

C345.1  
N87  
1823

Binding the gift of  
John Sprunt Hill



STEPHEN B. WEEKS  
CLASS OF 1886; PH.D. THE JOHNS HOPKINS UNIVERSITY

LIBRARY  
OF THE  
UNIVERSITY OF NORTH CAROLINA  
THE WEEKS COLLECTION  
OF  
CAROLINIANA

28451-7852

1823

UNIVERSITY OF N.C. AT CHAPEL HILL



00035472176

*This book must not be  
taken from the Library  
building.*

---

~~APR 27 1962~~



Digitized by the Internet Archive  
in 2010 with funding from  
Ensuring Democracy through Digital Access (NC-LSTA)





# ACTS

PASSED BY

**THE GENERAL ASSEMBLY**

OF

**THE STATE OF NORTH-CAROLINA.**

*At its Session,*

COMMENCING ON THE 17TH OF NOVEMBER, 1823.



RALEIGH :

PRINTED BY J. GALES & SON—STATE PRINTERS.

---

1824.





# LAWS OF NORTH-CAROLINA,

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

GABRIEL HOLMES, ESQ. GOVERNOR.

## CHAPTER I.

An Act to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the times for holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, shall be as follows, to-wit: of Moore county, on the last Monday in February, and on the first Monday of September; Montgomery, on the first Monday of March, and on the second Monday of September; Anson, on the second Monday of March, and on the third Monday of September; Richmond, on the third Monday of March, and the fourth Monday of September; Robeson, on the fourth Monday of March, and on the first Monday after the fourth Monday in September; Bladen, on the first Monday after the fourth Monday in March, and on the second Monday after the fourth Monday in September; Columbus, on the second Monday after the fourth Monday of March, and on the third Monday after the fourth Monday in September; Brunswick, on the third Monday after the fourth Monday in March, and on the fourth Monday after the fourth Monday in September; New-Hanover, on the fourth Monday after the fourth Monday of March, and on the fifth Monday after the fourth Monday of September; Sampson, on the fifth Monday after the fourth Monday of March, and on the sixth Monday after the fourth Monday of September; Cumberland, on the sixth Monday after the fourth Monday in March, and on the seventh Monday after the fourth Monday of September, in each and every year hereafter.

II. *And be it further enacted,* That the term of Cumberland Superior Court of Law and Equity shall continue

Time of holding the several Courts.

Cumberland Court to sit 2

10586

A. D. 1825 for two weeks successively, whenever the business of said Court requires it; and in case the said Court shall sit longer than one week the said Judge and Solicitor shall receive pay as for two Courts.

*Sheriffs, &c.* III. *And be it further enacted.* That all Sheriffs, Clerks and other officers, shall make their process returnable pursuant to this act, from and after the passage thereof; and that all process now in the hands of Sheriffs or other officers, may be returned pursuant to this act, and have the same effect, as if the said process had been so directed to be returnable.

## CHAPTER II.

An act to establish a Superior Court of Law and Equity in the County of Davidson, and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes, and the County Court of Person.

*A Superior Court to be held at Lexington.* *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That there shall be a Superior Court of Law, and Court of Equity opened and held at the town of Lexington, in the county of Davidson, on the third Monday after the fourth Monday in March next, and on the third Monday after the fourth Monday in September, and on the same days in each and every year thereafter, which courts shall have the same jurisdiction that the present Superior Courts of Law and Courts of Equity in the several counties in this State now have and exercise.

*Davidson co. to be a part of the 4th district.* II. *And be it further enacted.* That the county of Davidson shall hereafter constitute a part of the fourth circuit, and the Judge and Solicitor who shall attend the Superior Courts in said County, shall be respectively entitled to the same pay for attending said courts, that they are now by Law entitled to receive for attending other Superior Courts in said circuit.

*Clerk and Clerk & Master to be appointed.* III. *And be it further enacted.* That a Clerk, and Clerk and Master in Equity, both men of skill and probity, and residents in the county of Davidson, shall be appointed for the same by the Judge attending the first term of said Court, they shall give bonds and security, as directed by Law for such officers, and take the oath prescribed for their qualification. The County Court of Davidson shall appoint thirty Jurors to attend the said Court in the same manner as Jurors are appointed to attend other Superior Courts in this State.

*All causes depending in* IV. *And be it further enacted.* That all civil causes depending in the Superior Court of Law and Equity for

Rowan, the Plaintiffs in which causes reside in Davidson County, and also all actions of ejectment and trespass, *quare clausum fregit*, for or concerning lands in Davidson County, shall be transferred, with all process and proceedings therein, to the Superior Court of Law hereby established for the County of Davidson; and the provisions of the act passed in the year eighteen hundred and six, entitled "An act amendatory and supplementary to an act, entitled an Act for the more convenient administration of Justice, and all other acts supplemental thereto," for the appointment, summoning and attendance of Jurors, for the transmission and receipt of the records, proceedings and papers, for docketing and bringing the causes forward for trial, for summoning witnesses, for issuing original and mesne process prior to the first term of Davidson Superior Court, and generally for all other purposes relative to the preparation for trial and determination of the business of said Court, be, and the same are hereby extended to the Superior Court of Davidson County: the neglects and failures of the several officers of the Superior Courts of Rowan, and of the County Courts of Davidson, shall be subject to the same penalties and forfeitures, as are prescribed for similar neglects and failures by the said act, and the said officers shall be entitled to the same fees for their services as are established by the said act for like services.

V. *And be it further enacted*, That the Superior Courts of Law and Equity for the Counties hereinafter mentioned, shall be opened and held in each and every year, on the days following, to-wit: the Superior Court for the county of Stokes, shall be opened and held on the fourth Monday after the fourth Monday of March, and on the fourth Monday after the fourth Monday of September; the Superior Court for the county of Guilford, shall be opened and held on the fifth Monday after the fourth Monday of March, and on the fifth Monday after the fourth Monday of September; the Superior Court for the county of Rockingham, shall be opened and held on the sixth Monday after the fourth Monday of March, and on the sixth Monday after the fourth Monday of September; and for the county of Caswell, on the seventh Monday after the fourth Monday of March, and on the seventh Monday after the fourth Monday of September; and all proceedings and process of every kind pending in, or issued from the said last mentioned Superior Courts, shall stand continued and be returna-

A. D. 1822.

Rowan Superior Court, the Plaintiffs in which reside in Davidson, to be transferred.

This Court to be subject to the rules of other Sup'r Courts.

The times of holding the Sup'r Courts of several counties altered.

A. D. 1823. ble to the days by this act prescribed for holding the same respectively, any law to the contrary notwithstanding.

The times of holding the C. Courts of several counties altered. **VI.** *Be it further enacted,* That after the next terms of the county Courts of Pleas and Quarter Sessions of the counties of Person, Guilford and Rockingham, they shall be held for the county of Person, on the third Monday in May, August, November and February; for the county of Guilford, on the fourth Monday of May, August, November and February; and for the county of Rockingham, on the first Monday of June, September, December and March, in each and every year; and to which times all the process and proceedings of the said courts respectively shall be made returnable.

Time of holding Davidson Co. Court. **VII.** *And be it further enacted,* That the sessions of the Courts of Pleas and Quarter Sessions for the county of Davidson, shall be opened and held on the third Monday of March, June, September and December, in each and every year, to which times all the process and other proceedings of said court shall be made returnable; provided that this act shall not be in force until after the next session of the Court of Pleas and Quarter Sessions for said county.

This act to be in force from and after its ratification. **VIII.** *And be it further enacted,* That all acts and parts of acts, inconsistent with the meaning of this act, be, and the same are hereby repealed; and this act shall be in force from and after the ratification thereof.

### CHAPTER III.

An Act to amend the Laws making provision for Widows.

In addition to the year's support, Widows of persons dying intestate to retain certain articles of furniture, &c. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in addition to the provision for the year's support of the Widows and family of persons dying intestate, already made by law, the Widow of every person dying intestate, shall be entitled to retain in her possession, one bed and its necessary furniture, and all the bed clothing of family domestic manufacture, all the kitchen furniture, and also the loom, bureau, wheel and cards, of the goods and chattels of her deceased husband, which shall be her absolute property, and shall be exempted from all claims, either of the administrator or of the creditors of said intestate.

**II.** *Be it further enacted,* That the Widow of any person deceased, who shall leave a last will, may, at the same Court at which said will shall be proved, file in

## LAWS OF NORTH-CAROLINA.

said Court a release of all claim to any legacy or share of the personal property of her husband under his will ; and the said widow shall then be entitled to the same support for herself and family, for one year, as she would have been entitled to had her husband died intestate, to be laid off and allotted under the rules and proceedings prescribed in cases of petition of widows of persons dying intestate ; and also to one bed and its necessary furniture, all the bed clothing of family domestic manufacture, all the kitchen furniture, and also the loom, together with the bureau, the wheel and cards, if these articles be among the goods and chattels of the deceased ; and if the said articles, or any of them, shall have been sold, the widow shall be entitled to the value of the articles thus sold, to be assessed by the commissioners appointed to lay off the year's support, which said provision shall be her absolute property, and shall be exempt from all claims, either of the executor or creditors of said testator.

A. D. 1823.

Where there is a will a widow may file a release of her claim, & have the same allowance as Widows of persons dying intestate.

III. *Be it further enacted.* That whenever a widow of a deceased person shall file her petition for her year's support, or for the articles allowed her by this act, and the same shall be granted, it shall not be lawful to tax any costs against such petitioner, unless the court shall be of opinion that the value of such year's support, together with that of the articles allowed by this act, exceed the sum of two hundred and fifty dollars.

Except the allowance exceeds \$250, no costs to be taxed.

### CHAPTER IV.

An Act securing to the Widows of Intestates the surplus of the personal estate of their deceased husbands where no kindred claim the same.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That if any citizen of this State shall die intestate, leaving a widow and no kindred that are known to exist, the widow may, at the expiration of three years from the grant of administration on the estate of her husband, file her petition in the Superior Court of Law of the county in which administration was granted, against the administrator of her husband, stating the facts of the case, and that there are no persons of kindred to her knowledge, and praying that the surplus of said estate, after debts and charges paid, may be adjudged to her, which petition shall be sworn or affirmed to by said widow, and copies thereof shall be served upon the administrator, as in other cases of petition ; and the same

Widow of a person dying intestate, may after 3 years, file her petition.

A. D. 1823. proceedings shall be thereupon had as in other cases of petition. The Court shall order notice of the filing of the said petition, of the facts therein stated, and of the prayer thereof, to be published in some newspaper printed at the seat of government of this State, for at least four months; and if at the next term of said Court, no claimant shall appear, a jury shall be impanelled to enquire whether there be any known kindred of the said intestate: and if said jury, after hearing the petition and answer and such testimony as may be offered, shall find that there was not any known kindred of said intestate living at his or her decease, the Court shall adjudge and decree, that the administrator account with the widow for the whole surplus personal property in the hands of said administrator, after paying debts and charges of administration. And such account shall be taken as accounts are taken in other cases of petition in said Court for distributive shares of intestates estates, and judgment shall be rendered against said administrator for the said surplus. *Provided always*, That it shall be lawful at any time, pending said petition, for any person, claiming to be of kin to the intestate, to apply to said Court by petition, to authorise him to be made defendant to said petition, and to contest the facts stated in the petition.

Notice of the filing of such petition to be published.

If there be no kindred of the intestate, the administrator to account with the widow.

The Widow to enter into bond to refund in case of claim from next of kin.

II. *Be it further enacted*, That when the said Court shall adjudge the said surplus to be paid to the said widow, she, or some person for her, in addition to the refunding bond required of distributees, shall enter into bond in double the sum so recovered, with two good securities, with condition that said widow shall refund to the next of kin to her deceased husband, the said surplus of said estate, provided they make claim thereof within seven years after such judgment, or within the period hereinafter allowed for the claim of such of said kindred as may be within the disabilities hereinafter provided for. *Provided*, That nothing herein contained, shall affect the right of such next of kin as at the date of said bond may be infants, *non compos mentis*, or beyond seas, who may sue on said bond within three years next after such disability removed!

#### CHAPTER V.

An Act to amend an Act, entitled "An Act to provide for Children born after the making of their parents' will," passed in the year 1808.

Preamble.

Whereas by the provisions of the above recited act, a child born after the making of his or her parents' will,

and unprovided for thereby, is compelled to prefer his A. D. 1823.  
 or her petition for a share or portion of such parents es-  
 tate, within two years after the probate of such will,  
 whereby manifest injustice may arise; therefore,

*Be it enacted by the General Assembly of the State of* The course  
*North-Carolina, and it is hereby enacted by the authority of* to be taken  
*the same,* That in case it shall happen that no petition by the ex'r,  
 shall be filed within the two years prescribed by the said &c. if no pe-  
 act, it shall be the duty of the executor, executrix, or tion be filed  
 administrator with the will annexed, of the parent, be- within two  
 fore he shall pay or deliver the legacies in said will giv- years.  
 en, or before paying to the next of kin of the testator,  
 any residue undisposed of by said will, to call upon the  
 said legatees, devisees and next of kin, and the said after  
 born child, either by bill in Equity or petition in the Su-  
 perior or County Court, where the executor or devisees  
 and legatees or next of kin, or any of them, may reside,  
 to litigate their respective claims; and shall pray of the  
 Court to ascertain, agreeable to the mode of proceeding  
 prescribed by the before recited act, the share to which  
 said child shall be entitled under the said act, and to ap-  
 portion the shares or sums, which said legatees, devisees  
 or next of kin, shall severally contribute toward the share  
 to be allotted to said child, and the said Court shall ad-  
 judge and decree as by said act be legal and equitable.


II. *And be it further enacted by the authority aforesaid,* If the child  
 That in case said child shall have no guardian, the said have no  
 Court shall appoint a special guardian to defend the in- guardian,  
 terest and rights of said child. court to ap-  
point one.

III. *And be it further enacted by the authority aforesaid,* The petition  
 That the said petition, from the filing thereof in the to be a lien  
 clerks office, shall be a lien on the real estate devised in on the real  
 the hands of the devisees, for the share of such after born estate in the  
 child, which may be decreed by the Court on the final hands of the  
 hearing of the case. devisees.

#### CHAPTER VI.

An Act to secure the rights of Landlords against Tenants holding over  
 after the expiration of their terms.

*Be it enacted by the General Assembly of the State of* Remedy pre-  
*North-Carolina, and it is hereby enacted by the authority of* scribed.  
*the same,* That if the lessor of the plaintiff in any action  
 of ejectment, his agent or attorney; or if any one of sev-  
 eral lessors, or the agent or attorney of any one lessor,  
 shall, at the return term of the declaration in ejectment,  
 file his or her affidavit that the tenant in possession of  
 the premises sued for, and to whom the notice of said

A. D. 1823.  suit is directed in the process issued, entered into said premises as his or her tenant, or as tenant of the person as whose agent or attorney said affiant deposes, that said tenants term therein has expired, and that said tenant refuses to surrender the possession of said premises to said lessors, or any one of them, said person in possession, or any other person made defendant, shall not be entitled to plead to said suit, and the lessors of the plaintiff shall be entitled to judgment final against the casual ejector at the said return term, unless the said person in possession, or other person applying to be made defendant, shall enter into bond in such sum as the Court shall direct, with surety to be approved by said Court, with condition that said defendant or defendants shall pay the said lessor or lessors, all such costs and damages as shall be recovered in said suit. And it shall be the duty of the jury, in such cases where issue may be joined, to find in their verdict whether the defendant entered into the possession of the premises as the tenant of the lessors, or of which of them, and whether he refused to surrender the premises after his term therein had expired; and if such finding shall be in favour of the lessors of the plaintiff, said jury shall assess the damages to which the lessors of the plaintiff shall be entitled, including the value of the occupation of the premises sued for, from the expiration of said tenants' term to the rendition of the verdict, and damages for waste and trespasses during the term of said holding over, and the Court shall render judgment against the defendant and his securities upon their said bond, to be discharged by the payment of the damages assessed as aforesaid, and the payment of all costs. Judgment upon which verdict shall bar the action for the mesne profits, or for the trespass by any of the lessors in said action. *Provided nevertheless,* That it shall be competent for the defendant or tenant in possession, to rebut, by his or her affidavit, the facts set forth in the affidavit offered on the part of the lessor of the plaintiff, and the Court, in such cases, shall decide thereon, and may, in its discretion, allow the affidavits on either side to be corroborated by other affidavits or evidence.

Damages to be allowed for waste and trespasses.

The tenant in possession may rebut the facts in the affidavit, of the lessor of the plaintiff.

## CHAPTER VII.

An Act to authorise the issuing of Treasury Notes.

§100,000

to be issued.

*Be 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 the State be, and he is



hereby authorised and directed, as soon as he can conveniently do the same, to issue the sum of one hundred thousand dollars in Treasury Notes, of the following denominations, to-wit: five cents, ten cents, twenty cents, twenty-five cents, thirty cents, forty cents, fifty cents, and seventy-five cents. The notes to have such margin and devices as the Treasurer may think proper to adopt, and shall be made payable and receivable at the Treasury of this State, and shall be dated and numbered and signed by the Treasurer, or by such person or persons as he may appoint or employ in assisting him in dating, numbering, and signing the same, under his immediate control, superintendance and inspection.

II. *Be it further enacted.* That the Treasurer shall exchange the said Treasury Notes with any persons or corporations, either for specie, or for bills of any of the Banks of this State, from time to time, as said notes shall be applied for. The money thus received, the Treasurer shall, from time to time, invest in the purchase for the State, of shares of any of the Banks incorporated by this State, at a rate not exceeding their par value.

III. *Be it further enacted,* That said notes shall be receivable in payment of debts and taxes due to the State, and they shall be redeemed by the Treasurer as presented for payment, from any money in the Treasury, and may by him be again issued.

IV. *And be it further enacted,* That the Public Treasurer shall be allowed the same compensation, according to the amount of the Treasury Notes issued in virtue of this act, that he was allowed by the General Assembly heretofore for the like services.

