwell Grove Academy shall have full power and authority to raise by way of lottery or lotteries, a sum not exceeding fifteen hundred dollars, to be applied to the use of said Academy in the purchase of a Library, Globes, apparatus, or to such other objects as may be conducive to its interests.

2. *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 as managers to draft a scheme of said lottery or lotteries, and to conduct and superintend the drawing of the same, in such manner and at such times and places as they may judge proper.

3. *And be it further enacted,* That the said five managers, previous to entering on the duties of their appointment, shall give bond and security in the sum of twenty thousand dollars, to the chairman of the county court of Halifax, and his successors in office, for their faithful performance of the same.

4. *Be it further enacted,* That the said managers shall punctually pay over, out of the monies arising from the sale of tickets in said lottery or lotteries, to the fortunate adventurers in the same, such prize or prizes as may be drawn to their respective tickets, within sixty days after the drawing is completed; or in case the said lottery is not drawn within one year from the passing of this act, the said managers shall refund to the purchasers of tickets such sum or sums of monies as they may have respectively paid for the same, if they shall demand it.

## CHAPTER 64.

An Act to establish separate Courts of Probate for the counties of Pasquotank and Rutherford, and for other purposes.

1. *Be 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 Monday in March next, the Justices of the Courts of Pleas and Quarter Sessions of the counties of Pasquotank and Rutherford shall hold a Court for the furtherance and dispatch of business in said counties, one in each month, except the months in which the Courts of Pleas and Quarter Sessions for said counties now are held; and such courts, three justices being on the Bench, except in cases where a greater number are now by law required, shall have cognizance of all matters and things that can or may be done without the intervention of a jury; and all orders and decrees of such courts shall be as effectual as those are that are now made in the Courts of Pleas and Quarter Sessions: *Provided,* That there shall be no writs returned at said courts, nor any proceedings had on petitions, except petitions for dower, years provision, and for roads, of

which these courts are hereby authorised to have cognizance : And that all guardian accounts shall in future be returned to the said Court, to be held on the first Monday on February in each and every year, any law, usage or custom to the contrary notwithstanding.

2. *And be it further enacted*, That the said Courts of Probate shall be held on the first Monday in every month, except as above excepted.

3. *And be it further enacted*, That it shall be the duty of the clerks of the Courts of Pleas and Quarter Sessions, and the sheriffs of said counties, to attend to the said Courts of Probate.

#### CHAPTER 65.

An Act to authorise the building of a Bridge across Trent River, near the town of Newbern.

1. *Be 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 devisees of the late Richard Dobbs Spaight and Mary Jones Spaight, who are the owners of the lands on both sides of Trent River, at Swimming Point, near the town of Newbern, to erect a Bridge across the river Trent, at said point, by themselves, or in company with others; which Bridge shall have a well constructed draw overhanging the channel of said river, sufficient to admit the passage of all vessels ascending or descending said river; and when the said Bridge shall be completed, it shall and may be lawful for the proprietors thereof to erect a toll gate thereon, or on some part of the road leading thereto, and the following shall be the usual rate of toll of said Bridge: For a foot passenger, five cents; for a single horse or mule, ten cents; for a man and horse, fifteen cents; for a two wheel carriage, drawn by one or two horses, mules or oxen, forty cents; for a four wheel carriage drawn by two horses, mules or oxen, sixty cents; for every four wheel carriage drawn by more than two horses, mules, or oxen, one dollar: for all neat cattle, ten cents each, and for hogs and sheep, five cents each.

2. *Be it further enacted*, That when it shall be required by petition of the proprietors of said Bridge, the county court of Craven shall order the sheriff of Craven to summon a jury of good and lawful men to lay off a road from the foot of said Bridge to some convenient place of intersection with the road which now leads from Newbern to Pembroke Bridge or Ferry.

3. *Be it further enacted*, That when the said Bridge shall be built as aforesaid, the proprietors thereof, for the time being, shall keep the same in good and sufficient repair, under the like penalty as other keepers of public Bridges, by the laws of this State.

#### CHAPTER 66.

An Act appointing commissioners for fixing upon a suitable place for the Public buildings in Hyde county and for other purposes.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Green Carrywan, Hugh Jones, Joseph Masters, Jonathan Harris, David Gibbs, Sen. Samuel Gibbs, Sen. and Daniel Murry, be and they are hereby appointed Commissioners, for the purpose of fixing upon a scite at the Lake

Landing, or within two miles thereof, in Hyde county, for the public buildings of said county, and the said Commissioners or a majority of them, after having determined upon the scite as aforesaid, shall appoint three respectable Freeholders of said county, who being duly sworn, shall assess the value of not exceeding two acres of land at the place fixed upon as aforesaid, and return the valuation thus made to the County Court, at the term next after such assessment, and the Commissioners aforesaid shall have full power and authority to appoint other freeholders in case of the death, sickness or refusal to act of any of those by them appointed, under the authority of this act.

2. *Be it further enacted*, That upon the return of the assessment aforesaid, the court shall pass an order to pay the proprietor of the land so valued the amount of such valuation, and a record of the same shall be made, which shall be a good and effectual seizen in law to create a fee simple in the county of Hyde to the land aforesaid.

3. *Be it further enacted*. That the said Commissioners be and they are hereby authorised to contract with any person or persons for building and erecting on the lot of land aforesaid a Court House and Jail for the use of said county of such dimensions, and of such materials, and upon such terms as to them may seem proper and expedient, and the Superior Courts of Law and Courts of Equity, and the Courts of Pleas and Quarter Sessions for Hyde County, shall severally be held in the Court House thus built from and after the first day of January in the year eighteen hundred and twenty-three.

4. *Be it further enacted*, That the said Commissioners be and they are hereby authorised, after the term aforesaid, to sell to the highest bidder, on such credit as they may think proper, the present Court House and Jail of said County, with the public square of land upon which they are situated, and the monies arising from such sale to be paid into the County Treasury.

5. *Be it further enacted*, That the County Court of Hyde be authorised and required, and it is hereby declared to be the duty thereof, to lay a tax sufficient to defray the expenses incurred under the provisions of this act, and also to apply any monies in the Treasury of said County, not otherwise appropriated, to the same purpose.

#### CHAPTER 67.

An act, to repeal an act passed in the year 1819, authorising the commissioners of the town of Morganton, to sell certain parts of the public square in said town, and for other purposes; and to repeal an act passed in the year 1818, appointing commissioners to sell certain lots and the town commons in the town of Morganton.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the before recited acts be, and the same are hereby repealed and made void.