#### CHAPTER VIII.

An Act to amend and extend the provisions of an Act, entitled "An Act to promote agriculture and family domestic manufactures within this State."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of each and every Clerk of any County Court, Superior Court of Law, Clerk and Master in Equity, and Clerk of the Supreme Court within this State, at the first session of the Court of which he is Clerk, which shall be after the first day of August next, and after the first day of August in each and every year thereafter, to produce to said Court a statement, to be made on oath, of all monies remaining in his hands, and which were received by him officially


A. D. 1823.

Treasurer may exchange the notes for specie, &c.

The money received to be vested in bank stock.

The notes to be receivable in debts due the state

Clerks, &c to make a statement on oath of money which has been lying in their hands for 3 years.

A. D. 1823.  three years or more previous thereto, specifying therein the amount of each separate claim, and the name of the person to whom the same is payable; and if there be no such monies in his hands, he shall make affidavit of the same, which return or affidavit, the Judge or Chairman of the Court before whom it is made, shall cause to be transmitted to the Public Treasurer of this State, on or before the first day of December, in the same year.

**II.** *Be it further enacted,* That the Clerks aforesaid, shall, on or before the first day of December in each and every year, after the foregoing statements are made, account with and pay over to the Public Treasurer, all the balances aforesaid; which shall be held by him in trust, for the legal claimants, but whilst unapplied for, shall constitute a part of the fund created by the aforesaid act.

**III.** *And be it further enacted,* That any Clerk as aforesaid, failing to comply with the duties required by this act, shall forfeit and pay to the State, one thousand dollars; to be sued for and recovered by the Public Treasurer in the Superior Court of Law of Wake County, and be moreover liable to pay all such monies as he may be chargeable with, under the provisions of this act.

**IV.** *And be it further enacted,* That if any Clerk, as aforesaid, shall fail to pay any money by him admitted to be due, as aforesaid, on or before the first day of December in each and every year, such Clerk may be proceeded against by the Public Treasurer in any Court of Record in this State, in the like manner as against defaulting revenue officers.

**V.** *Be it further enacted,* That all persons who have heretofore been Clerks of any Court of Record in this State, shall render to the Courts of which they may have been Clerks, a like statement of monies which have remained in their hands for three years or more, previous to the time of making such statements, under the penalty prescribed by this act; which statement shall be rendered at the first session of said Court, which shall be after the first day of August next, and shall be transmitted in like manner to the Public Treasurer of the State, and the monies therein admitted to be and remain in his hands, shall be paid and accounted for, in the same manner as is herein directed with respect to the monies remaining in the hands of the present or future Clerks.

**VI.** *And be it further enacted,* That all Sheriffs now in office, shall, at the same time, render a like statement to

Clerks to account annually with the Treasurer.

Clerks failing in their duty to forfeit \$1000.

Clerks failing to pay over money in their hands, may be proceeded against by the Treasurer.

Former Clerks to account for monies in their hands.

Sheriffs also to account

the Court of the County of which he is Sheriff, and ac- A. D. 1843.  
count with the Public Treasurer for all balances in his hands arising under the provisions of this act, in the same manner, and under the same penalties, as by this act is provided for Clerks. for balances in their hands.

VII. *Be it further enacted,* That if any person who has been Clerk of any Court of Record in this State, shall fail to comply with the provisions of this act, he shall incur the same penalty as is imposed by the preceding sections of this act on the Clerks now in office; and it shall be the duty of the Solicitor of the State for the circuit in which such person shall reside, to cause a *sci. fa.* to be issued against the person so failing to make his return, and to account, as aforesaid, returnable to the Superior Court of the county in which such person resides; and the Court shall thereupon render judgment for the amount of the said penalty, unless such person shall render a sufficient excuse to be judged of by the Court for such failure. Former Clerks subject to the same penalty for failing to comply with this act, as Clerks now in office.

#### CHAPTER IX.

An Act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Nation.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That two commissioners be appointed by the Governor of the State, whose duty it shall be, at some time before the next session of the General Assembly, to meet at some convenient place in the county of Haywood, and enquire into the titles of certain tracts of land claimed by individuals of the Cherokee Nation of Indians, under certain provisions made in the treaties concluded between the United States and the said Nation, in the years one thousand eight hundred and seventeen, and one thousand eight hundred and nineteen; and that said commissioners be, and they are hereby authorised to contract with any of the said Indians, or with any agent or agents duly authorised by them, for the purchase of the tract or tracts to which the said commissioners shall believe the said Indians, or any of them, shall have a good and valid title under the provisions of the said treaties; such contract to be made subject to the further ratification of the General Assembly. The Governor or to appoint two Commissioners to meet & contract with said Indians.

II. *And be it further enacted,* That it shall be the duty of the said commissioners to ascertain the fact, if practicable, whether the said Indians, or any of them, have sold their titles to individuals, and the names of those To ascertain whether said Indians have sold their titles to individuals.

A. D. 1823. individuals, and report the same to the next General Assembly.

Commissioners to report to the next G. Assembly

III. *Be it further enacted.* That it shall be the duty of the said commissioners to report to the General Assembly, at their next session, their proceedings under the foregoing section, and whether the said Indians will consent to sell the said lands; if so, an account of each contract they may enter into with the said Indians, and such contracts, when ratified by the General Assembly, shall be binding on the State, and not otherwise.

Pay of the Commissioners.

IV. *Be it further enacted.* That the said commissioners shall be allowed the sum of four dollars for every day they shall be necessarily employed in the discharge of the duties hereby imposed, estimating every thirty miles they shall travel to and from said place of meeting, as one day.

Course to be taken where the Indian title is adjudged not good.

V. *Be it further enacted.* That whenever the commissioners appointed under this act, shall adjudge that the title claimed by any Indian to a reservation under the above mentioned treaty is not a good and valid title, where the land so claimed has been sold under the authority of the State, and the purchaser has been sued or shall be sued for the same, it shall be the duty of the Governor to employ some able attorney to appear in behalf of such purchaser, and defend the title conveyed by the State. *Provided,* that nothing herein contained, shall have the effect, or be construed to validate or confirm the title of the purchasers from the commissioners of this State, nor of any persons holding under such purchasers.

#### CHAPTER X.

An Act to amend an Act, passed at the last session of the General Assembly, entitled "An act to provide a revenue for the payment of the civil list and contingent charges of Government."

Peddlers on navigable streams to pay \$25 for every county in which they sell their wares

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That any person who shall peddle goods, wares, or merchandize, not 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 to the Sheriff of each and every county in which he may so peddle, the sum of twenty-five dollars, as a tax to the State, to be levied, collected, and accounted for, as other public taxes.

Part of 2d section of former act repealed.

II. *And be it further enacted,* That so much of the second section of the above recited act, as comes within the meaning of this act, be, and the same is hereby repealed.

## CHAPTER XI.

A. D. 1823.

An Act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a stay of proceedings on the bonds given by the purchasers of the lands, commonly called the Cherokee lands, which were sold by this State in the year 1820, and 1821, and which are at present due, be, and the same is hereby given, from and after the passing of this act, until the thirty-first day of October, which shall happen in the year 1824.

II. *And be it further enacted,* That the Public Treasurer be, and he is hereby authorised and directed to receive from all purchasers of the above description, who shall tender payment on or before the day above fixed and mentioned, the one-eighth part of the instalments with the interest accrued thereon, which are now due on their bonds, where, by the terms of the bond, the one-fourth is required; and upon payment of the same, the Public Treasurer is hereby fully authorised and directed to postpone the remaining parts of such instalments for twelve months thereafter; and the like course shall be pursued by him in regard to all other of the bonds given by the purchasers of said lands, which shall become due hereafter: *Provided,* that none of the purchasers above mentioned shall be entitled to this indulgence, who shall fail or neglect punctually to perform the conditions of it; but the bond or bonds of each and every person so failing, shall, immediately after such failure, be proceeded on as though this act had never been passed: *Provided always,* that interest on all the payments shall continue to run in like manner as if this act had not passed: *And provided further,* that no postponement shall be made in virtue of this act, in any case, where the sureties of the principal debtor, or any of them, should make objections against such postponement, and signify the same in writing to the Public Treasurer.

III. *And be it further enacted,* That any purchaser of any tract of said land, or the heirs of such purchasers, may assign and transfer his or her right under the certificate of his purchase, granted by the commissioners to such purchaser, by deed, for good or valuable consideration; and such deed, being proved or acknowledged and recorded, as other deeds of land are by law required to be proved or acknowledged and recorded; and such deed

A stay of proceedings on the bonds due for lands until Oct. 31, 1824.

The Treasurer to receive one-eighth purchase money, instead of one-fourth.

And postpone the remainder for 12 months.

This indulgence not to be extended to unpunctual purchasers

Interest to continue to run.

Purchasers may transfer their rights.

A. D. 1823. being filed in the office of the Secretary of State, and certificate from the Treasurer of the State that the purchase money of said land has been paid to the State, it shall be lawful for the Secretary of State to issue a grant for such land to the assignee aforesaid, expressing in such grant that the said grant is made to the said grantee, by virtue of the assignment from the original purchaser.

#### CHAPTER XII.

An Act concerning the public land in the county of Haywood.

Trespasses on this public land are indictable.

*Be 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 erecting a building or buildings on the public lands in the county of Haywood, reserved by the Commissioners, under an act of Assembly passed in the year 1819, Chapter 997, and the cutting or removing timber from, or cultivating the said land, shall be, and they are hereby made indictable offences, in the Inferior and Superior Courts of said county, and punishable by fine at the discretion of the Court before which the conviction takes place.

Sheriff to give notice to intruders to depart.

*II. Be it further enacted,* That whenever any person or persons shall be in possession of any part of said land, it shall be the duty of the Sheriff of Haywood county, and he is hereby required, to give notice in writing to such person or persons' commanding them to depart therefrom forthwith; and if such person or persons in possession, upon being so notified, shall not, within two weeks after the time of notice, remove therefrom, the Sheriff is hereby empowered and required to remove him, her or them, immediately; and, if it shall be necessary, to summon his posse comitatus to aid and assist him in so doing.

And if they do not then remove, he is to drive them off by force.

The Solicitor of Haywood county to give this act in charge to the G. Jury.

*III. And be it further enacted,* That it shall be the duty of the Solicitor of Haywood county, to give this act in charge to the Grand Jury, at each and every term of the Court of Pleas and Quarter Sessions held for said county.

#### CHAPTER XIII.

An Act concerning the University of North-Carolina.

Preamble.

Whereas assemblages of people at or near the University of this State, for immoral or political purposes, are prejudicial to the good order of the students of that institution:

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the*

*authority of the same,* That it shall not be lawful for any person or persons to make, or be concerned in making and running any horse-race or cock-fight, at the seat of the University, or within five miles thereof: and if any person or persons shall make any horse-race or cock-fight, or be in any manner concerned in making or running such horse-race or in fighting cocks at the seat of said University, or within five miles thereof, he or they so offending, shall, for every such offence, forfeit and pay the sum of one hundred dollars; to be recovered before any jurisdiction having cognizance of the same, one half to the use of the informer, and the other half to the benefit of the Trustees of the said University.

A. D. 1823.

Provisions against horse-races, cock-fights, &amp;c.

II. *And be it further enacted,* That there shall, in future, be no election for a member of Congress or member of the General Assembly held at the seat of the University of this State; any law, order, or appointment to the contrary notwithstanding.

No elections to be held in future at the seat of the University.

## CHAPTER XIV.

An Act directing a geological and mineralogical survey to be made of the State of North-Carolina.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it is hereby made the duty of the Board of Agriculture of North-Carolina to employ some person of competent skill and science, to commence and carry on a geological and mineralogical survey of the various regions of this State; and that the person or persons so employed shall, at stated periods, furnish to the Board true and correct accounts of the results of said surveys and investigations, which shall annually be published by the Board aforesaid, for the benefit of the public, as provided by the sixth section of the act of the last General Assembly, entitled "An act to promote Agriculture and family Domestic Manufactures within this State.

Board of Agriculture to employ a person of skill to make the survey.

II. *And be it further enacted,* That for the purpose of carrying the intention of the foregoing section into effect, a sum not exceeding two hundred and fifty dollars, be, and the same is hereby annually appropriated for four successive years, out of the unexpended balance of the agricultural fund, as created and set apart by the above recited act; and that the Treasurer of the State is hereby directed to pay the same to the order of the Board of Agriculture of North-Carolina.

\$250 a year, for 4 years, appropriated out of the agricultural fund for this purpose.

A. D. 1823.

## CHAPTER XV.

An Act directing in what manner the Laws of our sister States shall be received in evidence in this State.

A copy of any such law attested by the Secretary of State, to be received in evidence.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all suits which are now pending, or hereafter may be pending, in any Court of Law or Equity in this State, wherein it may be necessary, for the decision of the case, to produce in evidence the law of any of our sister States, it shall and may be lawful for either party to produce in Court a copy of the law of such State, drawn off by the Secretary of our State, from the copies of the laws of our sister States deposited in his office, certified under his hand and seal, with the seal of the State of North-Carolina attached; and such copy thus attested, shall be held and deemed sufficient evidence of the existence of such law.*

Secretary's fee for this service.

II. *And be it further enacted, That the Secretary of State shall be entitled to receive for such attested copy, the sum of twenty cents for every copy sheet, from the Treasurer of this State, for all copies thus furnished for the use of the Attorney-General or Solicitors of this State, in any suit to which the State may be a party, and the like sum from individuals who may require such copies for their own use.*

Secretary's duty to furnish such copies.

III. *And be it further enacted, That it shall be the duty of the Secretary of State to furnish such copy when required.*

## CHAPTER XVI.

An Act concerning the Cape-Fear Navigation Company.

Board for Internal Improvements authorised to subscribe in behalf of the State to the capital stock \$25,000.

*Be 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 purpose of completing the navigation of the river Cape-Fear, from the town of Wilmington upwards, the President and Directors of the Board of Internal Improvements are hereby authorised and directed to subscribe, for and on behalf of the State, to the capital stock of the Cape-Fear Navigation Company, the sum of twenty-five thousand dollars, to be paid in instalments not exceeding ten thousand dollars in any one year, out of the fund heretofore set apart and pledged for Internal Improvement; which subscription shall be made on the following conditions: First, before the subscription shall be made, the Stockholders of the Company shall, at a general meeting to be called for that purpose, within three months from the passing of this*

Conditions on which this subscription is to be made



act, give their assent to a reduction of the capital stock, by them generally and respectively held in said Company, from its nominal value of one hundred dollars for each share, to a sum to be fixed by them not exceeding fifty dollars for each and every share of the said capital stock; and the assent of a majority in interest of the said Stockholders, shall be binding and obligatory, to all intents and purposes, on all the Stockholders of the said Company in making the reduction aforesaid.

A. D. 1823.

A majority of the stockholders in interest to be binding on the company

Secondly.—The Stock which the State now owns in said Company, shall be reduced in the same proportion of the Stock owned by individuals. The property and effects now belonging to the Company shall constitute a part of its Capital Stock, and the subscription hereby authorised shall constitute a part of the Capital Stock of the said Company; and the State shall have and own in the said Company, as many Shares as the subscription hereby authorized shall amount to, according to the Capital Stock reduced as aforesaid.

The stock held by the State to be reduced in the same manner as that owned by individuals.

Thirdly.—The President and Directors of the Cape-Fear Navigation Company shall consent, in writing, that the Board of Internal Improvement shall have the sole and exclusive direction of the operation of the works, the making of contracts for the same, and all the improvements to be made on the river. The improvements in the navigation shall commence at Wilmington, and regularly proceed up the river, as far as the Capital Stock of the said Company shall admit.

The Company to consent that the Board of Internal Improvement shall have the direction of the works.

II. *And be it further enacted,* That this act shall be in force from and after its ratification.

The act to be in force from its ratification.

## CHAPTER XVII.

An Act concerning the Roanoke Navigation Company.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of the Board for Internal Improvements, shall, if they deem it expedient, subscribe for and in behalf of the State, for two hundred and fifty Shares in the Capital Stock of the Roanoke Navigation Company, in addition to the Shares already subscribed for and owned by the State in the Stock of that Company; payment for which additional Shares shall be made by the Public Treasurer, by order of the President and Directors of the said Board of Internal Improvements, out of any money in the Public Treasury not otherwise appropriated, at such times, and in such amounts, as said Board shall direct: *Provided,*

Board for Internal Imp. is authorised to subscribe \$25,000.

Which is to be paid out of the Public Treasury.

## LAWS OF NORTH-CAROLINA.

**A. D. 1823.** that it shall be a condition of such subscription made by the Board of Internal Improvements with the Directors of the Roanoke Navigation Company, that the said money shall be applicable only to the expense of locking down from the Basin at Weldon's Orchard into the river.

The condition of the subscription.  
This act to be in force from its ratification.

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

### CHAPTER XVIII.

An Act concerning the Clubfoot and Harlow's Creek Canal Company.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the President and Directors of the Board for Internal Improvements shall subscribe, for and in behalf of the State, a sum not exceeding five thousand dollars, for completing the Clubfoot and Harlow's Creek Canal, in the county of Carteret; to be paid by the Treasurer, by order of the President and Directors of the said Board, out of any money in the Public Treasury belonging to the fund for Internal Improvements, not otherwise appropriated, at such times, and in such amounts, as said Board may direct: *Provided nevertheless,* that it shall not be lawful for the President and Directors of said Board to order or admit the payment of any money in behalf of the State, until a sum equal in amount to that subscribed for and in behalf of the State, shall have been subscribed for and paid by individuals, or secured to be paid by such individual subscribers, to the satisfaction of the President and Directors of the said Board.

Board for Internal Improvement to subscribe \$5000

To be paid out of the Public Treasury.

Condition of the subscription.

The term for completing the work extended.

**II. And be it further enacted,** That the President and Directors of the said Company shall have a further term of five years to complete the work of the said Company.

### CHAPTER XIX.

An Act to facilitate the navigation of Neuse river.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the Justices of the Courts of Pleas and Quarter Sessions of the counties of Johnston, Wayne, Lenoir, and Craven, seven Justices being on the bench, at the first Court which shall be held for their respective counties after the first day of July yearly, to appoint and lay off in convenient districts, all the inhabitants of their counties respectively, resident within

Certain County Courts may direct work done on the river.

such distances from the river Neuse as the respective County Courts shall appoint, and above Spring Garden on both sides of the said river, and to appoint for each district some person properly qualified as overseer, who shall cause all the persons within the district so allotted him, who are liable to work on public roads, to work at least six days in each and every year on the said river Neuse, unless the County Court shall otherwise direct; when he shall cause that they be employed in cutting into proper length and removing all logs, and in removing all brush and other obstructions to the navigation, under the penalty of twenty five dollars for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads. And all and every person liable to work as aforesaid, who shall fail, when summoned or warned (agreeably to the custom in working on roads) to appear with such tools as the overseer shall direct, and work accordingly, shall forfeit and pay the sum of ten shillings for each day he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads: *Provided however*, that nothing contained in this act, shall be so construed, as in anywise to abridge or interfere with the rights and privileges of the Neuse river Navigation Company.

A. D. 1823.

Penalty on failing to work.

Nothing in this act to interfere with the Neuse river Navigation Company.

## CHAPTER XX.

An Act to amend an Act passed in the year eighteen hundred and twenty-two, entitled "An Act to amend an Act passed in eighteen hundred and eighteen, entitled An Act to amend an Act passed in the year eighteen hundred and fifteen, to incorporate a Company and make a Turnpike Road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the act of the last session of the General Assembly, above recited, as authorises the corporation mentioned in said recital, to cut a Canal in conjunction with the said Turnpike Road, be, and the same is hereby repealed.

Part of the act of last session repealed.

And in consequence of the reduction of the work proposed by the said before recited act, *Be it further enacted*, That the Treasurer of the State be, and he is hereby required to subscribe on behalf of the State, for half only of the sum authorised by the before recited act, namely, for the sum of two thousand five hundred dollars: *Provided nevertheless*, that no part of the sum hereby appropriated shall be paid, until the like sum of two thousand five hundred dollars shall have been subscribed and paid by

Treasurer authorised to subscribe \$2,500

Condition of the subscription.

A. D. 1823. individuals, or secured to be paid by individual subscribers for the Stock of said Company, to the satisfaction of the Treasurer.

### CHAPTER XXI.

An Act to authorise the making of a Turnpike Road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a Company for that purpose.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Patton, Samuel Chunn and George Swain, of Buncombe; Isaac T. Avery, W. W. Erwin and John Caldwell, of Burke; George Walton, John Paxton and Joseph M'Dowell Carson, of Rutherford, be, and they are hereby appointed Commissioners for receiving subscriptions to the amount of twenty thousand dollars, for the purpose of laying out and making a Turnpike Road, from Asheville, by the Warm Springs, to the Tennessee line; and the said Commissioners, or a majority of those named in each county, shall prepare books and cause the same to be opened at such places, and under the direction of themselves, or such persons as they may appoint, on or before the first day of April next, and they shall continue open until the first day of March thereafter, unless the said capital sum shall be subscribed before that time; at which time, or so soon as the sum of fifteen thousand dollars shall be subscribed, the said Books shall be returned at Asheville, to the Commissioners appointed in Buncombe county; and at the same time there shall be a general meeting of the said subscribers, personally or by proxy, which meeting may continue from day to day until the business thereof shall be finished; and if the sum of fifteen thousand dollars or more of the capital stock shall have been subscribed, the said subscribers, their heirs and assigns, from the time of the first meeting, shall be, and they are hereby declared to be incorporated into a Company, by and under the name and style of the "Fulton Turnpike Company," and may as such, sue and be sued, plead and be impleaded, defend and be defended, and have perpetual succession and a common seal, and all other corporate rights necessary for the objects of the Company. Such of the said subscribers as may be present at the meeting aforesaid, or a majority of them, are hereby empowered and directed to elect a President and three Directors, for conducting the business and concerns of said Company for one year, and until the next meeting of the*

Commissioners.

Sum to be subscribed  
\$20,000.

Subscription books to be opened.

A general meeting to be held.

When \$15,000 are subscribed, the company may be organized.

To be styled the Fulton Turnpike Company.

Stockholders. Every proprietor of stock, by writing under his or her hand, executed before some Justice of the Peace, may depute any other Stockholder to vote for him or her at any general meeting; and the votes and acts of such proxy shall be effectual, to all intents and purposes, as if the proprietor himself were personally present at the doing thereof.

A. D. 1823.

Subscribers may depute proxies.

II. *And be it further enacted,* That if the said sum of twenty thousand dollars shall not be subscribed on or before the first day of March, the said Commissioners shall again open books of subscription, and keep the same open until the first day of February thereafter, or until the aforesaid sum of twenty thousand dollars shall be subscribed as aforesaid; and if more than the capital stock hereby authorised shall be subscribed, the Commissioners shall strike off from the subscription until the capital shall be reduced to twenty thousand dollars; and in striking off subscriptions, they shall begin and strike off one share for all subscriptions under the largest and above one share, until the same shall be reduced to the capital aforesaid.

If \$20,000 be not subscribed before the 1st March, books may be again opened.

If more than \$20,000 be subscribed, the subscription to be scaled.

III. *And be it further enacted,* That the capital stock aforesaid, shall be divided into shares of fifty dollars each, and any person may subscribe for one or more shares, but shall not subscribe for part of a share. The Public Treasurer shall subscribe for and on behalf of the State, for one hundred shares, and the Company hereby created shall guarantee to the State at least six per centum per annum on the Stock so subscribed by the State, from and after the erection of toll-gates or receiving of toll as hereinafter authorised; and if the profits of the said Company shall exceed seven per centum as aforesaid, the State shall be entitled to its full dividend as a Stockholder; and the Public Treasurer shall have power to appoint a Director of the said Company. The shares shall be paid for at such times and places, and by such instalments, as the President and Directors of the Company shall direct, they first giving public notice in each of the counties of Buncombe, Rutherford and Burke, for at least twenty days. If any person holding any share or shares in said Company shall fail to pay for the same, in manner and at the time prescribed by the President and Directors aforesaid, they may enforce the collection thereof by legal process, or they may expose to sale the share or shares which such delinquent may hold in said Company, by giving ten days public notice

Capital to be divided into shares of \$50

The Treasurer to subscribe for 100 shares; and the Company are to guarantee to the State 6 per cent.

The Treasurer to appoint a director.

Shares to be paid for by instalments.

A. D. 1823. as aforesaid ; and if the said stock shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person who owns the said stock, and the books of the Company shall be good evidence of such sale and purchase of said shares.

The Compa-  
ny to con-  
tract for con-  
structing a  
road.

And shall ob-  
tain advice  
from the  
Board of In-  
ternal Im-  
provements.

A Treasurer  
to be ap-  
pointed.

Also a Clerk,  
Managers,  
&c.

A majority of  
the shares  
must be re-  
presented in  
general  
meeting.

Gen'l meet-  
ing to be  
held on the  
1st Monday  
in October  
annually

IV. *And be it further enacted,* That the President and Directors, or a majority of them, shall, on behalf of the Corporation, have power and authority to agree with any person or persons for constructing or improving the road from Asheville, by the Warm Springs, to the Tennessee line, or any part thereof, and shall obtain from the Board for Internal Improvements such information and advice, as will enable them to accomplish, in the most effectual and least expensive mode, the objects of this act, and to make all such contracts touching the same as may be fit and expedient. And the said President and Directors may also appoint a Treasurer from among the Stockholders, but not of their own body, who shall give bond and security for the faithful discharge of his duty, and duly accounting for all monies which come to his hands as Treasurer ; and he shall be allowed such compensation as the President and Directors think him entitled to, not exceeding three per centum upon the disbursements ; and no officer of the Company shall have a vote in the passing or settlement of his own accounts. The said President and Directors may also appoint a Clerk and such Managers and servants as they deem necessary : and when the road is completed, a toll-gatherer, all, or any of whom, as well as the Treasurer, they may remove at pleasure. And every President and Director, before he acts as such, shall take an oath or affirmation for the due performance of his duty.

V. *And be it further enacted,* That no general meeting shall be lawfully constituted, unless a majority of the shares is represented by the proprietors present ; and from and after the first general meeting, the succeeding ones shall be held on the first Monday in October, annually, in the town of Asheville ; at which time and place there shall be annually an election of President and Directors ; but if a sufficient number do not attend, the proprietors present may adjourn the meeting from day to day until the business of the Company is finished ; and to every annual meeting it shall be the duty of the President and Directors to make a distinct return and report of all their proceedings and accounts, which shall be carefully examined by the meeting, and if found just and accurate,

shall receive a vote of approval; and the like course shall be pursued in relation to the Treasurer's accounts; and at every annual meeting, an equal dividend of all the nett profits arising from the tolls hereinafter granted, shall be ordered and made to the proprietors of the said Company, in proportion to their several shares, after leaving in the hands of the Treasurer such sums as the meeting may think necessary to answer contingent charges: *Provided always*, that under no circumstances shall a greater dividend be made than twelve and a half per centum on the amount of stock; and if at any time the profits exceed that sum, the surplus shall be applied to the further improvement of the road, or a diminution of the tolls may be made, as the President and Directors shall think most expedient; and for the more effectually enforcing the provision, it shall be the duty of the President and Directors to make a return annually to the General Assembly of the amount of tolls received.

A. D. 1823.

Time at which dividends shall be made.

No dividend to exceed 12½ per cent.


An annual return to be made to the General Assembly.

VI. *And be it further enacted*, That as a compensation to the said Stockholders for the trouble they will bestow on the said undertaking, and the expences they will disburse in constructing and keeping the said road in repair, and erecting toll-gates and other necessary works, the profits of the said road vested are in them, their executors and assigns, as tenants in common, for the term of twenty-five years, to be computed from the time of giving the notice prescribed in the seventh section of this act, in proportion to their respective shares, and the same shall be exempt from the payment of any tax whatsoever. And it shall and may be lawful for the President and Directors during the said term, to demand and receive at some convenient toll-gates, to be by them erected, the following tolls, viz: on every four-wheeled carriage of pleasure, one dollar and fifty cents; on every gig or sulky, seventy-five cents; on every seven horse road waggon, one dollar and seventy-five cents; on every six horse ditto, one dollar and fifty cents; on every five horse ditto, one dollar and twenty-five cents; on every four, three, or two ditto, one dollar; on every pedlar's cart, one dollar; on every road cart, fifty cents; on each horse without a rider, five cents; on every head of beef cattle, four cents; and hogs and sheep, two cents each; on every animal designed for exhibition, one dollar; travellers on horses, twelve and a half cents each. And if any person or persons shall refuse to pay the tolls, at the time of offering to pass the places designated for

Profits of the road are vested in the Stockholders for 25 years.

To be exempt from any tax.

Rate of tolls.

A. D. 1825.  their collection, and previous to passing the same, the toll-gatherers may respectively refuse passage to the person or persons so refusing; and if any person or persons shall pass, or drive through any wheeled carriage or animal liable to toll, without paying the same, he or they may be proceeded against before any tribunal having cognizance thereof: *Provided*, that the said Company shall not erect toll-gates on the said road within seven miles of the town of Asheville.

No toll-gate to be erected within seven miles of Asheville.

VII. *And be it further enacted*, That the said Turnpike Road hereby authorised, shall be made by the President and Directors thirty feet in width, clear of obstructions, except in such places as shall require the whole width to be made by side-cutting, where it shall be twenty feet wide, and where it may be necessary to carry it around precipitous promontories it shall be ten feet wide, clear of all drains and breastworks. The inclinations of the said road shall not exceed from one foot perpendicular to ten feet horizontal, and recourse shall be had to this steepness as seldom as it shall be possible to avoid it. And so soon as the said road shall be completed as aforesaid, the President and Directors shall give public notice thereof.

The width of the road, &c.

VIII. *And be it further enacted*, That the said road, with the improvements which shall be made thereon in pursuance of this act, shall be forever thereafter taken and considered as a public highway, free for the passage of all persons and animals and carriages of every description, on the payment of the tolls imposed by this act; and no higher toll or tax whatever for the use of the said road, shall at any time hereafter be imposed, without the consent of the Legislature, except in the manner directed in the sixth section of this act.

The road to be a public highway.

And whereas in tracing the line of said road, it may be necessary that certain portions of land shall be condemned for its completion.

IX. *Be it further enacted*, That the President and Directors may agree with the owners of any land over which the said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be feme covert, under age, non compos, or out of the State, on application to any two Justices of the county in which such lands lie, the Justices shall issue their warrant to the Sheriff of the said county to summon a Jury of eighteen freeholders to meet on the land to be valued, on a day expressed in the said warrant, not less

The Company may purchase lands thro' which the road passes.



than ten nor more than twenty days thereafter, and the Sheriff, on the receipt of the warrant, shall summon the Jury, and when met, shall administer an oath or affirmation to each of them, provided twelve or more appear, viz: that he will impartially value the land in question, and consider all damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favour, nor injure any one through malice or hatred. And the inquisition so taken, shall be signed by the Sheriff and twelve or more Jurors, and returned to the Clerk of the County to be recorded. And in all such cases, the Jury is hereby directed to describe the land valued, and their valuation shall be conclusive. And the President and Directors shall pay the sum to the owner of the land valued, or his legal representatives; and if neither can be found in the State, or if found, should refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seised in fee of the land valued, as fully and absolutely, as if it had been conveyed to them by the owner, but no such condemnation shall extend to dwelling-houses.

A. D. 1823.

X. *And be it further enacted*, That the President and Directors may agree with the proprietor or proprietors for any quantity of land, not exceeding four acres, at or near each place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement on any of the disabilities aforesaid, or the owner or owners being out of the State, the same proceeding may be had, and the same conveyances shall follow, as are described in the preceding clause.

May purchase land at or near the places where toll-gates are erected.

XI. *And be it further enacted*, That every Stockholder may transfer his or her share or shares, by deed executed before two witnesses and registered, after proof of the execution in the Company's book, and not otherwise, except by will, which shall also be exhibited to the President and Directors, and registered before the person claiming under the will shall be entitled to draw any part of the profits from the said tolls: *Provided*, that no transfer shall be made except for one or more whole share or shares, and not for part of such shares, and that no share or shares shall, at any time be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said President and Directors, or Stockholders, Members of the said

Shares to be transferable.

A. D. 1823. Company, or any of them, shall or may be challenged or made to answer any such trust; but that every such person appearing as aforesaid to be a proprietor, shall, as to others of the said Company, be to every intent taken absolutely as such; but between any trustee and the person for whose benefit such trust shall be created, the common remedy may be pursued.

XII. *And be it further enacted,* That the corporation hereby authorised and created shall exist until the full end and term of twenty-five years, to be computed from the time of giving the notice prescribed in the seventh section of this act.

The corporation to exist for 25 years.

#### CHAPTER XXII.

An Act to amend an Act, entitled "An Act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of Commissioners, and for other purposes.

Commissioners.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Montfort Stokes, Hugh Brown, William Miller, James Wellborn and William Horton, be, and they are hereby appointed Commissioners, to lay off that part of the road leading from Wilkesborough to John Lipp's, the best and most convenient way, having due regard to private property and the public good, and shall assess, on oath, all damages sustained by individuals. And the road when so laid off, shall be cleared out in the manner directed by the aforesaid Commissioners, or a majority of them.

Surplus money appropriated for Horton's Turnpike, to be paid over to the Commissioners for this road.

II. *And be it further enacted,* That all sums of money heretofore appropriated to the opening of Horton's Turnpike Road, by the way of the Deep Gap, now due, or in the hands of the Commissioners appointed by the acts of one thousand eight hundred and twenty and one thousand eight hundred and twenty-one, and not laid out or expended on the road from Lipp's to the Tennessee line, on the top of the Stone Mountain, or otherwise, shall be paid over to the Commissioners, or a majority of them, before named; and by them to be applied to improving such parts of the road as they may deem proper, between Wilkesborough and John Lipp's. And the said Commissioners shall duly account to the Board of Internal Improvement in what manner they have expended the money aforesaid.

Damages how to be paid.

III. *And be it further enacted,* That in all cases, a majority of the Commissioners by this act appointed, be

competent; and all damages assessed by them to individuals, shall be paid out of the county funds not otherwise appropriated. A. D. 1823.

IV. *And be it further enacted*, That as the Commissioners by this act appointed, shall let out to the lowest bidder, such parts of said road as they, or a majority of them, may think most advisable, then the said Commissioners shall appoint such number of overseers and hands to work on and clear out said road, in the manner by them directed: *Provided*, that they shall not compel hands to work on said road who live more than three miles from the same: *Provided always*, that nothing herein contained shall affect or repeal any act of the last General Assembly, so far as it respects the great State Road leading from Wilkesborough to the Tennessee line, by the way of the town of Jefferson. The road to be let out to the lowest bidder.

V. *And be it further enacted*, That all laws coming within the purview of this act, be, and the same are hereby repealed; and that this act shall be in force from and after the ratification thereof. This act not to affect the act of last session, in relation to the road from Wilkesboro' to the Tennessee line.

#### CHAPTER XXIII.

An Act to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by the way of Gap Civil, in Ashe county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*. That Elijah Thompson, of Surry county, John Holloway, sen'r. of Wilkes county, and George Bower, of Ashe county, be, and they are hereby appointed Commissioners to view and point out such improvements and repairs on the road leading from Huntsville, in Surry county, over the Blue Ridge, by the way of Gap Civil, to the Virginia line (either where it now runs, or where a majority of said Commissioners may think most advantageous to the public interest) where it intersects with the road leading from Saltville, in Washington, Virginia, by the mouth of Wilson's Creek. Commissioners.