2. *And be it further enacted* That Thomas Bowshel, John Caldwell, Thomas Walton, David Tate, and Adolphus L. Erwin, be, and they are hereby appointed commissioners of the town of Morganton, with full power and authority to dispose of at public sale, on such credits as a majority of the said commissioners may think proper, all the unappropriated 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.

3. *And be it further enacted*, That the money arising from the sale of said lots and town commons, shall be applied to the improvement of the public square, in fencing and inclosing the same, and the balance of the money (if any there may be) to be applied in defraying the expences of completing the Morganton Academy and Church, all which shall be done in such manner as may be prescribed by a majority of the commissioners appointed by this act.

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

5. *And be it further enacted*. That so much of an act passed in the year 1784, 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.

6. *And be it further enacted*, That if after enclosing the public square, completing the Church and the Morganton Academy, there should remain any monies in the hands of the commissioners appointed by this act, they are hereby authorised and required to pay the same over to the county Trustee.

#### CHAPTER 68.

An Act compensating witnesses attending Chatham county and Superior Courts.

1. *Be 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, all persons legally summoned to attend as a witness in any cause pending in the county court of Chatham, shall be allowed and receive the sum of eighty cents for every days attendance.

2. *Be it further enacted*, That all persons attending as a witness in the Superior Court of the aforesaid county shall be allowed the sum of one dollar, to be recovered under the same rules, regulations and restrictions as heretofore.

#### CHAPTER 69.

An Act to remit a fine imposed on Bernard Laspeyre, by the Superior Court of New-Hanover county.

1. *Be 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 conditional fine of two hundred dollars imposed on Bernard Laspeyre, by the Superior Court of New-Hanover county, at Spring Term, one thousand eight hundred and twenty, be and the same is hereby remitted.

#### CHAPTER 70.

An Act to appoint additional commissioners for the town of Hamilton in Martin County

1. *Be 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 R.

Ballard, Lewelling Bowers and William Price be, and they are hereby appointed commissioners for the town of Hamilton, in addition to those heretofore appointed by law, and that they shall have the same powers and authority as the commissioners already appointed for said town.

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#### CHAPTER 71.

An Act for the better regulation of the special magistrates in the town of Fayetteville.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the ratification of this act, that the said special Justices shall not demand or receive any fees from any person residing beyond the limits of Fayetteville except in State cases.

2. *And be it further enacted,* That the said special magistrates shall not be compelled to try Civil Warrants for parties who are not citizens of the town of Fayetteville.

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#### CHAPTER 72.

An act to alter the time of holding the Courts of Pleas and Quarter Sessions, for the counties of Beaufort and Pitt.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future the courts of Pleas and Quarter Sessions, for the county of Beaufort shall be held on the Monday next before the last Monday in February, May, August and November, and that all suits now pending in said courts and all process issuing from the same, shall be adjourned to and made returnable on the days aforesaid.

2. *And be it further enacted,* That in future, the May and November terms of the courts of Pleas and Quarter Sessions for the county of Pitt, shall be held on the third Monday in May and November; and all suits now pending in said court, which, previous to this act, would have been adjourned to the first Monday in May and November, shall be adjourned to the third Monday in May and November, and all process, which would have been, previously to this act, returnable to the first Monday in May and November, shall be returnable to the third Monday in May and November.

3. *And be it further enacted,* That it shall be the duty of the Sheriffs of the said counties, to give notice by public advertisement at the Court Houses of the said counties, and at three other public places therein, of the times of holding said courts as established by this act.

4. *And be it further enacted,* That this act shall be in force from and after the thirteenth day of March next.

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#### CHAPTER 73.

An act to authorise the county court of Rutherford to lay a tax for the payment of Jurors in the county and superior courts, and for other purposes.

1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That in future the county court of Rutherford, shall lay a tax on all the polls and landed states together with the town property of the said county, (a majority of

the acting Justices being present,) as may be deemed sufficient to pay the Jurors attending either the superior or county courts of said county, at the rate of seventy-five cents per day, and two cents per mile for travelling to and from the said courts, which tax shall be laid annually at the first court that may be held after the first day of January in each and every year.

2. *And be it further enacted,* That no juror shall be paid until the tax so laid shall have been collected and paid over to the county Trustee, nor any person be entitled to receive any pay for his attendance at any court held for the county until January one thousand eight hundred and twenty two, and from and after that time it shall be the duty of the clerks of the superior and county courts, to agree on some proper form to draw the claim; and for furnishing each Juror his claim aforesaid, the said Juror shall pay him ten cents, and the clerks are hereby authorised to qualify each Juror to the number of days he has served, and the number of miles he has travelled in coming to court and returning home.

3. *And be it further enacted,* That it shall be the duty of the county Trustee to attend at some convenient place at the court house in Rutherford with the money, and pay each Juror his claim in cash on the day the court adjourns.

4. *And be it further enacted,* That the said tax when levied and collected, shall be applied entirely to the payment of Jurors and to no other purpose whatever, and that the Sheriff and Trustee of said county, shall be under the same rule and regulation in receiving and paying over this money, as they are in the act passed in the year one thousand eight hundred and nineteen, concerning the finances of Rutherford county.

#### CHAPTER 74.

An Act authorising major John Clark, or him and his associates to build a toll bridge across Pungo river at the Log House Landing.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That major John Clark, or him and his associates are hereby authorised and empowered to build a bridge across Pungo river at the dividing line between Hyde and Beaufort counties, to commence at the end of the main road at the Log House Landing, and extend across the river aforesaid to the main road on the opposite side of said river.

2. *And be it further enacted,* That the said bridge shall be sixteen feet wide with a well constructed draw, sufficient for the passage of river boats, overhanging the channel; and the right and property of said bridge, and the emoluments and profits arising therefrom, for the term of ninety-nine years shall be vested in the said major John Clark or him and his associates, his or their heirs or assigns: *Provided* the same shall be completed sufficient for the passage of horses and carriages by the rise of the General Assembly of 1824: That when the bridge shall be completed as aforesaid, the proprietor or proprietors thereof, shall be, and they are hereby authorised and empowered to erect a gate thereon, and to be entitled to receive the following toll: For a single person ten cents; each horse, neat cattle, mule &c. ten cents; hogs, sheep, &c. five cents; two wheel carriages fifteen cents; four ditto thirty cents; each four wheel loaded waggon sixty cents.