II. *And be it further enacted*, That said Commissioners shall cause three fair plats of said road to be made, one of which shall be transmitted to the Board of Internal Improvements, and the others to be filed, one in the office of the Clerk of Ashe county, and the other in the office of the Clerk of Surry county, which plats shall represent the mountains and water courses over which the said road shall pass, the distance from one remarkable place to another, and also the whole distance from the commencement to the end of said road. Three plats of the road to be made.

A. D. 1823.

Commissioners to contract for said road.

III. *And be it further enacted.* That after having made out the plats as aforesaid, it shall be lawful for said Commissioners, and they are hereby authorised and empowered, to contract for cutting out, repairing, cleaning 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 said road; and when the said road shall be so repaired, improved, and placed in good order, it shall be deemed and remain a public highway, and shall be kept in repair as other public roads and highways in this State.

To transmit their contracts, &c. to the Board of Internal improvements.

IV. *And be it further enacted.* That it shall be the duty of the said Commissioners to transmit to the Board of Internal Improvements, at their next annual meeting, all the contracts, vouchers and accounts, which they may have made in order to carry the provisions of this act into effect.

The expense of making this road to be paid out of the funds set apart for Internal Improvements.

V. *And be it further enacted.* That all the expenses incurred in laying out, repairing and improving said road, in the manner directed by this act, shall be paid out of the funds set apart for Internal Improvements, whenever a sufficient sum shall become due and paid into the Treasury: *Provided,* that the said expenses do not exceed the sum of five hundred dollars.

Pay of Commissioners.

VI. *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 necessarily engaged in running and laying out said road.

No payment to be made without the approbation of the Board of Int. Imp.

VII. *And be it further enacted.* That no payment of any money shall be made by virtue of this act, without the approbation of the Board of Internal Improvements.

#### CHAPTER XXIV.

An Act to amend an act, passed in one thousand eight hundred and seventeen, entitled "An Act directing a road to be laid out and opened from the town of Fayetteville to Morganton"

Preamble.

Whereas the Commissioners appointed to lay out said road have proceeded to lay off and appoint overseers, as directed in said act, which overseers have opened said road; and whereas, by some accident, or other cause, said Commissioners have failed to file in the office of the Clerk of Burke County Court, a chart of said road and a list of the overseers, and their bounds by them appointed, as directed in said act: therefore,

Such part of the road as

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

*of the same.* That such part of said road cut out by overseers appointed by said Commissioners, as lies between the Lincoln line and Morganton, shall be deemed and held a public road; and that the County Court of Burke shall have jurisdiction of the same, as of all other public roads, and appoint overseers to work the same, subject to the same rules, regulations, and restrictions, that other overseers are; and this act shall be in force from and after its ratification.

A. D. 1823.

lies between the Lincoln line & Morganton, to be deemed a public road.

## CHAPTER XXV.

An Act to amend an act, entitled "An Act to appoint Commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough to Mrs. Bogle's, in Iredell county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That David Laws, sen'r, John Russell, James Wellborn, Robert Carson and Nicholas Norton, of Iredell county, be, and they are hereby appointed Commissioners to view, lay off and amend the road beginning at the foot of the mountain at Green's Gap, on the north side of said mountain, and ending at Mrs. Bogle's, in Iredell county; and the said Commissioners, or a majority of them, are hereby authorised and empowered to view, lay off and amend the whole, or any part of said road.

Commissioners.

II. *And be it further enacted,* That said Commissioners, after expending the monies hereinafter appropriated, on said road, they, or a majority of them, are hereby authorised and directed to appoint a sufficient number of overseers between the town of Wilkesborough and Mrs. Bogle's, in Iredell county, and authorise them to call all hands living within five miles of said road, to be and appear at such time and place as may be directed by said overseers, to work on and clear said road, in such manner as may be prescribed by said Commissioners, or a majority of them; and persons so liable to work on public roads, and failing to attend according to notice, with such working tools as they and each of them may be directed to bring, shall forfeit and pay the sum of one dollar for every day they may fail or neglect to do so, on proper notice.

To appoint overseers to call out hands.

III. *And be it further enacted,* That the sum of five hundred dollars be, and the same is hereby appropriated out of the funds set apart for Internal Improvement for the purpose of carrying into effect the object of this act.

\$500 appropriated out of the funds set apart for Int. Imp.

A. D. 1828.

## CHAPTER XXVI.

An Act authorising the making and improving a Road from Asheville to Rutherfordton.

The unexpended balance of \$5000 heretofore appropriated for opening Broad River, to be applied to this Road.

To be expended under the direction of Commissioners appointed by the Board for Internal Improvements.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the President and Directors of the Board for Internal Improvements, cause the unexpended balance of the sum of five thousand dollars, heretofore appropriated by law for opening and improving Broad River, in Rutherford county; or so much of said unexpended balance as they may deem necessary for that purpose, to be expended in making and improving the road leading from Asheville by the Hickory-nut Gap to Rutherfordton, under the immediate direction and superintendance of such Commissioners as the said President and Directors may appoint for that purpose, which Commissioners shall be governed by the instructions of the said President and Directors, and receive such a compensation for their services under this act as the said President and Directors may deem just, to be paid out of the fund aforesaid.*

## CHAPTER XXVII.

An Act to appoint Commissioners to lay off the State Road from John Lyles's to Absalom Bowers's old place, and for other purposes.

Commissioners.

*Be it further enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Calloway, Ambrose Parks and Jacob Baker, be, and they are hereby appointed Commissioners to lay off the State Road from John Lyles's to Absalom Bowers's old place.*

Any unexpended monies appropriated to the Road from Bowers's Mill, to be applied to building a bridge.

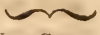
*II. And be it further enacted, That any monies remaining in the hands of the former Commissioners, or any other person, which was appropriated to the road from Absalom Bowers's mill to his old place, and the work for which the said monies was so appropriated not executed, be, and the same is hereby appropriated to the building a bridge across the South fork of New River, at John Lyles's; any law to the contrary notwithstanding.*

## CHAPTER XXVIII.

An Act to amend an Act, entitled "An Act to appoint Commissioners to extend the Fayetteville Road from Morganton to the line of Tennessee," passed in the year 1818.

Preamble.

*Whereas the Commissioners appointed in the before-recited act, to mark out said road, and perform the duties in said act directed, have not performed the same; therefore,*

*Be it enacted by the General Assembly of the State of* A. D. 1825  
*North-Carolina, and it is hereby enacted by the authority*   
 of the same. That William McGimpsey, Samuel C. Tate, New Com-  
 Charles McDowell, Benjamin Moore and Joshua Young, missioners  
 of the North Cove, be, and they are hereby appointed appointed.  
 Commissioners, in the place of those named in the said  
 act, and the said Commissioners shall have the same  
 powers and privileges as are given to the former Com-  
 missioners therein; and the road when laid off, as by  
 the former act directed, shall be deemed and held a pub-  
 lic road, and the said Commissioners, or a majority of  
 them, are hereby vested with full power to carry the  
 provisions of the before recited act into full effect.

II. *And be it further enacted,* That so much of the be- Part of for-  
 fore recited act, as relates to the appointment of Com- mer act re-  
 missioners, be and the same is hereby repealed. pealed.

#### CHAPTER XXIX.

An Act to amend the first section of an Act passed in 1818, entitled  
 "An Act directing a Road to be laid out and opened from the town  
 of Leaksville, in Rockingham county, by Rockford, in Surry county,  
 to the town of Wilkesborough."

Whereas the Commissioners appointed by the before Preamble.  
 recited act have refused to act as such; for remedy  
 whereof,

*Be it enacted by the General Assembly of the State of* New Com-  
*North-Carolina, and it is hereby enacted by the authority* missioners  
 of the same. That James Barnett, William Hughes, Jas. appointed.  
 Parks and Colonel James Martin, of Wilkes county, be,  
 and they are hereby appointed Commissioners, in the  
 room and place of the Commissioners heretofore ap-  
 pointed by the before recited act, and the said Commis-  
 sioners, by this act appointed, shall have, and they are  
 hereby invested, with full power and authority, to sur-  
 vey, lay out and open a public road, from Leaksville, in  
 Rockingham county, by Rockford, in Surry county, to  
 the town of Wilkesborough, according to the direction  
 of the before recited act, and under the same regulations  
 and restrictions, that the Commissioners heretofore ap-  
 pointed were required to observe, by the before recited  
 act.

II. *And be it further enacted,* That so much of the first Part of for-  
 section of the before recited act as relates to the appoint- mer act re-  
 ment of Commissioners, be, and the same is hereby re- pealed.  
 pealed.

A. D. 1823

## CHAPTER XXX.

An Act to appoint Commissioners to view and lay out a Road from Salisbury to Beattie's Ford, on the Catawba.

Commissioners.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Alexander Torrence and Hugh W. Brawley, be, and they are hereby appointed Commissioners to view and lay off a public road from Salisbury to Beattie's Ford, on the Catawba river, on the best ground the intervening country will afford; and the said Commissioners shall certify two fair plats of the road so laid off and marked by them, and file one in each of the Courts of Pleas and Quarter Sessions of Rowan and Iredell counties, and when thus certified and filed, the said Courts shall appoint overseers on said road in their respective counties, and it shall be opened and kept up as other public roads.*

Plats of said road to be made &amp; filed

Pay of Commissioners.

*II. And be it further enacted, That the said Commissioners shall each receive two dollars per day during the time they are employed in laying out said road, which shall be paid them by the County Trustee of their respective counties.*

## CHAPTER XXXI.

An Act for the relief of Female Debtors.

No Female to be hereafter imprisoned for debt.

*Be 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, no female whatever shall be imprisoned for debt; any law to the contrary notwithstanding.*

## CHAPTER XXXII.

An Act to amend an Act, entitled "An Act regulating Descents," passed in the year 1803.

*Be 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 inheritance shall descend to any person, as heir of the person last seised, unless such person shall be in life at the death of the person last seised, or shall be born within ten months after the death of the person last seised.*

## CHAPTER XXXIII.

An Act authorising certain limitations of Slaves by deed or writing.

What limitations by deed are good.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That every limitation, by deed or writing, of a slave or slaves, hereafter made, which limitation if con-*



tained in a last will or testament would be good and effectual as an executory devise or bequest, shall be, and is hereby declared to be a good and effectual limitation in remainder of such slave or slaves. A. D. 1823.

II. *And be it further enacted by the authority aforesaid,* That any limitation made or reserved to the grantor, vendor or donor, in any such deed or writing of a slave or slaves, shall be good and effectual in law: *Provided,* such limitation, had it been made to another person, would be good and effectual, according to the first section of this act.

III. *Be it further enacted,* That all such deeds or writings shall be witnessed, proved and registered, as other written conveyances of slaves are or may be by law required to be witnessed, proved and registered. Such deeds to be proved and registered in the usual way.

#### CHAPTER XXXIV.

An Act to authorise the payment of money to Clerks of Courts of Record, 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 it shall and may be lawful for the Defendant or Defendants against whom any final judgment or decree for the payment of money shall or may be rendered or made, by any Court of record in this State, to pay the whole or any part of the judgment or decree to the Clerk of the Court in which said judgment or decree shall or may be rendered or made, at any time after the rendering of such judgment, or the making of such decree, although no execution shall or may have issued to enforce the payment of such judgment or decree; and such payment of money shall be as good and available to the party making the same, as if made to the Sheriff or other legal officer, under and by virtue of an execution issued on such judgment or decree. A Defendant against whom judgment is rendered, may pay the money to the Clerk before execution issues.

II. *And be it further enacted,* That the Clerks of Courts of record to whom any money shall or may be paid to satisfy in whole or in part, any final judgment or decree, shall pay the same to the party or parties entitled to receive the same, under the same rules and penalties as if the same had been paid into his office, under and by virtue of an execution issued on such final judgment or decree. Clerks to pay over such money to the party entitled to receive it.

#### CHAPTER XXXV.

An Act to regulate the practice in the several Courts of Equity in this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority* Courts to direct the trial

A. D. 1828. *of the same*, That it shall be the duty of the several Courts of Equity in this State, to direct the trial of such issues as to the Court may appear necessary, according to the rules and practice in Chancery in such cases, any law to the contrary notwithstanding.

This act to be in force from its ratification.

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

#### CHAPTER XXXVI.

An Act to amend an Act passed at the last session of the General Assembly, entitled "An Act supplemental to an Act passed at the present General Assembly, entitled an Act for the division of Rowan county."

Preamble. Whereas it appears to the present General Assembly, that the provisions of the above recited act in regard to the location of the Court-House of Davidson county, are not agreeable to the wishes of the freemen of said county:

Part of the 2nd section of former act repealed.

*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 so much of the second section of the above recited act as requires or authorises the erection of the Court-House and Jail of Davidson county, upon the site fixed by the Commissioners in the said section named, be, and the same is hereby repealed.

Purchasers of lots of the Commissioners may retain or release them to the Chairman of the Court.

II. *Be it further enacted*, That the persons holding lots purchased of the Commissioners aforesaid, may, at their option, retain the same, or may release all their title under the said purchase to the Chairman of the Court of Pleas and Quarter Sessions of Davidson county, and his successors in office, for the use of said county; and it shall be the duty of the said Court, if such release shall be executed, to repay to such persons their purchase money, if the same has been paid; or otherwise to cancel and return the bonds of the purchasers.

The land may be re-conveyed to the person from whom it was purchased, or otherwise disposed of by the County Court.

III. *Be it further enacted*, That the whole of the land purchased by the Commissioners aforesaid, or that part thereof which may remain unsold, or may be re-vested in the Chairman of said Court, as aforesaid, shall be re-conveyed to the person from whom the same was purchased, upon his return of the consideration money paid to him; if such person shall so desire; but if such person decline to receive a re-conveyance, and repay the consideration, such land shall be disposed of as the Court of Pleas and Quarter Sessions of Davidson county may direct, for the use of said county.

IV. *Be it further enacted,* That the Court of Pleas and Quarter Sessions of Davidson county, at any session of said Court, a majority of the Justices of said county being present, shall appoint three Commissioners, who shall have power to purchase a tract of land, not less than twenty-five acres, within a price limited by said Court, a majority of Justices being present, adjoining the town of Lexington, on the North-East side thereof, taking for the same a deed to the Chairman of the Court, and his successors in office, for the use of the said county. The said Commissioners shall also lay off the said land into lots and streets, reserving and designating one lot for the Court-House, and one lot for the Jail, upon which lots respectively, the Court-House and Jail of Davidson county shall be built. The residue of said lots, shall be sold for the use of the county of Davidson, at such times, and by such Commissioners, and be conveyed by the Chairman of the said Court, in such manner, as the said Court, a majority of the Justices being present, shall direct: and it shall be the duty of the said Court of Pleas and Quarter Sessions, to cause the purchase-money of the said tract of land, to be duly paid agreeable to the contract of their Commissioners.

A. D. 1823.

The County Court to appoint Commissioners to purchase a tract of land adjoining the town of Lexington, on which to erect the public buildings, &c.

V. *Be it further enacted,* That the lots and streets so laid off, are hereby annexed to, and made a part of the town of Lexington: *Provided,* that nothing in this act contained, is intended in any way to affect the dividing line heretofore established between Rowan and Davidson.

The land thus purchased & laid off to make a part of the town of Lexington.

## CHAPTER XXXVII.

An Act to repeal part of the tenth section of an Act of the General Assembly, passed in the year one thousand seven hundred and eighty-four.

*Be 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 tenth section of an act passed in the year one thousand seven hundred and eighty-four, as gives to the wardens of any county of this State, to the use of the poor of said county, all tar, pitch, or turpentine, that may be condemned in said county, be, and the same is hereby repealed.

The section repealed.

II. *And be it further enacted,* That it shall be the duty of the said inspectors to deliver to the said owner or seller, upon demand, the said tar, pitch or turpentine, so condemned, for his own proper use and benefit.

Inspectors to deliver condemned tar, &c. to its owner.

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

Repeal of former interfering acts.

A. D. 1823.

## CHAPTER XXXVIII.

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

Preamble.

Whereas there is at this time a greater number of Cavalry Officers in this State, than is in proper proportion to the number of privates enrolled, which greatly tends to the injury of the militia service; and whereas much of the time of the Legislature is taken up in the election of such officers: for remedy whereof,

The commissions of all officers of Cavalry who have not enrolled 32 dragoons exclusive of non-commissioned officers, are declared void.

*Be 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 commissioned officers of Cavalry, who shall not, within eighteen months from the passing of this act, have enrolled in their respective troops or companies, at least thirty-two dragoons, well armed and equipped, exclusive of non-commissioned officers, their commissions are hereby declared void; and it shall be the duty of captains of infantry, in whose company district they respectively reside, to cause them, as well as their men, to be enrolled in the same manner as though they had never been commissioned; and that no person shall hereafter be commissioned in any troop of Cavalry, until they shall have enrolled the number of dragoons aforesaid, well armed and equipped.

And the officers and men are to be enrolled in the Infantry companies.

No Field officers to be commissioned in any brigade until it be ascertained that there are 4 troops of Cavalry in said brigade.

*II. And be it further enacted,* That no person shall hereafter be commissioned in any brigade in this State, as field officer of Cavalry, until the Brigadier-General of such brigade shall have certified to the Adjutant-General of the State, that there are at least four troops of Cavalry in said brigade, and it shall be the duty of the Adjutant-General thereupon to report the same to the succeeding Legislature.

Colonels of Cavalry to make returns to the Brigadier-General.

*III. And be it further enacted,* That it shall hereafter be the duty of the Colonel of each and every regiment of Cavalry in this State, to make their respective returns to the Brigadier General of the brigade to which such Colonel of Cavalry may belong.

Former interfering acts repealed.

*IV. 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 are hereby repealed.

## CHAPTER XXXIX.

An Act to repeal in part the fourth section of an Act passed by the General Assembly in the year one thousand eight hundred and six, entitled "An Act to revise the Militia Laws of this State, relative to the Artillery Companies of Light Infantry, Grenadiers and Riflemen."

Part of former act repealed.

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

of the same. That so much of the above recited act, as A. D. 1825, increases the fines on Artillery Companies, is hereby repealed.

## CHAPTER XL.

An Act to explain the second section of an Act passed in the year eighteen hundred and six, entitled "An Act to revise the Militia Laws of this State, relative to the Infantry."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the before recited act, as relates to the exemption of public millers, shall not be construed so as to exempt more than one free white person subject to do military duty, whose occupation and daily employment it is to attend and perform the duty of a public miller; any law to the contrary notwithstanding.

One free whit person at a mill only to be exempted from military duty

## CHAPTER XLI.

An Act to amend and explain the sixth section of an Act, passed in 1814, entitled "An Act for the more perfect organization of the Militia of this State."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any captain or other militia officer in this State, to enrol any free person of colour, except for musicians; any other law or custom to the contrary notwithstanding.

No person of colour to be hereafter enrolled in the militia except as a musician.

## CHAPTER XLII.

An Act to authorise the distribution of the Militia Laws of this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Adjutant-General of this State shall cause the Militia Laws now in force, to be compiled and printed in pamphlet form, and distributed, one copy to each general and field officer, and one copy to each captain of a company within this State, at the same time that the acts of the General Assembly are distributed.

Adjutant-General to compile and have printed and distributed to the officers, the Militia Laws now in force.

## CHAPTER XLIII.

An Act to add a part of Currituck county to Hyde county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all that part of Currituck county, which lies South of New Inlet, be, and the same is hereby added to the county of Hyde.

A part of Currituck added to Hyde county

II. *Be it further enacted,* That the Sheriff of Currituck county shall have full power to collect the arrears

This addition not to prevent the She-

A. D. 1823. of taxes due in said county, as if this act had not been passed; and that the Sheriff, Coroner, and Constables of Currituck county, shall have full power to complete all executions in their hands, and to execute all process to them directed, within said part now added to Hyde county, and bearing test before the passing of this act, as if this act had not been passed.

~  
riff of Currituck from collecting taxes which are due, &c.

III. *Be it further enacted.* That this act shall be in force from the passage thereof.

#### CHAPTER XLIV.

An Act, to amend an Act, passed in the year 1813, entitled "An Act to exempt vessels under sixty tons burden entering the Cape-Fear river from paying pilotage."

Said act not to extend to vessels of more than 50 tons.

*Be 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, the provisions of the before-recited act, shall not extend to vessels or boats of more than fifty tons burden; any thing in said act to the contrary notwithstanding.

No vessel coming in for harbor to be subject to pilotage.

II. *And be it further enacted.* That no vessel coming in at either Inlet of the Cape-Fear river, with a view to the more convenient prosecution of her voyage, or to make a harbour, shall be subject to the payment of pilotage.

#### CHAPTER XLV.

An Act to amend an Act, passed in the year one thousand seven hundred and seventy-seven, entitled "An Act for the appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes."

Sheriffs hereafter to give bond in the penal sum of 10,000 dolls.

*Be 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, upon the appointment of any person to the office of Sheriff in any county of this State, it shall be the duty of the respective County Courts, making such appointment, to require and take from such Sheriff, a bond with two or more securities to be approved of by the said Court, in the penal sum of ten thousand dollars; which said bond shall be made payable to the Governor and his successors in office, and be subject to and contain like conditions with those prescribed in the above recited act.

#### CHAPTER XLVI.

An Act to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift.

The term for registration

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

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

A. D. 1823.

extended for  
two years.

## CHAPTER XLVII.

An Act to amend the laws respecting wrecks and wrecked property.

Whereas the addition to Hyde county of a part of the land on the sea-shore, heretofore belonging to Currituck county, renders necessary the arrangement of wreck districts in the county of Hyde :

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the county of Hyde shall be laid off into four districts : the first or Northernmost, to commence at New Inlet, and extend to the opening of the South end of Chickamiconico ; the second to commence at the opening of the South end of Chickamiconico, and extend to the Bog (so called) at Kennekut ; the third to extend from the said Bog to the Point of Cape Hatteras, near the Light-house ; the fourth to extend from the said Point to the Carteret county-line ; commissioners of wrecks for which districts shall be recommended and commissioned as other commissioners of wrecks, and be entitled to the same privileges and emoluments, and subject to the same duties in all things as other commissioners of wrecks.

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

Hyde county  
laid off into 4  
wreck dis-  
tricts.

This act to  
be in force  
from its rati-  
fication.

## CHAPTER XLVIII.

An Act to amend the several Acts of Assembly respecting Weights and Measures.

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

None but re-  
gular traders

A. D. 1823. *the same*, That no person except traders and dealers by profession, and millers, shall be required to re-stamp their weights and measures; any law to the contrary notwithstanding.

and millers to have their weights and measures re-stamped.

#### CHAPTER XLIX.

An Act to amend an Act, passed in the year one thousand eight hundred and nineteen, entitled "An Act relative to the apprehension of runaway slaves."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That all persons hereafter, who may apprehend any runaway slave or slaves, within the county in which the owner or owners of such slave or slaves reside, and for whom a greater reward than three dollars shall not have been offered, shall be entitled to recover and receive from the owner of such slave, the sum of three dollars, for each and every slave so apprehended and delivered to the owner, or confined in jail.

Persons apprehending a slave within the county in which his owner resides, to be entitled to 3 dollars.

When such slave is lodged in jail, the Jailer to tax this reward and collect it with his prison fees.

II. *And be it further enacted.* That where any runaway slave or slaves thus apprehended, shall be lodged in jail, it shall be the duty of the jailer to tax the said reward of three dollars on each slave, against such owner, and collect the same with his prison fee.

#### CHAPTER L.

An Act to repeal the forty-fourth section of an Act passed in the year one thousand seven hundred and forty-one, entitled "An Act concerning Servants and Slaves"

Preamble.

Whereas the forty fourth section of the act of one thousand seven hundred and forty-one, entitled "An act concerning Servants and Slaves." is contrary to good policy and public expediency: therefore,

44th section of the act of 1741 repealed.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the forty-fourth section of the above mentioned act, be, and the same is hereby repealed.

#### CHAPTER LI.

An Act declaring the punishment of persons of colour, in certain cases.

An assault to commit a rape on a white woman, to be punished with death.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That any person of colour, convicted by due course of law, of an assault with intent to commit a rape upon the body of a white female, shall suffer death without the benefit of clergy.



LAWS OF NORTH-CAROLINA.

CHAPTER LII.

A. D. 1825.

An Act to repeal an Act, passed in the year 1822, entitled "An Act to encourage the apprehension of runaway slaves in the Great Dismal Swamp."

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

Read three times and ratified in General Assembly, this 8th day of Dec. 1825. }

A. MOORE, S. H. C.  
B. YANCY, S. S.

A true Copy,

WM. HILL, Secretary.



## PRIVATE ACTS.

### CHAPTER LIII.

An Act to authorise the building of a Toll Bridge over Roanoke River at the town of Halifax, and to incorporate a Company for that purpose.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That Joseph John Daniel, Andrew Joiner, William B. Lockhart, David Clark, and James Exum, or any three of them, be, and they are hereby appointed Commissioners for receiving subscriptions to the amount of thirty thousand dollars, for the purpose of building a Bridge over Roanoke river at the town of Halifax; 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 themselves, or such persons as they may appoint, on or before the first day of March next, and they shall continue open until the first day of July next, unless the said capital sum shall be subscribed before that time, at which time, the said books shall be returned to the Commissioners aforesaid, in the town of Halifax, and at the same time there shall be a general meeting of the said subscribers personally, or by proxy, which meeting may continue from day to day, until the business thereof be finished: and if it shall appear, that ten thousand dollars, or more, of the capital stock, shall have been subscribed, the said subscribers, their heirs or assigns, from the time of the said first meeting, shall be, and they are hereby declared to be incorporated into a company, by and under the name and style of the "Halifax Toll Bridge Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, and have succession for and during the period herein after limited, 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 business and concerns of the said company for one year, and until the next meeting of the stockholders. Every proprietor of stock, by writing under his or her hand, executed before some Justice of the Peace, may depute any other stockholder to vote for him or her at any general meeting; and the votes and acts of such proxy shall be as effectual, to all intents and purposes, as if the proprietor himself was personally present at the doing thereof.

II. *And be it further enacted by the authority aforesaid,* That if the aforesaid sum of thirty thousand dollars shall not be subscribed, on or before the said first day of July next, the said Commissioners, if directed by a majority of the subscribers at their general meeting, shall again open books of subscription, and keep the same open until the first day of December thereafter, or until the aforesaid sum of thirty thousand dollars shall be subscribed as aforesaid; and if more than the capital stock hereby authorised shall be subscribed, the Commissioners shall strike off from the said subscription, until the capital shall be reduced to thirty thousand dollars;

and in striking off subscriptions, they shall begin and strike off a share from the largest subscriptions in the first instance, and continue to strike off one share from all subscriptions under the largest and above one share, until the same shall be reduced to the capital aforesaid.

III. *Be it further enacted*, That the capital sum aforesaid, shall be divided into shares of fifty dollars each, and any person may subscribe for one or more shares, but not for a part of a share. 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 sum to be paid in each instalment, in the State Gazette, for at least twenty days; 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 aforesaid, the said President and Directors may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such person may hold in the said company, by giving ten days public notice thereof; and if the said shares shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person or persons who own the said stock, and the books of said company shall be good evidence of such sale and of the purchase of such shares.

IV. *And be it further enacted*, That the said President and Directors shall have power to build a gate or gates on the said Bridge to be erected as aforesaid, and to ask, demand and receive from persons passing over said Bridge, the following Toll, to-wit, for four-wheeled carriages of pleasure, seventy-five cents; for wagons, sixty cents; for two-wheeled carriages of pleasure, twenty-five cents; for carts, twenty cents; for a horse and man, ten cents; single horses, five cents; cattle per head, three cents; hogs and sheep, two cents; and foot passengers, five cents.

V. *And be it further enacted*, That the said President and Directors are hereby bound to keep the said Bridge in good and sufficient repair, under the penalty prescribed by law in cases of Roads and Bridges.

VI. *And be it further enacted*. That the Court of Pleas and Quarter Sessions of Northampton county, upon the petition of the said President and Directors, shall order the Sheriff of said county to summon a jury or juries 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 leading to Northampton court-house, and to assess such damages as the owner or owners of the land through which the said road shall be laid off, may sustain thereby, to be paid by the said corporation; and upon its appearing to the satisfaction of the County Court of Northampton, that the said road is a good and sufficient one and in good repair, the same shall thenceforth become a public road. *Provided*, That the road so to be condemned and laid out shall lead in the straightest convenient direction, on the bank of the river, to the road leading from Halifax to Northampton court-house. *And provided further*, That nothing herein contained shall be so construed as to exclude the jurisdiction of the County Court of Northampton over the said road as now established by law.

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

VIII. *And be it further enacted,* That the corporation hereby created shall terminate and be at an end at the expiration of thirty-six years to be computed from the passage of this act.

IX. *Be it further enacted.* That the President and Directors of said Bridge, shall annually, at the first court to be holden in Northampton county, after the first day of January in every year, return upon oath to the Court of Pleas and Quarter Sessions of Northampton county, an account of the proceeds of the Tolls of said Bridge, during the preceding year, and after defraying the expenses and charges of said year; and if the nett proceeds of said Toll, shall exceed fifteen per centum of the capital stock of said company, said President and Directors shall pay the excess over fifteen per centum to the County Trustees of Northampton and Halifax counties, to be applied to the use of said counties in equal moieties. *Provided,* That nothing herein contained shall prevent said President and Directors from reducing their rates of Toll as they think proper.

#### CHAPTER LIV.

An Act to authorise Daniel Dougherty, of Lenoir county, to erect a Bridge across Neuse river.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Daniel Dougherty to erect a bridge across Neuse river, either on his own account, or with such persons as he may associate with him, at his ferry in Lenoir county, or within one mile thereof, and when the said bridge shall be completed, it shall be lawful for the proprietor or proprietors of said bridge to erect a toll-gate thereon, or on some part of the road leading thereto: *Provided,* that one arch of said bridge covering the deepest water in the river, shall be at least thirty-five feet wide.

II. *And be it further enacted,* That the rates of toll shall be as follows: on all waggons for passing said bridge, sixty cents each; all four-wheeled carriages of pleasure, fifty cents; all two-wheeled carriages of pleasure, twenty-five cents; on a man and horse, five cents; on every loose horse, five cents; on every foot passenger, five cents; on every head of cattle, two cents; and on hogs and sheep, one cent each.

III. *And be it further enacted,* That when the said bridge is erected, the Court of Pleas and Quarter Sessions of Lenoir county, upon petition of said Dougherty, or his assigns and associates, shall order the Sheriff of said county 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 leading from Kinston to Newbern, and should the said road be laid off through the lands of any other person than the proprietor or proprietors of said bridge, to assess such damages as the owner or owners of said land may sustain thereby, to be paid by the proprietor or proprietors of said bridge; and upon its appearing to the satisfaction of the County Court of Lenoir, that the said road is a good and sufficient one, and in good repair, the same shall thereafter become a public road.

IV. *And 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 penalties as other keepers of public bridges by the laws of this state.

#### CHAPTER LV.

An Act authorising the Court of Pleas and Quarter Sessions of Rowan County to lay a tax and appoint Commissioners to build a Bridge across the South Yadkin River.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of erecting a bridge for the convenience of the good people of Rowan county, over the South Yadkin river, the Court of Pleas and Quarter Sessions of said County, a majority of the Justices being present, is hereby authorised to levy a tax on the lands and polls of said county, not exceeding fifteen cents on the hundred dollars worth of real estate, nor sixty cents on the poll, which tax shall be collected and accounted for in like manner as other county taxes.

II. *Be it further enacted*, That the Court aforesaid, shall appoint five Commissioners, who after examining the banks of the river, and the ground over which the road must pass, shall fix upon the site for placing said bridge, and shall contract with some person for the construction of the same, taking sufficient bonds for the faithful execution thereof.

III. *And be it further enacted*, That the County Court aforesaid, shall order the Sheriff to summon a Jury of twelve freeholders, to view and lay out the road, leading to the bridge on both sides of the river, and to assess and report to the Court the damages that may be done to the lands through which said road passed, which damages shall be paid to the person so injured, out of the funds of the county; and the road or roads thus laid out, are hereby established public highways of the county. Also, that the County Court of Rowan shall appoint overseers and assign hands for opening and keeping in repair the roads established as aforesaid.

#### CHAPTER LVI.

An Act to extend the time within which Commissioners were authorised to receive subscriptions to build a Toll-Bridge over Dan River, in the county of Caswell, near Milton, and to continue in force an Act passed at the last session of the General Assembly, incorporating a Company for that purpose.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*. That the Commissioners, or a majority of those mentioned in the aforesaid act, be, and they are hereby authorised, to continue open books for receiving subscriptions for the purpose mentioned in said act, for two years from and after the passing of this act, unless the capital stock authorised shall be subscribed before that time; and when the said capital stock shall be subscribed, the subscription shall be returned to the Commissioners in Milton; at which time and place, due no-

vice being given thereof, there shall be a general meeting of the stockholders, either personally or by proxy: and the said meeting shall have full power to do and perform all matters and things which stockholders are authorised to do by the aforesaid act.

II. *And be it further enacted*, That the act of the last General Assembly, authorising the building of a toll-bridge over Dan river in the county of Caswell, near Milton, and to incorporate a company for that purpose, be, and the same is hereby continued in force for two years after the passing of this act, and that this act shall be in force from and after the ratification thereof.

#### CHAPTER LVII.

An Act to remove obstructions in Pungo Creek, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county court of Beaufort county, on application to them made, to appoint three commissioners, freeholders in said county, and who shall have power to clear and remove all obstructions in said creek as high up as Boyd's Mills, and afterwards to keep the same free from obstructions.

II. *And be it further enacted*, That no person shall cast any net or seine across more than two-thirds of the channel at deep water in said creek; and it shall be the duty of said commissioners, if any seines be established on said creek, to lay off and stake two-thirds of the channel thereof; and no person shall cast any net or seine beyond said stake.

III. *And be it further enacted*, That any person violating any of the provisions of this act, shall forfeit and pay the sum of twenty dollars, to be recovered by an action of debt by any person suing for the same, before any jurisdiction having cognizance thereof, one-half to the person suing for the same, the other half to the use of the county.

#### CHAPTER LVIII.

An Act for improving the navigation of Crane's Creek, in Cumberland County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the inhabitants residing near Crane's creek, are hereby authorised to make navigable the said creek, as far up the same as the Moore county line; and that this act shall be in force from and after the ratification thereof.

#### CHAPTER LIX.

An Act to keep open Goose Creek in Craven County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person, either by falling trees, or by any other means whatever, to obstruct the free navigation of Goose creek

in Craven county, either by boats or rafts, from Gaion's mill to Neuse river.

II. *Be it further enacted*, That any person offending against this act, shall be subject to a penalty of fifty dollars, one half to the use of the person suing for the same, the other half to the use of the poor of Craven county, and shall be further liable to indictment, and on conviction, to punishment by fine and imprisonment, as in other cases of misdemeanor. Any slave offending against this act, shall be subject to punishment, on conviction before a justice of the peace, not exceeding thirty-nine lashes.

#### CHAPTER LX.

An Act to prevent any person or persons from falling timber into the Tennessee River, or Sugartown fork thereof, within the county of Haywood.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any person or persons shall hereafter fall any timber within the county of Haywood, into the Tennessee river, or the Sugartown fork thereof, or on the banks of either river, and suffer the same to remain for the space of five days, so as to be subject to be washed away by high water, such person or persons so offending, shall forfeit and pay a fine of five dollars for each and every offence, to be recovered by and in the name of any person who may sue for the same, before any jurisdiction having cognizance thereof, one-half to the use of the person suing, and the other half to the use of the county; any law to the contrary notwithstanding.