3. *And be it further enacted*, That when the said bridge shall be built as aforesaid, the proprietor or proprietors thereof, for the time being, shall keep the said bridge in good and sufficient repair, under the like penalties of other keepers of public bridges, by the laws of this state.

## CHAPTER 75.

An act supplementary to an act, passed in the year one thousand eight hundred and nineteen, Chapter C, authorising the appointment of a committee of Finance for Moore county.

1. *Be 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 appointed under the authority given by the above recited act, shall have power to send for persons and papers, and every person notified to attend at such time and place, as may be designated by the said committee, either personally or with such papers as may be required, and failing to comply, shall be subjected to a penalty of twenty dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of the committee, to be paid over by the said committee to the county trustee for the use of said county: *Provided nevertheless*, where a satisfactory excuse shall be made on oath, the fine shall be remitted on the payment of costs.

2. *And be it further enacted*, That the report of the committee appointed under the authority of the above recited act, shall be legal evidence to establish the existence of all sum or sums of money, reported to be due to said county of Moore from the several officers, any law to the contrary notwithstanding.

## CHAPTER 76.

An act to authorise Eagle Lodge No 71, in the town of Hillsborough, to raise certain sums of money by way of Lottery

1. *Be 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 members composing Eagle Lodge in the town of Hillsborough aforesaid, or a majority of them, be, and they are hereby authorised and empowered to raise by one or more lotteries, a sum of money not exceeding three thousand dollars, which shall be drawn in such number of classes and at such times, and under such rules, regulations and restrictions as shall be approved of by a majority of the members composing said Lodge.

2. *Be it further enacted*, That the said Lodge or a majority of the members thereof, shall appoint such persons as they may consider duly qualified, whose duty it shall be to act as managers of said Lottery and conduct the proceedings thereof, subject nevertheless to the approbation of a majority of said Lodge.

3. *Be it further enacted*, That the said managers before entering upon the duties of their said office, shall give bond with good and sufficient security to the master of said Lodge and his successors, in the sum of six thousand dollars, to secure the faithful discharge of their duties and to account for and pay over all monies which shall come to their hands by virtue of their said office.

## CHAPTER 77.

An act to appoint commissioners to meet certain commissioners, to be appointed by a corresponding act of the Legislature of Virginia, to divide the real estate of William Moore, deceased among his heirs.

WHEREAS William Moore, decd. late of the county of Patrick and state of Virginia, died seized and possessed of considerable real estate, lying and being within the limits of this state and the state of Virginia, and whereas by dividing the several tracts of the said estate into such small parcels as required by the laws of this state and of Virginia, would tend greatly to the injury of the heirs of the said William Moore deceased.

1. *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* Elijah Harris, John Whitlock, Mallory Smith, James M'Craw and William Slade, be, and they are hereby appointed commissioners to meet certain commissioners who may be appointed by the Legislature of the state of Virginia at such time and place as may be agreed on by the said commissioners or a majority of them, and with them to divide among the heirs of said William Moore deceased, all the real estate lying and being within the limits of this state and the state of Virginia, agreeable to what they may think equitable and right.

2. *And be it further enacted by the authority aforesaid, That* the said commissioners are hereby required as soon as may be, to proceed in conjunction with the said commissioners who may be appointed on the part of the state of Virginia, being first sworn to do justice between the heirs according to the best of their skill and ability, to divide among the said heirs the real estate aforesaid, in manner aforesaid, and make return of their proceedings under their hands and seals, ascertaining with precision the different tracts or parcels of land allotted to each of the said heirs, to the court of pleas and quarter sessions for Surry county, and state of North Carolina, which return shall be certified by the clerk and enrolled in his office and registered in the register's office of said county, and such return shall be binding and valid between the said heirs and their assigns forever.

## CHAPTER 78.

An act allowing Jurors in the County and Superior courts of Wilkes county, to receive pay for their services.

1. *Be 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 Jurors of the original pannel, who may attend any of the County or Superior courts of Wilkes county, shall be entitled to receive for every thirty miles they may have severally to travel to and from court, the sum of sixty cents, and for every days attendance the sum of seventy five cents: and it shall be the duty of every Juror claiming the said pay, to prove before the clerk of the court his milage and attendance as aforesaid, and obtain the clerks certificate thereof, which he is hereby directed to issue on application, and the said certificate being produced to the county Trustee, he shall pay off the same and be allowed therefor in the settlement of his public accounts.

2. *And be it further enacted, That* it shall be the duty of the county court of Wilkes aforesaid, to lay a tax annually, sufficient to defray the

expenses incurred by the said county under the provisions of this act, and the said tax shall be collected and accounted for by the Sheriff of said county under the same rules, regulations and penalties as other county taxes.

### CHAPTER 79.

An Act to authorise the Trustees of the Presbyterian Church of the town of Wilmington, to raise the sum of six thousand dollars by way of Lottery, for the completion of said Church.

1. *Be 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 Cowan, Gabriel Holmes junr. Archibald M. Hooper, James Dickson, William Mackay, Archibald Taylor, John Walker and John M'Call, be, and they are hereby appointed commissioners in behalf of the Trustees of the Presbyterian Church in the town of Wilmington, with full power and authority to raise by way of Lottery, the sum of six thousand dollars to be applied to the completion of said church, after such scheme or schemes as said commissioners shall think proper.

2. *And be it further enacted,* That said Trustees and Commissioners shall be liable individually for the forth-coming of all such prizes as may be drawn, or in case said Lottery be undrawn within two years from the publication of said scheme or schemes, then for the re-payment of all sums advanced on the sale of Tickets.

3. *And be it further enacted,* That in case any of the commissioners herein before mentioned, shall refuse to act, then it shall be lawful for said Trustees to appoint others in their stead, who shall be entitled to the same privileges and subject to the same liabilities.

### CHAPTER 80.

An Act to incorporate the Shoeco Female Academy in Warren County.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Henry G. Williams, Joseph Hawkins, William K. Kearney, James Allen, Whitmel Alston, Jacob Hunter, and James Southerland, shall be, and are hereby declared a body politic and corporate, to be known and distinguished by the name of the President and Trustees of the Shoeco Female Academy, and by that name shall have perpetual succession; and they and their successors, or a majority of them, by the name aforesaid, shall be capable in law to receive and possess any quantity of lands or tenements, goods or monies, that may be given to the use of the Academy, and apply the same according to the will of the donor.