#### CHAPTER LXI.

An Act to amend an act, passed in the year 1817, entitled "An act for the better protection of the health of the inhabitants of the town of Smithville and its vicinity, in Brunswick county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any vessel shall come in over the main bar, destined for the port of Wilmington, and shall not come to anchor within two miles of Smithville, in Brunswick county, such vessel shall not be subject to pay the health-officer boarding-fees, neither shall it be the duty of the said health-officer to board said vessel in his official capacity, unless said vessel shall come to anchor within two miles as aforesaid.

II. *And be it further enacted*, That the certificate of the health-officer at Smithville, shall not be a sufficient permit for said vessel to proceed to the port of Wilmington.

#### CHAPTER LXII.

An Act concerning the duty of ferry-men across the Albemarle Sound and its waters.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of every person authorised to keep a ferry across



Albemarle Sound, or any stream emptying into said sound, if applied to when their boats shall be on the side of the said sound or stream opposite to that on which their ferries are established, to transport persons, carts, carriages and other effects, across the said sound or streams, and to demand and receive the compensation which is or shall be fixed for ferriages from said side of such sound or stream.

---

CHAPTER LXIII.

An Act to regulate Seine Fisheries on Blount's Creek, in Beaufort County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the justices of the court of pleas and quarter sessions of Beaufort county, at the first term of said court after the first day of January next, and at any term of said court thereafter when they may deem it necessary, be, and they are hereby authorised and required to appoint five commissioners, and from time to time to fill such vacancies as may happen by the death, refusal to act or removal of any one or more of them. And it shall be the duty of said commissioners, or a majority of them, so appointed, to proceed without delay, to lay off Blount's creek, in said county, in such manner as to leave one-third part of the main channel thereof open for the free passage of fish, and to designate the same by stakes or other proper marks; and from time to time to renew, or see that the same are properly kept up: And being so staked and laid out by said commissioners, or a majority of them, it shall not be lawful for any person or persons, in hawling for fish, to extend or hawl their seine or seines beyond the bounds and limits thus designated, or in any other manner obstruct the same, or to pull down or destroy the stakes, or other marks, set up by the commissioners, as before directed. And any person or persons violating the provisions or prohibitions of this act, shall, upon due conviction thereof, before any jurisdiction having cognizance of the same, forfeit and pay one hundred dollars for each offence, to the use of any person suing for the same. And the owner, and all other persons using or having the direction of such seine or seines, shall severally be subject to the penalty hereby imposed.

II. *And be it further enacted.* That an act passed in the year one thousand eight hundred and eight, entitled "An act to regulate the seine fisheries on Blount's creek in Beaufort county," be, and the same is hereby repealed.

---

CHAPTER LXIV.

An Act to regulate the Seine Fisheries on Tranter's Creek.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county court of Beaufort, at the first term happening after the first day of January next, and at any succeeding term, be, and is hereby directed to appoint five commissioners (three of whom shall be sub-

cient to act) whose duty it shall be to proceed without delay to stake off Tranter's creek, in said county, leaving one-third of the main channel for the free passage of fish up the same; and when it is staked out by the commissioners, no person in hawling for fish, shall extend their seines beyond the bounds reserved for the free passage of fish as aforesaid, or otherwise obstruct the same, under the penalty of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof; and the sum so recovered, shall be solely applied to the use of the person suing for the same.

II. *And be it further enacted*, That the county court of Beaufort, at any term, be, and is hereby directed to appoint commissioners to fill vacancies that may happen by death, resignation, or refusal to act.

III. *And be it further enacted*, That an act passed in the year eighteen hundred and twenty-one, to prevent obstructions to the passage of fish up Tranter's creek, be, and the same is hereby repealed and made void; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXV.

An Act to amend the fourth section of an act, passed at the last General Assembly, supplemental to an act passed at the present General Assembly, entitled "An act for the division of Rowan county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a majority of the justices of the county court of Davidson, shall have power to lay a tax of not less than twenty-five cents, nor more than seventy-five cents on each and every black and white poll; and of not less than eight, nor more than twelve cents on every hundred dollars value of lands and lots in their said county; to be appropriated to the erection of a court-house and jail for said county, and other public uses. And the tax so laid, shall be collected and accounted for by the sheriff of said county, under the same rules and regulations as sheriffs are subject to in the collections of public taxes.

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

#### CHAPTER LXVI.

An Act to authorise and direct the Sheriff of Davidson County to pay over the taxes collected for the Public Buildings, to the Commissioners of Public Buildings in said County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sheriff of Davidson county is hereby required and directed to pay over to the commissioners of the public buildings in said county, all monies which now are, or may hereafter come into his hands, designed for defraying the expences of said public buildings, in the same manner as sheriffs are now required by law to account for and settle with treasurers of public buildings; and the receipt of the said commissioners shall be as good and available to the said sheriff, as the receipt of the treasurer of public buildings could be.

II. *And be it further enacted*, That the said commissioners of public buildings, shall collect all monies arising from the sale of the public lots in the town of Lexington, and apply the same to the erection of said public buildings in said county, any law to the contrary notwithstanding.

#### CHAPTER LXVII.

An Act to authorise the erection of the Public Buildings of Washington county, at Plymouth.

*Be 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 B. Haughton, Thomas Walker, George Nichols, Josiah Flower, Horace Ely, John Peck, and Thomas Cox, be, and they are hereby appointed commissioners; and they, or a majority of them, shall have full power and authority to procure a lot or lots in the town of Plymouth, for the purpose of erecting thereon a Court-house and Jail, the deeds for which shall be made to the chairman of the court, to hold to him and his successors in office, for the use of the county of Washington.

II. *Be it further enacted*, That the said commissioners shall have power to receive donations and subscriptions from any person or persons for the purchase of said lot or lots, and for the erection of said buildings; and shall be, and are hereby authorised, to sue for and collect all sums of money or other property subscribed or promised to be paid for said purpose; and said commissioners shall proceed to erect the said Court-house and Jail, and to complete the same on said lot or lots.

III. *Be it further enacted*, That the commissioners aforesaid, are hereby authorised to sell the public buildings of Washington county, at Lee's Mills, and to apply the proceeds in aid of other funds to be raised as aforesaid, for erecting the public buildings at Plymouth, (which shall be of no less dimensions than those now standing at Lee's Mills) or the said commissioners may remove the whole, or any part of said buildings, to Plymouth, in aid of those designed to be constructed by virtue of this act.

IV. *Be it further enacted*, That whenever the commissioners aforesaid shall propose to sell or remove the present county buildings, in aid of those intended to be constructed and erected in Plymouth, they shall provide some suitable house in said town for the use of the courts of said county, and shall give notice thereof to the sheriff and clerks of the courts of said county, and it shall be the duty of the sheriff at the next superior and county courts following said notice, to adjourn said courts to Plymouth agreeably to the notice given him; and it shall be the duty of clerks of courts of said county, to make all process thereafter issued, returnable in conformity with the adjournment of such sheriff.

V. *Be it further enacted*, That if the commissioners of Plymouth code to the chairman of the court, for the use of said county,

the jail at present existing in said town, then and in that case, the commissioners herein named, shall be authorised to enlarge it, so as to make it in all respects a lawful jail, and upon the completion thereof, the same shall be held and deemed the public jail of said county: *Provided however*, that nothing in this act contained, shall be so construed as to authorise the justices of the courts of pleas and quarter sessions of said county of Washington to lay any tax or taxes upon the people of said county, for the purpose of purchasing lots, or for the erection of the public buildings, to be erected in the town of Plymouth.

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

#### CHAPTER LXVIII.

An act to amend an act, passed in the year 1795, entitled "An act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-house, Prison and Stocks."

Whereas by virtue of the provisions of the before recited act, the court-house was erected on the public square in the town of Wilkesborough, though entirely off the main street, and the same being now decayed and unfit to hold the courts of said county in, therefore

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James Wellborn, Hamilton Brown, James Hackett, Horace B. Satterwhite, and Walter R. Lenoir, be, and they are hereby appointed commissioners to fix on a proper place within the public square aforesaid, whereon to erect a new court-house for said county, and they are authorised and empowered to contract with some suitable person for building the same, of such materials, upon such construction, and of such dimensions, as the said commissioners, or a majority of them, may direct. And when the same shall be finished, the public papers and records of the county shall be kept therein.

II. *And be it further enacted*, That the said commissioners, or a majority of them, are hereby authorised and empowered to lay off into convenient lots, such part of the public square in the town of Wilkesborough, as they may think advisable, and to sell the said lots at public auction; the proceeds of which sale, shall be applied towards the expenses of building the court-house as aforesaid.

III. *And be it further enacted*, That when the new court-house is completed and received by said commissioners, they are hereby authorised to sell the old court-house, and apply the money arising from such sale towards the expenses of the new one.

IV. *And be it further enacted*, That the law authorising the payment of jurors in the several courts of Wilkes county, be, and the same is hereby suspended, until a sufficient sum be raised to complete the building of said court-house.

V. *Be it further enacted*, That in addition to the tax laid for the payment of jurors, which is now hereby set apart for building a new

court-house, the justices of the county court of Wilkes aforesaid, be, and they are hereby directed and required, to lay a tax of not exceeding two and one-half cents on every hundred dollars value of land, a tax of two and a half cents on every hundred dollars value of town property, a tax of two and a half cents on every hundred dollars value of goods, wares and merchandize sold, according to the revenue law now in force, and a tax of not exceeding six and a quarter cents on every poll in the said county of Wilkes; which said taxes shall be levied, collected and accounted for by the sheriff of said county, in like manner, as other county taxes: *Provided*, that the monies arising from said taxes shall be paid over by said sheriff to the treasurer of public buildings, and by him to be applied towards the building said new court-house, according to the directions of the commissioners aforesaid, or a majority of them.

VI. *And provided further*, That nothing in this act contained, shall be so construed as to affect the tax already laid by said court for the purpose of paying jurors.

#### CHAPTER LXIX.

An act to amend and continue in force an act, passed in the year 1820, entitled "An act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purpose."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act shall be and continue in full force and effect, for the full end and term of two years, from and after the passage of this act; and that the said commissioners shall have power to sell the former court-house and jail, and the public square upon which they are situated, at such time as they think proper, or to appropriate the same to such purposes of public utility and benefit, as to them may seem proper.

II. *And be it further enacted*, That William Watson and Wiloughby Higson be, and they are hereby added to the commissioners in the above recited act, any law to the contrary notwithstanding.

#### CHAPTER LXX.

An act for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Rockingham.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the justices of the court of pleas and quarter sessions of the county of Rockingham, a majority being present, are hereby authorized and empowered, if they shall deem the same expedient, at the term of said court in the month of May next, and annually thereafter, to elect from among themselves a number of suitable persons, not less than five, to hold the several terms of the said court, and discharge the duties thereof.

II. *Be it further enacted.* That the said persons chosen, as aforesaid, shall be competent to do and perform any matter or thing, and exercise all the authority and power, which by the existing laws of the state seven justices are authorised to do; and they shall, in all cases be governed by the same rules, regulations and restrictions as govern other county courts in this state: and the said county court, at the time of appointing the persons aforesaid, shall, if they think the same expedient, provide for the payment of the persons so appointed, for their services, not exceeding the sum of two dollars each for every day they may be employed in the discharge of the duties aforesaid, which service shall be certified by the clerk of said court.

III. *Be it further enacted.* That for discharging the compensation authorised by this act, if any, the justices of the said court are hereby authorised to lay a tax on the taxable property of the said county, or on each suit commenced in said court, and prosecution, where the defendant shall be convicted, sufficient to defray the expences accruing under this act: and the said tax, where so levied and collected, shall be accounted for by the officers of the court, in the same manner, and under the same penalties, as other county taxes are by law collected and accounted for.

#### CHAPTER LXXI.

An Act prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-house in said county

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the sheriff of Buncombe county be, and he is hereby authorised and directed, by directions of the commissioners appointed to superintend the building of a court-house, to pay over to John Woodfin, contractor for building a court-house in said county, all such taxes laid, or which may be laid for the building said court-house, as he may hereafter collect: and the receipt of the said John Woodfin, shall be a sufficient voucher to the said sheriff in the settlement of his accounts with the county court; any law to the contrary notwithstanding.

#### CHAPTER LXXII.

An Act concerning the Sheriff of Cumberland County and the special Justices of the town of Fayetteville.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That any sheriff hereafter elected in and for said county of Cumberland, shall enter into bond with two or more good and sufficient securities, in a sum not less than ten thousand or more than twenty thousand dollars, at the discretion of said Court, payable to the Governor and his successors in office, conditioned and of the form as prescribed in and by the act of Assembly of 1777, chapter 118, section 1st: and further, that in addition to the other bonds by such sheriff to be

given, according to, and by virtue of the laws now in force in this regard, he shall enter into and execute a bond in such sum and with such securities, as such court in their discretion may dictate and prescribe, payable to the chairman of said court and his successors in office, conditioned for his duly collecting, accounting for and paying over to the treasurer of public buildings of said county, all such monies as he may or ought to have collected, for and on account of any tax by said court laid and ordered to be levied and collected for defraying the expenses in erecting or repairing any or all the public buildings in said county; all which bonds, mentioned or alluded to in this act, shall be executed previous to such sheriff entering on the execution of his office.

II. *Be it further enacted*, That the county trustee, wardens of the poor and treasurer of the public buildings of said county, shall annually call on the sheriff of said county, for the payment of all monies that may be in his hands, due to them respectively; and if such sheriff shall fail to account for and pay the same, then it shall be the duty of said officers respectively, at the first or any subsequent term of the court held for said county, in each and every year, to move for judgment against such sheriff and his securities so failing to settle and pay over, (ten days notice being previously given to such sheriff) and any or all his securities, by such trustee, wardens of the poor, or treasurer of public buildings, or by the committee of finance, or by the county attorney under direction of the court, and the court shall, thereupon, award judgment and immediate execution against such sheriff and such of his securities as shall have been noticed as aforesaid, for the full amount of the tax list furnished said sheriff, or for such part as shall appear to be due respectively to either or all of them, the said county trustee, wardens of the poor or treasurer of public buildings. And any sheriff against whom and his securities judgment is so obtained, shall, over and above his arrearages, forfeit and pay the sum of one hundred dollars, to be included in said judgment, and applied to the use of the county. And if any county trustee, wardens of the poor or treasurer of public buildings of said county, shall fail to comply with the requisitions of this act, he or they, respectively, shall not only be liable for the monies such delinquent sheriff may then have in his hands, or thereafter have in his possession, but shall be subject to the penalty of one hundred dollars, to be recovered by suit in any court of record, one half to the informer and the other half to the use of said county.

III. *Be it further enacted*, That on any civil warrant tried by or before any of the special magistrates for the town of Fayetteville, that now or may hereafter be elected, when the sum sought to be recovered does not amount to the costs thereon to accrue in such case, judgment shall only be for as much costs as the fees of the constable

shall amount to. *And provided*, that in no state case brought before any of the said special justices, shall the prosecutor be liable or charged with or pay any costs; any law to the contrary notwithstanding.

IV. *Be it further enacted*, That this act shall be in force and operation from and after the passing of the same.

#### CHAPTER LXXIII.

An Act to repeal an act passed in the year one thousand eight hundred and twenty-two, entitled "An Act directing the time and place of selling lands and slaves under execution," so far as relates to certain counties therein named.

*Be 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, be, and the same is hereby repealed and made void, so far as respects the counties of Perquimons, Pasquotank, Randolph, Brunswick, Sampson and Camden: *Provided*, that this repeal shall not affect the cases, where either of the parties in the executions are not residents of the county so exempted from the act aforesaid: *And provided further*, that nothing in this act shall be so construed as to revive either of the acts of 1820 or 1821, authorising the sale of lands and slaves at the court-houses of said counties above named.

#### CHAPTER LXXIV.

An Act to repeal an act passed in the year one thousand eight hundred and twenty-two, entitled "An Act directing the time and place of selling lands and slaves under execution," so far as respects the counties of Washington and New-Hanover.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act be, and the same is hereby repealed and made void, so far as respects the counties of Washington and New-Hanover: *Provided*, that this repeal shall not affect the cases where either of the parties in the execution are not residents of the aforesaid counties: *And provided further*, that nothing in this act shall be so construed as to revive either of the acts of 1820 or 1821, authorising the sale of land and slaves, at the court-house of the said counties above named.

#### CHAPTER LXXV.

An Act to amend an act, entitled "An Act directing the time and place of sales of land and slaves under execution."

*Be 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, all sales of land situated in that part of Rowan county, called the Forks of the Yadkin, shall be made at Mocksville, on the Fridays preceding the Mondays prescribed by the before recited act, as the days of sale in Rowan county: *Provided*, that the Sheriff, if he believes that the price of the property will thereby be enhanced, may postpone the sale to the court-house, to be made on the days now prescribed by law.



## CHAPTER LXXVI.

An Act to authorise the County Court of Robeson to appoint a Committee of Finance.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the justices of the peace for the county of Robeson, at the first court which shall be holden for said county after the first day of January next, and annually at the first court which shall be holden for said county after the first day of January in each and every year, seven justices being present, if they deem it expedient, to appoint three persons in said county of skill and probity, to act as a committee of finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the superior and county courts, clerk and master in equity, sheriffs, county trustee, and all officers or commissioners who have heretofore held money belonging to the said county of Robeson; and the said committee are hereby authorised and empowered to call on each and every of the officers and commissioners aforesaid to lay before them the records, documents and papers respectively, as aforesaid, for their inspection.

II. *And be it further enacted,* That it shall be the duty of the said committee of finance to make a full investigation of all the financial concerns of the said county, from the beginning of the year one thousand eight hundred and sixteen, up to the end of the present, and to the end of each succeeding year, for which the said committee was appointed; and shall return to the said court, a full, fair and perfect statement thereof, designating therein all balances or monies due by the county to individuals, as well as those due by delinquents to the county.

III. *And be it further enacted,* That the said county court of Robeson shall direct the said committee to be paid such sum for their services as the said court may deem just: *Provided,* the said sum does not exceed two dollars per day for each person named therein, every day the said committee are necessarily employed in making said settlement: *Provided also,* that seven justices be on the bench when said allowance may be made, which shall be paid out of the county funds.

IV. *And be it further enacted,* That if the said clerks, sheriffs, county trustees or other officers, supposed to hold county monies, fail, neglect or refuse to come forward and duly account for the same, the committee of finance shall give such officer ten days previous notice in writing, specifying the time and place at which they will attend for the purpose of making such settlement; and every officer receiving such notice as aforesaid, and failing to attend and make such settlement as is required by this act, he shall forfeit and pay the sum of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof; which said suit shall be brought in the name of the chairman of the court, and prosecuted at the expence of the county.

V. *And be it further enacted,* That the committee appointed by this act shall have power to send for persons and papers, in order to ena-

ble them to make a thorough examination and settlement with the officers aforesaid; and every person thus notified, failing to attend either personally or with such documents and papers as may be in their possession, at the time and place designated by the said committee, shall forfeit and pay the sum of fifty dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of the chairman of the court for the use of the county: *Provided nevertheless*, that no person shall be subject to the fine aforesaid who shall appear at the first court of pleas and quarter sessions held thereafter, and render, on oath, a satisfactory excuse for so failing, to be judged of by the said court, *And provided further*, that no suit shall be instituted for the recovery of the penalty aforesaid, until one term of said county court shall have intervened.

VI. *And be it further enacted*, That every person appointed by the authority of this act, a member of the committee of finance aforesaid, shall, previous to his entering upon the duties of his appointment, take the following oath: "I A. B. do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties imposed on me by law, as a member of the committee of finance for the county of Robeson, in all business that may come before me, without doing injustice to the county or to individuals, to the best of my skill and ability; so help me God."

VII. *And be it further enacted*, That it shall be the duty of the committee of finance appointed under the authority of this act, to institute suits for the recovery of all monies that may be due the county from any of the officers aforesaid, whose accounts they may examine as aforesaid; which said suits shall be brought in the name of the chairman of the court, and prosecuted at the expence of the county.

VIII. *And be it further enacted*, That it shall be the duty of each committee of finance appointed under the direction of this act, to make out two fair statements of each settlement by them made by virtue of their appointment, one of which shall be filed with the clerk of the county court, and the other to be kept by the committee for their own use.

#### CHAPTER LXXVII.

An Act to authorise the Court of Pleas and Quarter Sessions of Washington and Johnston counties, to appoint a Committee of Finance.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*. That the court of pleas and quarter sessions for the counties of Washington and Johnston, seven justices being present, be and they are hereby required at their first session, which shall happen after the first day of May, in each and every year, to appoint three persons of integrity and capacity, to act as a committee of finance, whose duty it shall be to examine all the records, papers and documents, in the offices of the clerks of the superior and county courts, sheriffs, county

trustee, and all the other officers who have held money belonging to said counties; and the said committee are hereby authorised and empowered to call on each and every of the officers and other persons entrusted with county monies, to lay before them the records, papers and documents respectively, as aforesaid, for their inspection.

II. *Be it further enacted*, That it shall be the duty of the said committee of finance, to make a full investigation of all the financial concerns of said counties, from the first of January, one thousand eight hundred and twenty, up to the end of the year for which the first committee shall be appointed; and that the future committees shall investigate all the monied concerns of said counties; and in all cases the committees appointed by this act, shall return to the court appointing them, a full, fair and perfect statement thereof, designating therein all balances of monies due by the counties to individuals, as well as those due by individual delinquents to said counties.

III. *Be it further enacted*, That the court of pleas and quarter sessions appointing said committees, shall direct them to be paid such sum or sums, for their services, as the court may deem just.

IV. *Be it further enacted*, That if the said clerks, sheriffs, county trustee, or other officers entrusted with county monies, when respectively required thereto by the said committee of finance, shall refuse or neglect to lay before the said committees, the records, papers or documents aforesaid, such clerk, sheriff or other officer, entrusted with county monies, refusing or neglecting, shall forfeit and pay the sum of one hundred dollars, to be recovered by said committees for the use of the county, before any jurisdiction having cognizance thereof.

V. *Be it further enacted*, That it shall be the duty of the committees of finance appointed by virtue of this act, to institute suits for the recovery of all monies, as shall appear to them to be due from any persons to the counties aforesaid, whose accounts they shall examine under this act; and should said committee be cast in any suit which they may commence to enforce the provisions herein, that then and in that case, the counties shall be liable for the costs.

#### CHAPTER LXXVIII.

An act to repeal the seventh section of an act, passed in the year 1822, authorising certain counties therein mentioned to appoint a Committee of Finance, so far as respects the county of Anson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the seventh section of the above recited act, be, and the same is hereby repealed, so far as respects the county of Anson.

II. *And be it further enacted*, That seven justices shall have power to appoint a committee of finance for the county of Anson, at any court which may happen after the first day of January next, and in

each and every year thereafter, if they deem it expedient; and to make an allowance for their services agreeable to the provisions of the above recited act; any law to the contrary notwithstanding.

#### CHAPTER LXXIX.

An act to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun. to remove off a certain building, erected on the four hundred acres of public land in the Cherokee Purchase, reserved for the future disposition of the Legislature.

*Be 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 Love, of Haywood county, administrator of Robert Love, jr. dec'd, be, and he is hereby authorised and empowered to remove off, or otherwise dispose of, for the benefit of the estate of his intestate, a certain log building, erected by said Robert Love in his life time, on the four hundred acres of public land in the Cherokee Purchase, reserved by law for the future disposition of the Legislature; any law to the contrary notwithstanding.

#### CHAPTER LXXX.

An Act to amend an act, passed in the year 1812, entitled "An act directing the time and manner of appointing Overseers of Roads in Richmond county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, all overseers of roads to be appointed by the county court of said county, shall be appointed at the first term of said court, which shall happen after the first day of April in each and every year; and all other business relative to roads in any respect within the said county shall be transacted at the said term: *Provided,* that nothing herein contained shall be construed to affect the appointment of the present overseers in said county, but they shall severally hold and exercise the appointment of overseers until the said term of the county court which shall happen after the first day of April next: *And provided further,* that nothing herein contained shall affect the trial or prosecution of any indictment against delinquent overseers: *Provided,* that this act shall not take effect until after the next January term.

#### CHAPTER LXXXI.

An Act to repeal an act, passed at the last General Assembly, entitled "An act to regulate the patrol of Richmond county," and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above recited act, entitled "An act to regulate the patrol of Richmond county," be, and the same is hereby repealed and made void.

II. *And be it further enacted,* That it shall be the duty of each and every captain of a militia company in the county of Richmond, at their musters respectively, which may be held after the first day of February next, and at every company muster thereafter, to appoint five respectable freeholders belonging to their respective companies, of the age of twenty-one years, and of good moral character, three

of whom shall be competent to act, to patrol their respective districts for the term of three months, or until the next succeeding muster; and every captain failing to perform the duty hereby enjoined on him shall forfeit and pay, for every neglect, the sum of ten dollars; to be recovered by any person who may warrant for the same, and before any justice of the peace in said county.

III. *And be it further enacted.* That it shall be the duty of the patrol so appointed, to patrol their respective districts at least once every two weeks, and may inflict punishment, not exceeding fifteen lashes, on all slaves by them found, who may be going at large, unless they be on the land or plantation of their master or mistress, or have a written permission to pass from under the hand of their master, mistress or overseer, specifying the place or places to which such slave or slaves have permission to pass, or unless the said patrol shall have good reason to believe that such slave or slaves are going to or returning from some place of public worship; and each and every patrol failing to discharge his duty as enjoined by this act, shall forfeit and pay the sum of five dollars for every offence, to be recovered and applied in the same manner as prescribed in the second section of this act.

IV. *And be it further enacted,* That nothing herein contained shall compel the same patrol to serve oftener than once in twelve months, any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXXXII.

An Act to authorise Alexander Long to erect and keep up a gate across the road in Rowan county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Alexander Long, of the county of Rowan, be authorised to erect and keep up a gate upon his own land, across the public road leading by Long's lower ferry in said county; which gate shall be liable to be taxed in like manner as other gates now are.

#### CHAPTER LXXXIII.

An Act to authorise William Neal and Isaac Ward, of Rowan county, to erect a gate on their own land on the road leading through their plantations in said county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Neal and Isaac Ward, of the county of Rowan, be, and they are hereby authorised to erect a gate on their own land on the road leading through their plantations in said county; under the same rules, regulations and restrictions which other gates are erected and kept up in this state; any law to the contrary notwithstanding.

#### CHAPTER LXXXIV.

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

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

and after the passing of this act, the court of pleas and quarter sessions of the county of Brunswick, seven justices being present, shall have power and authority to appropriate any sum or sums of money in the hands of the county trustee, which may be necessary for the discharge of any demand or demands against the county; any law to the contrary notwithstanding.

---

#### CHAPTER LXXXV.

An Act to amend an act, passed in 1821, entitled "An Act to compel the Clerks of the Superior and County Courts of Surry to keep their offices at the Court-house in the town of Rockford."

*Be 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 the first section of the before recited act, be, and they are hereby vested with full power, authority and discretion to designate and fix upon a fit and proper scite for the erection of the building for the clerks' office, mentioned in the before recited act: and if it is or should be the opinion of the said commissioners, or a majority of them, that there is not on the public square belonging to the county, a suitable place for said building, then and in that case, it shall be the duty of the said commissioners, or a majority of them, to contract for and purchase at the expense of the county, some eligible spot or lot of ground in the town of Rockford, aforesaid, on which they shall cause the aforesaid building to be erected, according to the stipulations and provisions of the before-recited act, any law to the contrary notwithstanding.

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

---

#### CHAPTER LXXXVI.

An Act to repeal an Act, passed in the year 1822, entitled "An Act directing the manner of appointing Patrollers in the county of Davidson"

*Be 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.

---

#### CHAPTER LXXXVII.

An Act for the relief of Jordan Denson, late Sheriff of Franklin.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Jordan Denson, late sheriff of Franklin, be, and he is hereby authorised to collect the arrears of taxes due for the years one thousand eight hundred and twenty, and one thousand eight hundred and twenty-one, according to the rules and regulations now in force for the collection of taxes by sheriffs in office; any law to the contrary notwithstanding: *Provided nevertheless,* that no collection of taxes shall be made under this act from the estates of persons who have died since the said taxes were due, or from such persons as have moved from

the county, or as will make affidavit that they have paid said taxes and lost their receipt.

#### CHAPTER LXXXVIII.

An Act to establish a Poor-house in the county of Chowan.

*Be 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 Chowan, the same number of justices being present and assenting thereto as is now required by law for the imposition of other county taxes, be, and they are hereby authorised to lay a tax on polls and real estate, to an amount not exceeding five hundred dollars, for the purpose of erecting a poor-house in said county, which tax shall be levied, collected and accounted for, in the same manner as other county taxes are.*

II. *Be it further enacted, That Richard T. Brownrigg, Joseph B. Skinner, Charles E. Johnson, Henry Flury and Thomas Benbury, be, and they are hereby appointed commissioners to receive such sums of money as may be raised by individual subscription for the purpose of erecting such poor-house, and also to receive the product of the tax laid as aforesaid; and when a sufficient sum shall be received, the said commissioners are authorised to cause a poor-house to be erected in said county, at such place as the county court shall direct, and if necessary, to lease or purchase for that purpose so much land as the said court shall order.*

III. *And be it further enacted, That as soon as the said house shall be erected, it shall be placed under the directions and control of the wardens of the poor of said county, for the reception and use of the poor; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to see that they are humanely treated, and sufficiently provided for, with good clothing and wholesome diet, and to enforce all such regulations as shall be established from time to time for the well ordering and governing said poor, which regulations the said wardens are hereby empowered to make; and the said keeper or overseer shall be allowed for his services each year, such sum as the wardens may deem adequate, to be paid out of the taxes annually laid for the support of the poor of said county; and the keeper or overseer of said poor is hereby required to put to moderate labour such of the poor under his care, as he may judge capable to labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of his expenditures; any law to the contrary notwithstanding.*

#### CHAPTER LXXXIX.

An Act to establish a Poor and Work-House in the county of Duplin.

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

shall and may be lawful for the wardens of the poor of the county of Duplin, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the county court of pleas and quarter sessions of the aforesaid county; and the said court is hereby authorised and empowered, if deemed necessary by a majority of the justices in said county, (and not otherwise) to lay such a tax as they may deem necessary for the purpose of procuring a piece of land, either by purchase or otherwise, within five miles of the court-house in said county, to build, or cause to be built thereon, a house or houses fit for the reception of the poor of the said county, under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the wardens incapable, through age or infirmities, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, and see that they are humanely treated, and provided with suitable diet, clothing, lodging and fuel, and to enforce all such regulations as shall be established from time to time, for the well ordering and governing the said poor; which regulations the said wardens are hereby empowered to make. And it shall be lawful for the said court to renew the imposition of said tax from year to year, if necessary to complete the said building, or to defray the expenses that may be occasioned by keeping up the same, and the said overseer, for his services, shall be allowed for each year such sum as the wardens may deem adequate, to be paid out of the tax laid for that purpose; and the keeper or overseer of said poor is hereby required to keep at moderate labour, such of the poor under his care, as he may judge capable of labour, and at the end of each and every year, shall account to the wardens of said county, on oath, for all such sums as may have arisen from the labour of such poor; and he or they shall make out a full and complete statement of all the expenses incurred in carrying on and keeping up said poor-house.

II. *And be it further enacted*, That the taxes imposed by virtue of this act, shall be collected by the sheriff of said county and paid over to the wardens, to be applied to the purposes beforementioned; any law to the contrary notwithstanding.

#### CHAPTER XC.

An Act to establish a Poor-house in the county of Rutherford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the wardens of the poor for the county of Rutherford, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the court of pleas and quarter sessions of said county, and the said court is hereby authorised and empowered, if deemed necessary, by a majority of the justices, to lay a tax, not exceeding ten cents on every



poll, five cent on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, with the wardens of said county; which taxes, when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter, to lay out the same to the best advantage in procuring a piece of land, by purchase or otherwise, within five miles of the town of Rutherfordton, and to build or cause to be built thereon, a house or houses for the reception of the poor of said county, under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the wardens incapable, from old age or infirmities, to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated and provided with suitable diet, clothing and fuel, and to enforce all such regulations as may be established, from time to time, for the well ordering and governing the said poor, which regulations said wardens are hereby empowered to make.

II. *And be it further enacted*, That it shall be lawful for said county court to renew the imposition of said taxes, from year to year, if necessary, either to complete said building or buildings, or for defraying the expenses that may be occasioned by keeping up the same; and the said overseer, for his services, shall be allowed for each year, such sum or sums as the wardens may deem adequate for his services, to be paid out of the tax laid for that purpose.

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

#### CHAPTER XCI.

An act to repeal an act, passed in the year 1819, entitled "An act authorising the wardens of the poor of Wake, Craven and Jones counties, to lay such tax as may be necessary for the support of the poor of said counties," so far as respects Craven county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the above recited act as concerns the county of Craven, be, and the same is hereby repealed.

#### CHAPTER XCII.

An act concerning the Courts of Pleas and Quarter Sessions of Moore and Sampson counties.

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

and after the passage of this act, there shall be held for the said counties of Moore and Sampson, in each and every year, two courts only, of pleas and quarter sessions for the purpose of trying and determining such causes as may require the intervention of a jury, which said courts shall be held on the same days and at the same time they are now held in the months of February and August; and that all causes now depending in said courts, or which may hereafter be brought, shall stand adjourned over from the courts held in the month of February, to the courts held in the month of August, and from the courts held in the month of August to the courts held in the month of February, in the same manner, and under the same rules, regulations and restrictions, as they have heretofore been continued from February to May, and from August to November. And that all witnesses summoned, and other persons concerned in jury causes, shall give their attendance accordingly, under the same penalties and forfeitures as heretofore prescribed by law.

II. *And be it further enacted.* That for all other purposes other than those which require the intervention of a jury, the courts of said counties shall be held under the same rules, regulations and restrictions as heretofore; any law to the contrary notwithstanding.

### CHAPTER XCIII.

An Act to regulate the Courts of Pleas and Quarter Sessions of Duplin county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the justices of the court of pleas and quarter sessions for Duplin county, at the first term of the said court that shall be held after the first day of January next, and at the first term of the said court after the first day of January in each and every year thereafter, a majority of the acting justices being present, to elect from among themselves five discreet persons to hold the said courts of the said county, any three of whom when so selected, shall be competent to hold said court, and to discharge the ordinary duties thereof.

II. *Be it further enacted.* That the five justices thus elected, shall be competent to do and perform all and singular the duties and things, which by the now existing laws seven justices would be capable of doing; and that the special court, when thus elected, shall be subject to the same rules and regulations as the other county courts of this state.

III. *Be it further enacted,* That each of the justices thus elected, shall be entitled to receive the sum of two dollars for each and every day they may be employed in holding said courts, to be paid by the county trustee on the certificate of the clerk, out of the funds of the said county.

## CHAPTER XCIV.

An Act for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the justices of the court of pleas and quarter sessions of the county of Buncombe, a majority being present, are hereby authorised, at the term of said court in the month of January next, and annually thereafter, to elect from among the said justices three suitable persons to hold the said courts, who shall be competent to discharge the duties thereof.

II. *Be it further enacted,* That at the April and October terms of the said court, it shall not be lawful for the said court to continue the term for more than three days, unless the business thereof shall require a longer time.

III. *Be it further enacted,* That the three persons so chosen shall have power to do and perform any business, matter or thing, which by law seven justices are authorised to do, and in all cases they shall be governed by the same rules, regulations and restrictions as govern other county courts in this state. And if at any time, the said justices, or either of them, shall be unable to attend the said courts, such vacancy may be supplied by other justices of the said county. The justices elected as aforesaid, or such as may be chosen to supply the vacancy aforesaid, shall receive the sum of two dollars per day for their services, during the time they are employed in the discharge of their duties in the said court.