2. *And be it further enacted,* That the said Trustees may sell and dispose of any lands or tenements, goods or chattels, that may be given to the use of said Academy, when the will of the donor does not forbid it.

3. *And be it further enacted.* That the said Trustees, by the name aforesaid, to wit: The President and Trustees of the Shoeco Female Academy, shall be able and capable, to sue and be sued, plead and be impleaded, in any court within this state, and shall have power to do all such things as are incident to, and usually exercised by bodies politic, for the promotion of the objects contemplated, not incompatible with the constitution of this State.

4. *And be it further enacted,* That the said Trustees, or a majority of

them, shall have power to elect a President, Secretary and Treasurer, also to appoint such Professor and Tutors as they may deem proper, and that they shall make such laws and regulations for the government of said Academy as may be necessary for the preservation of order and good morals, that the said Trustees or a majority of them are hereby authorized and empowered to purchase such quantity of land as they may deem expedient, for building the Academy thereon; and in case of death, refusal or inability to act of any of the Trustees now appointed, the remaining Trustees, or a majority of them may elect others to supply their places, and shall also have power to elect additional Trustees, so that the whole number may not exceed twenty-five.

5. *And be it further enacted*, That all teachers of the said Academy, during the term they shall attend the same, shall be exempt from military duty of all kinds whatever, except in cases of rebellion or insurrection.

### CHAPTER 81.

An Act to amend an act passed in the year 1815, entitled "an act to authorise the county Court of Montgomery to appoint a committee of finance to settle with the officers of said county therein mentioned."

1. *Be 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 at the last county court of Montgomery, in pursuance of the before recited act, are hereby declared to possess all the powers and authorities that they could have possessed under said act, had they been appointed at the time therein specified.

2. *Be it further enacted*, That the said Committee of Finance shall have power and authority to call to settlement the former, present and future overseers or wardens of the poor, county trustees, commissioners or treasurers of the public buildings, and other officers of said county, who have held, or may hold, money belonging to said county, against whom or any of them the same proceedings may be had, as are provided for in said act.

3. *And be it further enacted*, That it shall be the duty of the said committee, upon making all future settlements with the county trustees and wardens or overseers of the poor of said county, carefully to attend to the dates or numbers of the certificates of allowance made by the county court and wardens of the poor; and it shall be their duty to refuse to allow the aforesaid officers in their settlements, any claim or claims of a later date or higher number to the exclusion of others of which they may have any knowledge of a prior date or number.

4. *And be it further enacted*, That the committee of finance shall, on settlement with the county trustee, make him a reasonable allowance for his services, instead of the allowance heretofore made by the county court.

5. *And be it further enacted*, That it shall be the duty of said committee to report their proceedings at large to the county court, at least once in every six months; for all of which services as above required, they shall each be allowed one dollar per day by said court, for the time they may be employed therein.

6. *And be it further enacted*, That the fourth section of the above recit-

ed act be, and the same is hereby repealed and made void, any law to the contrary notwithstanding.

### CHAPTER 82.

An Act to establish Concord Academy in Perquimons county, and to incorporate the Trustees thereof.

1. *Be 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 Reed, James Leigh, Joseph Barclift, James Mullon, William Humphries and Lemuel Sutton, and their successors be, and they are hereby declared to be a body politic and corporate, to be known by the name of the Trustees of the Concord 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 lands 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 impleaded, 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, not inconsistent with the laws and constitution of the State; elect a professor or professors, tutors and other officers, and to 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 83.

An act to authorise the Trustees of the Milton Female Academy to raise certain sums of money by way of Lottery.

1. *Be 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 Milton Female Academy or a majority of them, be, and they are hereby authorised and empowered to raise by one or more lotteries, a sum of money not exceeding four thousand dollars which shall be drawn in such number of classes and at such times as in the opinion of the said Trustees may be deemed most expedient, and under such rules, and regulations and restrictions as shall be approved of by the said Trustees.

2. *Be it further enacted,* That the said Trustees or a majority of them shall appoint such persons as may seem suitable as managers of said Lotteries, whose duty it shall be to form a scheme thereof, subject to the approbation of the Board of Trustees, and to superintend the several drawings of said Lotteries, and who shall give bond and security to the President and Trustees of said Academy, for the faithful and fair execution of their duties as managers aforesaid.

3. *Be it further enacted,* That by the first class there shall be raised a sum not exceeding one thousand dollars, and be drawn for, so soon as a sufficient number of tickets may be disposed of, and the sum when so raised shall be applied by the Trustees thereof for the exclusive benefit of the Milton Female Academy.

4. *And be it further enacted,* That the remaining sum shall be drawn

for, whenever a majority of the Trustees aforesaid shall so order, and when received shall be paid over to such persons as may be hereafter appointed Trustees of the Milton Male Academy, and shall be by them applied for the benefit of said Academy, and shall be drawn for under the same rules, regulations and restrictions as herein before expressed.

#### CHAPTER 84.

An act to establish an Academy in the County of Gates.

1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Wills Cowper, Richard B. Gregory, Henry Pugh and John B. Baker, 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 Spring Hill Academy, and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any lands, tenements or goods 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 impleaded in any court of Law in this State; shall have power to appoint to any vacancies which may arise in the Board of Trustees, and establish such laws and regulations for the government of said institution as may be necessary for the preservation of good morals, and do all such acts as are necessary for the establishment of said Academy.

#### CHAPTER 85.

An Act to appoint Commissioners to lay off and establish a town on the lands of James Jones, dec'd, at the court-house in the town of Washington.

1. *Be 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 Golet, Aaron Harrison, Richard Downing, Stephen Downing and Christopher Duckett be, and they are hereby appointed Commissioners, with full power and authority to lay off and establish a town on the lands of James Jones, dec'd, at the court-house in the county of Washington, by the name of Duckettville, and it shall be the duty of the said Commissioners, or a majority of them, as soon as may be, to lay off and make a fair plan of said town, in half-acre lots, on the lands aforesaid; and when the said lots shall be so laid off the same shall be sold by the aforesaid Commissioners, and they, or a majority of them, shall give the purchasers a deed in fee simple for the lots so purchased; and the monies arising from the sale of the said lots shall be applied to the sole and proper use of the heirs of the said James Jones, dec'd, provided the consent of the executors of the estate of the said James Jones, dec'd, shall have been first obtained: And *Provided further,* That the said executors of the said James Jones' estate shall, before the sale of 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 Duckettville is to be established.

2. *Be it further enacted,* That the Commissioners aforesaid, by virtue of this act, as soon as they have obtained the deed as aforesaid from the executors of James Jones, dec'd, and shall have laid off and sold the lots as aforesaid shall exhibit a fair platt of said town to the court of pleas and

quarter sessions of Washington county, and that the deed shall be proved in said county, and registered, and the plat thereof shall be filed among the records of said county for safe keeping.

3. *And be it further enacted*, That the above act shall be in force from the passage thereof.

## CHAPTER 86.

An act to incorporate the Carraway Library Society in the County of Randolph:

1. *Be 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 members of a society lately established in the county of Randolph, for the purpose of promoting and aiding the progress of learning and science, be, and they are hereby incorporated into a Body politic and corporate, by the name and style of the Carraway Library Society; and by that name shall have succession, be capable in law and Equity to sue and be sued, plead and be impleaded, and have a common seal. They shall have full power to hold all such Books and apparatus and other property for the use of said Society as they may acquire either by purchase, donation or devise, and to transfer the same at pleasure, and to do and perform all such other matters and things as other bodies corporate and politic of the like nature are usually authorised to do, not inconsistent with the constitution and laws of this state, or of the United States.

2. *And be it further enacted*, That this act shall be and remain in force until the year one thousand eight hundred and fifty, and no longer.

## CHAPTER 87.

An Act to authorise the County Court of Buncombe to have the records of said Court transcribed.

1. *Be 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, it may be the duty of the county court of Buncombe to appoint two commissioners whose duty it shall be to let out to the lowest bidder the records of said county court, to be transcribed, or so much thereof as they may think necessary, in a bound book or books, to be purchased by the county for that purpose; and the person who shall become the lowest and best bidder, shall enter into bond and approved security to the commissioners appointed by the court, in the sum of two thousand pounds, for the true and faithful performance of his duty.

2. *And be it further enacted*, That the county court aforesaid, a majority of the Justices being present, shall lay a sufficient tax to defray all necessary expenses arising thereon, which tax shall be levied and collected, under the same rules, regulations and restrictions that other county taxes have heretofore been collected in said county.

## CHAPTER 88.

An Act for the better regulation of the county Courts of Rutherford, Burke and Lincoln.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county courts of Rutherford, Burke and Lincoln, at the

first court to be held after the first day of January 1821, a majority of the Justices being present, to elect out of their own body, five persons to hold the several jury courts for said counties, who shall hold their appointment for three years, and then eligible again, if elected, and it shall be the duty of the county court once in every three years thereafter, to make the like appointments.

2. *Be it further enacted*, That the county courts shall lay a tax for the purpose of paying those justices so appointed, and they shall receive each for their services, two dollars per day; and three of those persons shall at all times be competent to the transaction of business of law that shall arise in said courts, and they shall attend strictly to the rules and orders of the court, and be under the same rules, orders, regulations and authorities that the county courts are at the present time.

#### CHAPTER 89.

An Act to authorise the Courts of Pleas and Quarter Sessions for Haywood county to contract for making a Turnpike Road from the War Ford on the Tuckasegee river to the Tennessee line, near the head of the West Fork of Little Pigeon.

WHEREAS, a road connecting the road through the Cherookee country, with a road laid off in Tennessee, up the West Fork of the Little Pigeon, to the top of the Smoaky Mountain, would contribute to the public convenience,

1. *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 Court of Pleas and Quarter Sessions for the county of Haywood, be, and they are hereby authorised and empowered to contract with one or more persons for making the said road, and to fix and determine the tolls which may be levied and collected on the said road, and the time for which the right to levy and collect said tolls shall be continued, and the person with whom the said court shall contract, shall have the right for such time to levy and collect the tolls which shall be specified in said contract, and the said court shall appoint three commissioners to examine the said road and determine whether it be made agreeably to contract, and upon their report to the court aforesaid, that the road is so made, the right to lay and collect tolls shall commence; and it shall be the duty of said court to take bond with security from the persons contracting to make said road, in the sum of five thousand dollars, conditioned to be void if the said persons or their assigns, shall keep the said road in repair during the time for which the right to levy and collect tolls shall continue.

#### CHAPTER 90.

An Act to authorise the securities of John McRea, late Sheriff of Cumberland county, to collect the arrears of taxes, for the years therein mentioned.

1. *Be 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 Evans, Robert Campbell, Richard Huckabee, John McAlister, Edward W. Burge, all of the county of Cumberland, securities for John McRea, late Sheriff of the said county, be, and they are hereby authorised to collect the arrears of taxes due the said John McRea, dec'd, for the years one thousand eight hundred and seventeen, and one thousand eight hundred and eighteen in said county, which collection shall be made under

the same rules, regulations and restrictions as the collection of other public taxes in this State: *Provided*, this authority shall not extend to a collection from those who shall have removed from the county, from the executors or administrators of deceased persons, or from those who will voluntarily make oath that he or she has paid the same; and this act shall remain in force twelve months and no longer.

## CHAPTER 91.

An Act to revive and continue in force an act passed in the year one thousand eight hundred and two, entitled "an act incorporating Wadesborough Academy,"

1. *Be 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 Dismukes, William Johnson, Joseph Picket, Martin Picket, Adam Lockhart, Williamson F. Smith, Ric'd G. Davidson, Alexander W Brandon, Doctor Ingoe D. Cash, Alexander Little, Buggan Cash, John King, James Wadkins, John A. McRae, William Mendenhall and William Carr, be, and they are hereby declared, to be a body politic and corporate, under the name and style of the Trustees of Wadesborough Academy, with all the privileges and authority vested in the former Trustees of the said Academy, by an act passed in one thousand eight hundred and two, entitled "an act incorporating Wadesborough Academy."

## CHAPTER 92.

An Act to amend an act passed in the year one thousand eight hundred and eighteen, entitled "an act to elect a magistrate for the town of Wilmington, and for other purposes."

WHEREAS, by the unavoidable absence of the Magistrate for the town of Wilmington, great inconvenience is experienced by the inhabitants of said town,

1. *Be 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 Magistrate shall have power, and he is hereby authorised to appoint a deputy to act during his absence, or in case of sickness.

2. *And be it further enacted*, That said deputy shall be entitled to the same fees as the Magistrate for said town is entitled: *Provided nevertheless*, That the said deputy shall be an acting Justice of the Peace for said county at the time of his appointment.

## CHAPTER 93.

An Act to authorise the Trustees of Madison Academy, in the county of Rockingham to raise by way of Lottery or Lotteries, two thousand dollars.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Mark Hardin, Thomas Searcy, James E. Galloway, Robert Wall, James H. Scales, and Richard Wall, be, and they are hereby authorised, as Trustees of Madison Academy, in the county of Rockingham, to raise by way of lottery or lotteries, the sum of two thousand dollars, for the purpose of completing said Academy, and to enable them to purchase a library and necessary apparatus.

2. *And be it further enacted*, That the said Trustees be, and they are hereby appointed managers of said lottery or lotteries, and they are hereby empowered to raise the said sum according to such plan or scheme as they may think proper to adopt.

## CHAPTER 94.

An Act allowing Jurors in the county of Montgomery to receive pay for their services.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That each and every person attending either the county or superior courts as a Juror on the original pannel in the county of Montgomery, shall be entitled to receive as a compensation for their services, the sum of sixty cents for every day he shall serve therein, and the sum of sixty cents for every thirty miles he may have to travel to and from court; and the county Trustee of said county is hereby authorised and required to pay the same on the party producing to him the Clerks certificate therefor, which certificate the said clerk is required to issue upon the Juror proving his said attendance before him.

2. *And be it further enacted,* That it shall be the duty of the county court of said county, to lay a tax sufficient to defray the expenses incurred under the provisions of this act for each and every year hereafter, any law to the contrary notwithstanding.

## CHAPTER 95.

An Act to alter and amend the first and sixth sections of an act of the General Assembly, passed in the year eighteen hundred and nineteen, "entitled an act concerning the county of Rutherford.

1. *Be 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 Briant, Benjamin H. Bradley and Joseph Brown, be, and they are hereby appointed commissioners for the same purpose, and to possess the same power and authority that was vested in the several commissioners heretofore appointed by the above recited act.

2. *And be it further enacted,* That the said commissioners shall hold their first meeting in the town of Rutherfordton the third Monday in January one thousand eight hundred and twenty-one, with power to adjourn from day to day until the business of their meeting shall be completed; and in case any of the said commissioners shall die, remove, or refuse to act, it shall be the duty of the county court, seven Justices of the Peace being present, to appoint some suitable person or persons in the room of him or them so dying, removing or refusing to act, who shall possess the same power and authority with those enumerated in the above recited act: and the county court shall allow each of them a reasonable compensation for their services, which shall not be less than two dollars per day, to be paid out of any money belonging to the said county, which is not otherwise appropriated; any law to the contrary notwithstanding.

## CHAPTER 96.

An Act, to repeal an act, passed in the year one thousand eight hundred and nineteen, entitled "an act to repeal an act passed in the year one thousand eight hundred and seventeen," entitled "an act to increase the fees of the registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, so far as relates to the county of Carteret."

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act, be and the same is hereby repealed, so far as relates to the county of Carteret.

2. *Be it further enacted*, That from and after the passing of this act, the register of Carteret county, shall be entitled to demand and receive for his services as register, the same fees to which he was entitled under the provisions of an act passed in the year one thousand eight hundred and seventeen, entitled "an act to increase the fees of the registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven," any law to the contrary notwithstanding.

## CHAPTER 97.

An act supplementary to an act passed in the year one thousand eight hundred and nineteen, Chapter one hundred and nine, authorising a committee of finance for Cumberland county.

1. *Be 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 appointed under the authority given by the above recited act, shall have power to send for persons and papers; and every person notified to attend at such time and place as may be designated by the said committee, either personally or with such papers as may be required, and failing to comply, shall be subjected to a penalty of twenty dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of the committee, to be paid over by the said committee to the county Trustee for the use of said county; *Provided nevertheless*, when a satisfactory excuse shall be made on oath, the fine shall be remitted on the payment of costs.

2. *And be it further enacted*, That the report of the committee appointed under the authority of the above recited act, shall be legal evidence to establish the existence of all sum or sums of money, reported to be due to said county of Cumberland from the several officers; any law to the contrary notwithstanding.

## CHAPTER 98.

An act to compel the Register in the county of Warren, to keep his office at the Court-House in the town of Warrenton.

1. *Be 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 1821, it shall be the duty of the Register of the county of Warren to keep his office, together with the papers thereunto appertaining, at the court house in the town of Warrenton.

2. *And be it further enacted*, That if the Register of said county, shall refuse to keep his office at the court house aforesaid, it is hereby declared a misdemeanor in office and he shall forfeit the same; any law to the contrary notwithstanding.

## CHAPTER 99.

An act allowing compensation to Jurors of the county and superior courts of the county of Warren.

1. *Be 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 court of pleas and quarter sessions, which shall be held in the county of Warren, after the time when the justices of the peace for said county shall have laid and fixed the annual tax thereof for the year

one thousand eight hundred and twenty-one, all Jurors of the original pannel who shall be summoned to attend either the county or superior courts for the county of Warren, shall upon proving their attendance before the clerks of the same, receive for their services the sum of one dollar for each and every day which they may attend said county or superior court, and upon presenting said certificate to the county Trustee it shall be his duty to pay the amount thereof, which sum shall be allowed him in the settlement of his public accounts.

3. *And be it further enacted*, That it shall be the duty of the county court of Warren, annually to lay a tax which shall be sufficient to defray the expenses incurred under the provisions of this act, which tax shall be collected and accounted for by the Sheriff of said county, under the same rules, regulations and penalties as other county taxes.

#### CHAPTER 100.

An Act to attach Captain Frederick Gobble's company to the fourth regiment of Rowan militia.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same*, That hereafter Captain Frederick Gobble's company shall be attached to the fourth regiment of Rowan militia; any law to the contrary notwithstanding.

#### CHAPTER 101.

An Act to appoint Commissioners to lay off and establish the dividing line between the counties of Chowan and Gates.

WHEREAS, the dividing line between the counties of Chowan and Gates has not heretofore been sufficiently described, either by actual survey or by known and fixed boundaries, whereby it becomes expedient in order to prevent disputes between the inhabitants of said counties that the said dividing line should be more accurately ascertained.

1. *Be 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 Elliott, of the county of Chowan, and Joseph Reddick, Esq. of the county of Gates, be, and they are hereby appointed Commissioners, with full power and authority to lay off, extend and mark the line between the said counties, due regard being had to the former reputed line.

2. *Be it further enacted*, That the said Commissioners shall appoint such surveyor, chain-carrier and other attendants as shall be necessary for the marking, extending and establishing the said line, and shall make or cause to be made a return of their proceedings to each of the courts of pleas and quarter sessions of the said counties, to be deposited and kept among the records thereof, and the said line, when so extended and laid off, shall forever thereafter be established and confirmed as the dividing line between the said counties.

3. *And be it further enacted*. That the said Commissioners, Surveyors, Chain-carriers and attendants shall receive such compensation for their services as the courts of pleas and quarter sessions of the said counties shall deem just, to be paid out of the monies levied and collected for the said counties.

## CHAPTER 102.

An Act to authorise John Frost, of Rowan county, to erect a dam across Mitchell's river, in the county of Surry.

1. *Be 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 Frost, of Rowan county, be, and he is hereby authorised and empowered to erect a dam across the main channel of Mitchell's river, in the county of Surry, for the purpose of building a public mill.

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

## CHAPTER 103.

An Act to authorise the county of Burke to have the records of the Entry-taker of said county transcribed, from March, seventeen hundred and ninety-five, to October, eighteen hundred and seventeen.

1. *Be 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 Burke is hereby authorised and directed, at the first term of said court which may happen after the passing of this act, to let out to the lowest bidder the transcribing of the records of the Entry-taker of said county from March, seventeen hundred and ninety-five, to October, eighteen hundred and seventeen; which said records shall be transcribed in a well bound book or books, to be purchased by the county for that purpose.

2. *And be further enacted,* That the person or persons undertaking to transcribe the records as aforesaid shall enter into bond with security, to be approved of by the court, in such a sum as the said court may think proper, and made payable to the chairman thereof, for the faithful performance of the said work, which, when completed, shall be delivered over to the chairman of said court, who is hereby directed to deliver the same over to the first county court which may happen after such delivery.

## CHAPTER 104.

An Act for extending and marking the dividing line between Bladen and Columbus counties.

1. *Be it enacted by the General Assembly of the state of North-Carolina and it is hereby enacted by the authority of the same,* That David Gillespie and Samuel B. Anders, of the county of Bladen, and John H. White and Jacob Guyton, of the county of Columbus, be, and they are hereby appointed Commissioners to extend and mark the boundary line between the counties of Bladen and Columbus, as heretofore directed by law.

6. *And be it further enacted,* That the said Commissioners may, and are hereby authorised to employ one Surveyor, one Chain bearer, and one Marker, on behalf of each county, and to allow them a sufficient compensation for their trouble, which shall be paid equally out of the funds of the counties aforesaid, when the work is done.

## CHAPTER 105.

An Act to regulate fishermen in Pamlico Sound, between Stumpy Point Bay and the Great Marshes.

WHEREAS, many evil minded persons, to increase their own profits

and injure others, are in the habit of setting nets in a direction from east to west in Pamplico Sound, to prevent the fish from running up their usual course, for the benefit of the citizens of this state : to prevent which in future

1. *Be it enacted by the General Assembly of the state of North Carolina and it is hereby enacted by the authority of the same,* That from and after the first day of February next it shall not be lawful for any person or persons to set, or cause to be set, any nett or netts in Pamplico Sound, between the mouth of Stumpy Point Bay and the Great Marshes, in a direction east and west, or in any other direction but north and south, or within one point thereof ; and if any person or persons shall violate the provisions of this act he, she, or they shall forfeit and pay, for each and every offence, the sum of ten dollars, to be recovered by warrant before any Justice of the Peace in the county where the offence may be committed, by and in the name of any person who may sue for the same; any law to the contrary notwithstanding.

#### CHAPTER 106.

An Act relative to the allowance of county claims in the county of Richmond.

1. *Be it enacted by the General Assembly of the state of North Carolina and it is hereby enacted by the authority of the same,* That in future it shall be competent for a less number than a majority of the acting Justices of Richmond county to pass upon all county claims at any term of the said court : *Provided,* at least seven Justices shall be present when any claim against the said county is allowed ; any law to the contrary notwithstanding.

#### CHAPTER 107.

An Act to amend the several acts relative to the poor of Northampton county.

1. *Be it enacted by the General Assembly of the state of North Carolina and it is hereby enacted by the authority of the same,* That in future it shall not be lawful for the several wardens of the poor for Northampton county to let out the keeping of the paupers in their respective districts within such districts ; but that the whole of the paupers within the county of Northampton shall be let out at the court house of said county, on the second Saturday in January in each and every year hereafter, under the same rules, regulations and restrictions as they are now let by the several wardens within their districts, and under such further regulations as the board of wardens for said county shall adopt.

#### CHAPTER 108.

An act to compel the clerk of the court of Pleas and Quarter Sessions in the county of Mecklenburg, to keep his office at the court house in the town of Charlotte.

1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That from and after the first day of February one thousand eight hundred and twenty-one, it shall be the duty of the Clerk of the court of pleas and quarter sessions of the county of Mecklenburg to keep his office together with all the records and papers thereunto appertaining, at the court house in the town of Charlotte.

2. *And be it further enacted*, That if the clerk of said court should refuse to keep his office at the court house aforesaid, it is hereby declared to be a misdemeanor in office, and he shall forfeit the same, any law to the contrary notwithstanding.

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

## CHAPTER 109.

An act to regulate the courts of pleas and quarter sessions of the counties of Wilkes, Hyde, Johnston and Randolph, and for other purposes.

1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the courts of pleas and quarter sessions of the counties of Wilkes, Hyde, Johnston and Randolph, (a majority of the acting Justices being present) at the court when they elect their Sheriff, may elect five Justices, who, when elected by their consent or any three of them, shall hold their said courts for one year: *Provided nevertheless*, that nothing herein contained, shall preclude the other acting Justices from attending and holding said courts as usual

2. *And be it further enacted*, That the said election shall take place for each and every year thereafter, under the same rules and regulations as herein before stated, any law, usage, or custom to the contrary notwithstanding.

## CHAPTER 110.

An act to authorise Joseph Byars, junior, of the county of Iredell, to erect a gate across the public road leading from Sherrell's Ford on the Catawba river to Salisbury

1. *Be 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 Byars jr. of the county of Iredell, be, and he is hereby authorised and empowered to erect and keep up a gate across the public road leading through his plantation, from Sherrell's Ford on the Catawba river in the county of Iredell to Salisbury.

2. *And be it further enacted*, That the said gate when so erected, shall be under the same rules, regulations, and restrictions, to which other gates in this state are subjected, in like cases, any law to the contrary notwithstanding.

## CHAPTER 111.

An act to repeal the 4th section of an act passed in the year 1806, entitled "an act to revise the militia laws of this state, so far as respects the grenadier and light infantry companies in the county of Randolph."

1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That it shall not be lawful, from and after the passing of this act, to receive a greater fine from any delinquent belonging to any of the companies of grenadiers or light Infantry for failing to attend musters in the county of Randolph, than is received from the common militia for failures of the like nature: any law to the contrary notwithstanding.

## CHAPTER 112.

An act to exempt William Williams of Haywood county, from the payment of the tax imposed by law on gates erected across public highways.

1. *Be 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 Williams of Haywood county, be, and he is hereby authorised to keep a gate across the turnpike road leading from Haywood county to Tennessee, of which the said Williams is proprietor, free from the tax imposed by law on gates erected across public highways of this state.*

## CHAPTER 113.

An Act granting to Jonathn Davis, of Surry county, leave to erect a dam across Fisher's river in said county.

1. *Be 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 Jonathan Davis, of Surry county, shall have and he is hereby granted leave to build or erect a mill-dam across Fisher's river in the county aforesaid: any law, usage or custom to the contrary notwithstanding.*

## CHAPTER 114.

An Act to authorise the county courts of Tyrrel to alter the times of holding separate elections in said county.

1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Tyrrell shall hereafter have full power and authority to alter and fix the times of holding the separate elections in said county: Provided, That the times so fixed shall always be within the month of August.*

## CHAPTER 115.

An Act to repeal an act, passed in the year one thousand eight hundred and thirteen, entitled "an act for the payment of Jurors attending the County and Superior Courts in the county of Carteret, and for other purposes."

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

Read three times and ratified in General Assembly, }  
the 24th day of December, A. D. 1820. }

B. YANCEY, S. S.

R. M. SANDERS, S. H. C.

A true copy,

WM. HILL, Secretary.

# RESOLUTIONS.

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## NORTH CAROLINA.

*In General Assembly.*

*Resolved*, That his Excellency the Governor be requested to continue his endeavors to have the statue of Washington, the work of the Marquis Canova, brought to some convenient port in this country in some one of the public vessels of the United States, and that he take all necessary steps, upon its arrival at such port, to have it conveyed to this place.

*Resolved*, That his Excellency the Governor be authorised and requested to take all such measures as in his judgment are proper and necessary to secure the re-payment of the four thousand three hundred and forty-six dollars drawn out of the treasury upon the warrant of Mr. Appleton.

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## IN HOUSE OF COMMONS,

*December 19, 1820.*

*Resolved*, That Jeremiah Slade, Simmons J. Baker and Thomas Brickell be, and are hereby appointed Commissioners to enquire into the business relating to the claim for lands in Bertie county of the Tuskarora nation of Indians; and also into the expediency of the state of North-Carolina to make sale of the reversionary interests in said lands; and further to enquire into the claims of the several occupants of the lands to a preference in purchase; and to report to the General Assembly of 1821 the result of their enquiries.

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## NORTH CAROLINA.

*In House of Commons, December 21, 1820.*

The committee of claims, to whom was referred the petition of James Dysard, Lieutenant Colonel, of the militia of Burke county, *Report*,

That they have had the said petition, together with all the documents accompanying the same, under consideration, and recommend the adoption of the following resolution:

*Resolved*. That the Public Treasurer be, and he is hereby directed to pay James Dysard, of Burke county, the sum of one hundred dollars, and that he be allowed the same in the settlement of his public accounts.

Submitted,

EDWARD WILLIAMS, Chairman.

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The joint select committee of both houses, to whom was referred the resolution, to examine whether any and what sum would be necessary to furnish the house set apart for the Governor with additional furniture; having given the subject that deliberate examination the case required, beg leave to report:

That in the upper rooms of the Palace, there is no carpeting of any

sort, no bedding or furniture; no table furniture; no candlesticks, nor is there any kitchen furniture, which articles it seems are indispensably necessary for the convenience of the governor, and would take at least one year's salary to purchase the furniture absolutely necessary, which would be sufficient to deter any man of moderate fortune from accepting this important appointment. Your committee, therefore recommend the adoption of the following resolution—all which is respectfully submitted,

J. WELLBORNE, Chairman.

*Resolved*, That the Public Treasurer be directed to pay over to the warrant of the governor, one thousand dollars, to be appropriated under his direction to the purpose of furnishing the government house with such additional furniture as he may deem necessary and convenient; which furniture shall be and remain to him and his successors in office, and that the treasurer be allowed the same in the settlement of his public accounts.

*Resolved*, That the Treasurer be directed to advance upon the governor's warrants, a sum not exceeding twenty two thousand two hundred and ten dollars, for the purpose of completing the repairs on the state house, and that he charge the sum so advanced to the fund heretofore appropriated by law for that purpose, as soon as the same shall be received.

*Resolved*, That the sum of two thousand dollars be, and the same is hereby appropriated for the purpose of forming a Dome and Intercolumniation in the interior of the State House, for the reception of the Statue of General Washington, and that the Treasurer pay the same upon the governor's warrants.

Resolution requesting the governor to cause the field books made out by the Deputy Surveyors of the Cherokee lands and now lying in the executive office, to be deposited in the office of the Secretary of State.

*Resolved*, That the governor of this state be requested to cause the field books made out by the deputy surveyors of the Cherokee lands and deposited in his office by the commissioners appointed to superintend the surveying and selling of said lands, to be transferred to the office of the Secretary of State, and that the Secretary be directed to cause said books to be well bound in one or more volumes, and afterwards preserved in his office, to be taken out only by the order of the governor:

Read three times and ratified in }  
General Assembly, Dec. 1820. }

R. M. SANDERS, S. H. C.  
B. YANCEY, S. S.

By order, P. HENDERSON, C. H. C.



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