IV. *Be it further enacted,* That the justices of the court of pleas and quarter sessions aforesaid, shall annually lay a tax on all suits commenced in the same, and on prosecutions where the defendants shall be convicted, sufficient to defray the expenses accruing under the authority of this act, not exceeding one dollar on each suit or prosecution, which tax, when levied, shall be charged by the clerk of said court in each case respectively, and collected by the proper officer, under the same penalties and liabilities as are now imposed by law for the collection of other costs and charges attending said suits or prosecutions.

V. *And be it further enacted,* That this act shall be in force from and after the ratification thereof; and that an act for the better regulation of the courts of pleas and quarter sessions of the county of Buncombe, passed in the year one thousand eight hundred and twenty-one, be, and the same is hereby repealed.

## CHAPTER XCV.

An Act to regulate the Courts of Pleas and Quarter Sessions of Richmond County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the justices of the courts of pleas and quarter sessions for Richmond county, be, and they are hereby authorised, should they deem it expedient, a

majority of the acting justices being present, at the first term of said court after the first day of April next, and at the first term of said court after the first day of April in each and every year thereafter, to elect from among themselves, five discreet persons, well qualified, who shall hold the courts of said county; any three of whom when so elected, shall be competent to hold said court, and to discharge the ordinary duties thereof.

II. *And be it further enacted*, That the five justices thus elected, shall be competent to do and perform all and singular the duties and things which, by the existing laws, seven justices would be capable of doing; and that the said special court, when thus elected, shall be subject to the same rules and regulations as the other county courts of this state. And the said special justices so elected, shall be entitled to receive the sum of two dollars per day, for each and every day they may be employed in holding said courts: *Provided*, the same does not exceed two days at each term. And the days in each term hereby set apart for holding the said court by the special justices, shall be Tuesday and Wednesday in each term. And the sum hereby allowed to the special justices aforesaid, shall be paid to them by the trustee, or any other person who may be authorised to pay off other claims against the county, upon their presenting a statement of their services, certified by the clerk of said court; and the same being so paid, shall be allowed the county trustee, or other person, in the settlement of their public accounts.

III. *Be it further enacted*, That the justices of the said court of pleas and quarter sessions, are hereby empowered to lay an annual tax on polls and other taxable property in said county, sufficient to defray the expences arising from the provisions of this act: *Provided*, they, or a majority of them, shall deem the same necessary. *Provided nevertheless*, that nothing herein contained, shall be construed to prevent any justice of the peace of said county from aiding and assisting the said special justices in transacting the ordinary business appertaining to the said court, without receiving any compensation for such aid and assistance.

#### CHAPTER XCVI.

An Act to amend an act, passed at the last session of the General Assembly, entitled "An act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery," so far as relates to the county of Cabarrus.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same* That the justices of the court of pleas and quarter sessions for the county of Cabarrus, a majority being present, are hereby required, at the term of said court which may happen in the month of January next, and annually thereafter, to elect from among the said justices, three suitable persons to hold the said courts, who shall be competent to discharge the duties thereof.

II. *And be it further enacted,* That the three persons so chosen, shall have power to do and perform any business, matter or thing which by law seven justices are authorised to do; and in all cases they shall be governed by the same rules, regulations and restrictions, as govern other county courts in this state; and if at any time the said justices, or either of them, shall be unable to attend the said courts, such vacancy may be supplied by other justices of said county. And the justices elected as aforesaid, or such as may be chosen to supply the vacancy aforesaid, shall each receive the sum of two dollars per day for their services, during the time they are employed in the discharge of their duties in said court.

III. *And be it further enacted,* That the sum of one dollar shall be taxed upon all suits hereafter to be decided in said court, which sum shall be charged in the bill of costs, and collected in the like manner as the costs of suits are at this time taxed and collected. And all sums collected by authority of this act, shall be paid to the clerk of the court, and shall be by him accounted for and paid over to the county trustee, in like manner as the tax fees are at this time.

IV. *And be it further enacted,* That so much of the act of eighteen hundred and twenty-two, for the better regulation of the county courts of Cabarrus, Moore and Montgomery, as relates to the county of Cabarrus, and coming within the meaning and purview of this act, be hereby repealed and made void.

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

#### CHAPTER XCVII.

An Act to repeal an act, passed in the year 1818, entitled "An Act to repeal the first section of the 25th chapter of the acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret, and Johnston," so far as the same relates to the counties of Robeson and Richmond.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the before recited act as relates to the counties of Robeson and Richmond, be, and the same is hereby repealed.

#### CHAPTER XCVIII.

An Act to repeal an act, entitled "An Act to establish a Court of Probate in the county of Cumberland, and for other purposes."

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

#### CHAPTER XCIX.

An Act to repeal an act, passed in the year 1822, entitled "An act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as the same relates to the counties of Moore and Montgomery.

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

## LAWS OF NORTH-CAROLINA.

before recited act, so far as it relates to the counties of Moore and Montgomery, be, and the same is hereby repealed.

### CHAPTER C.

An Act to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the courts of pleas and quarter sessions in the county of Washington, shall commence on the first Monday in February, May, August and November; and that all writs now pending in said courts, and all process issuing from said court, shall be adjourned to, and made returnable on the day aforesaid.*

*I. Be it further enacted, That it shall be the duty of the sheriff or deputy sheriff of said county, to give notice by public advertisement at the court-house and three other public places in said county, of the times of holding said courts, as established by this act:*

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

### CHAPTER CI.

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

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the fourth Monday in January next, the court of pleas and quarter sessions of Tyrrell county, shall commence on the fourth Monday in April, July, October and January, in each and every year; any law to the contrary notwithstanding.*

### CHAPTER CII.

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

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the term of the court of pleas and quarter sessions of the county of Runcombe, heretofore directed by law to be held on the first Monday in July, shall in future be held on the third Monday of June, in each and every year. And the term of the court of pleas and quarter sessions of the county of Haywood, heretofore directed by law to be held on the last Monday of June, shall in future be held on the fourth Monday of June, in each and every year; any law to the contrary notwithstanding.*

### CHAPTER CIII.

An Act to repeal an act, passed in the year 1821, entitled "An Act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke."

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

II. *And be it further enacted by the authority aforesaid,* That the said two courts of pleas and quarter sessions of the county of Burke, be, and hereafter shall be held on the fourth Monday of April and the fourth Monday of October, in each and every year.

#### CHAPTER CIV.

An Act directing the appointment and time of holding the Board of Appeals for Washington county, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the court of pleas and quarter sessions for the county of Washington, at May term of said court, seven justices being present, to appoint three freeholders, who shall constitute a board of appeals, and who shall sit at or near the court-house of said county, on the second day of the term next following the appointment, and shall so continue to sit during the said term, unless otherwise ordered by the court appointing them. The said board shall perform all duties already prescribed by law for the board of appeals, and shall have all the powers granted to such board.

II. *Be it further enacted,* That the clerk of the court of pleas and quarter sessions of said county shall give notice at the court-house, during the term at which such board may be appointed, of the members composing the Board, and of the time and place of their next meeting; and in ten days after the rise of said court, the clerk shall give notice to the same effect, at two other of the most public places of said county; and for neglect of the duty hereby prescribed, the said clerk shall, upon conviction, pay one hundred dollars; to be sued for, and recovered in any court having jurisdiction thereof, one half to the use of the party suing, and the other half to the use of the county.

III. *Be it further enacted,* That it shall hereafter be the duty of the justices appointed to take the lists of taxable property in said county, to return said lists to the first day of the next term of the court of pleas and quarter sessions, after the same shall have been taken, that the board of appeals may have them at command during their sitting.

#### CHAPTER CV.

An Act making compensation to Jurors of the Superior and County Courts of Tyrrell county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, each and every juror who shall be appointed and summoned, and shall regularly attend the superior or county courts of Tyrrell county, shall be allowed the sum of sixty cents for each and every day's attendance, and at the rate of sixty cents for every thirty miles travelling to and from said courts.

II. *And be it further enacted,* That each and every juror shall obtain, on oath, from the clerk of his said county, a certificate, setting forth the number of days he has attended, and the distance of travelling to and from said court, which sum shall be paid by the trustee of the county, in the same manner as all other claims against said county are now paid.

III. *And be it further enacted,* That the county court aforesaid, shall be, and they are hereby authorised and required to lay a tax in said county, on each and every white and black poll, a sum not exceeding twenty-five cents, and on every three hundred dollars value of land the like sum, so as to raise a sufficient fund for the payment of said jurors, which tax, the county court as aforesaid, shall continue to lay annually, and which taxes shall be collected and accounted for, as other county taxes in said county are now, or may hereafter be accounted for.

IV. *And be it further enacted,* That after the first day of January, one thousand eight hundred and twenty-five, it shall be the duty of the county trustee for the county aforesaid, to attend at some convenient place at the court-house in Columbia, with the money, and pay each juror the full amount of his claim, on the day each court may thereafter adjourn.

#### CHAPTER CVI.

An Act to provide for the paying of Jurors of the county of Wayne.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the term of the court of pleas and quarter sessions, of Wayne county, at which the county taxes shall be laid, the justices of said court shall also annually lay a tax not exceeding the public tax, for the payment of jurors of said county.

II. *Be it further enacted,* That in addition to the fund so raised, a tax of seventy-five cents is hereby imposed on every suit hereafter brought to the court of pleas and quarter sessions, or to the superior court, or court of equity of Wayne county, in which a jury shall be required: which tax shall be collected by the clerks of said courts, and shall be accounted for to the county trustee, as other taxes on law proceedings are required to be collected and accounted for.

III. *Be it further enacted,* That every juror of the original pannel, who, after the next November term of the county court of Wayne, shall serve as a juror in either of the courts of law or equity of said county, shall be entitled to receive, for every day he shall attend said court as a juror, and for travelling, the same compensation which is by law allowed to witnesses residing in said county, to be ascertained by a certificate of the clerk, on oath of the juror, and to be paid by the county trustee from the fund created as hereinbefore directed.



## CHAPTER CVII.

An Act to amend an act, passed in the year 1822, entitled "An act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Moore.

*Be 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 jurors for the superior and county courts of Moore county, shall receive for their attendance, the sum of sixty cents for each and every day they shall attend, and the sum of sixty cents for every thirty miles travelling to and from said court, in lieu of the compensation heretofore allowed them; any law to the contrary notwithstanding.*

## CHAPTER CVIII.

An Act directing the manner in which Constables shall be hereafter appointed in the county of Mecklenburg.

*Be 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, there shall not be a greater number of constables in the county of Mecklenburg, than one for each captain's company of militia within said county, except the company within the bounds of which the court-house is situated, which may be entitled to two constables, if required.*

II. *And be it further enacted, That the several captains' companies within the said county, shall annually, at their first muster which shall happen after the first day of January in each and every year, elect some fit and suitable person within the bounds of said company to act in the capacity of a constable for the succeeding year, who shall be returned & recommended to the court of pleas and quarter sessions of the said county, as hereinafter directed; and upon such return being made, under the certificate of the judges appointed to hold said election, the said court shall proceed to qualify such person so returned, to act as a constable for the then succeeding year, he or they first giving bond with good and sufficient security, as by law required.*

III. *Be it further enacted, That the several captains of companies within said county, shall, at their first muster, which shall happen after the first day of January in each and every year, appoint two discreet and suitable persons to hold said elections; and every person residing within the bounds of said company, who is qualified and entitled to vote for members of the House of Commons in the state legislature, shall be entitled to vote in all such elections; and the person receiving the greatest number of votes shall be considered as duly elected, and shall be returned under the certificate of the said judges, to the first court of pleas and quarter sessions which shall happen after said election.*

## CHAPTER CIX.

An Act to repeal an act, passed in the year 1822, entitled "An act supplemental to an act passed at the last session of the General Assembly, entitled "An act to allow commissions to Constables in the counties of Warren, Northampton and Brunswick," so far as the same relates to the county of Ashe.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act, be, and the same is hereby repealed, so far as the same relates to the county of Ashe; and that this act be in force from the ratification thereof.

## CHAPTER CX.

An Act to increase Constables Fees in the County of New-Hanover.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the constables of the county of New-Hanover, shall and they are hereby authorised, to charge and receive the following fees, to-wit, for serving a warrant on each and every person named therein, fifty cents; for whipping a negro by order of court or justice of peace, twenty-five cents; for summoning a witness, twenty-five cents; for every execution fifty cents; for every attachment levied, one dollar; for every bail bond taken, twenty-five cents.

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

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

## CHAPTER CXI.

An Act to amend an act, passed in the year 1813, entitled "An act to alter and regulate the annual elections in Hyde county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the fourth section of the above recited act, as requires the returning officers and the sheriff of Hyde county, to meet at Germanton, to compare the polls of election, be, and the same is hereby repealed.

II. *And be it further enacted,* That the sheriff of said county, in future, shall hold the election at the court-house on Mattamuskeet, and the returning officers of the several elections in Hyde county, and the sheriff of said county, shall meet at the court-house on Mattamuskeet, on the days, and in the manner directed by the before recited section, and there perform all the duties by said section required, in the same manner as by the said section they were required to attend and perform them at Germanton.

III. *And be it further enacted,* That an election for members of Assembly and members of Congress, shall be held at the house of Parroh Farrow, at Kinikeet, and at the house of Charles Foster, at or near the Cape in Hyde county, on the Friday preceding the day

by law appointed for such elections in the other parts of Hyde county, and the elections of President and Vice-President of the United States, shall be held at the same places on the day by law appointed; all which elections shall be held under the same laws, rules and regulations, as are or may be prescribed; any law or usage to the contrary notwithstanding.

---

#### CHAPTER CXII.

An Act for the better regulation of elections in Guilford county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the elections for the purpose of electing members of the General Assembly for Guilford county, and representatives to Congress, shall be held on the second Thursday in August, under the same rules and regulations as heretofore directed by law; any law to the contrary notwithstanding.*

---

#### CHAPTER CXIII.

An Act to divide the militia of Iredell county into two regiments.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the militia of Iredell county, be, and the same is hereby divided into two distinct regiments in the following manner, to wit: the companies of captain Byers, Brauly, Crawford, Howard, Alexander, Murdoch, Potts and Dunlap, shall compose the first regiment; and the companies of captains Wilfoug, Thompson, Jones, M'Clain, Ball, Campbell, Sharp, Asbury and Haston, shall compose the second regiment.*

*II. And be it further enacted, That the two regiments hereby established, shall hold their regimental musters at such places as a majority of the commissioned officers of the said regiments shall appoint; and the officers shall be governed, and the musters conducted, under the same rules, regulations and restrictions as heretofore prescribed by law.*

---

#### CHAPTER CXIV.

An Act to alter part of the line dividing the two regiments of militia in Surry county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the Yadkin River shall be the line dividing the two regiments of militia in Surry county, from Rockford to the mouth of Mitchel's river; any law or custom to the contrary notwithstanding.*

---

#### CHAPTER CXV.

An Act to establish a Light-Infantry, or Volunteer Company, in the county of Richmond.

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

light-infantry, or volunteer company, at present commanded by captain Hector M'Eachen, in Richmond county, whenever the company is made up complete, and is uniformed and equipped according to law, the officers may be commissioned, and the company attached to the lower battalion in said county, and shall be governed by the same rules and regulations as govern other volunteer companies in this state.

---

#### CHAPTER CXVI.

An Act to amend an act, passed in the year 1820, for the better organization of the militia of Beaufort county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Long Acre company of militia in the county of Beaufort, shall hereafter compose a part of the battalion which musters in the town of Washington, in said county; any law to the contrary notwithstanding.*

---

#### CHAPTER CXVII.

An act to alter the mode of electing militia officers in the county of Gates.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That, in future, the captains, lieutenants and ensigns belonging to the regiment of Gates county, shall be elected by the companies to which they respectively belong.*

---

#### CHAPTER XVIII.

An Act to authorise and empower the commissioners of the town of Smithfield, to levy and collect additional taxes, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the powers and authorities vested in the commissioners and intendants of the town of Smithfield, they, or a majority of them, are hereby empowered to levy and collect annually, a tax not exceeding one dollar and fifty cents on every black and white poll subject to the payment of public taxes, who hath resided or been usually employed in said town for three months previous to the time at which the commissioners shall levy the same; and a tax not exceeding one dollar and fifty cents on every five hundred dollars worth, or in proportion thereto, of town lots and improvements: *Provided always*, that such persons as may be subject to the poll taxes herein named, shall not be compelled to work on the streets in said town, or on any of the public roads.*

II. *And be it further enacted, That the time heretofore fixed by law for listing taxable property in said town, is hereby extended, viz: from the first day of May, to the first day of July, in each and every year.*

III. *And be it further enacted, That the taxes hereby created, shall be expended and appropriated on and for such purposes as are di-*

acted by the act of Assembly, passed in the year one thousand eight hundred and two, "for the better regulation of the town of Smithfield."

IV. *And be it further enacted*, That this act shall be in operation from and after the ratification thereof; any law to the contrary notwithstanding.

### CHAPTER CXIX.

An Act to appoint Commissioners for the better regulation of Elizabethtown, in Bladen county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Bernard Laspere, John J. M'Millan, William M. Singletary, Robert Plummer and John M'Gill, be, and they are hereby appointed commissioners of Elizabethtown, in Bladen county, and they are hereby vested with full power and authority to enter into such rules, and adopt such measures, as they, or a majority of them, may deem expedient for the good regulation and government of said town.

II. *Be it further enacted*, That, on the death, resignation, inability or removal of any of the commissioners aforesaid, it shall be lawful for the remaining commissioners, or a majority of them, to elect others to supply their place, who shall have equal authority and power with the commissioners hereby appointed.

### CHAPTER CXX.

An Act for the better regulation of the town of Windsor, in Bertie county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Bond, E. A Rhodes, J. S. Taylor, James Palmer, John S. Bryan and E. P. Godwin, be, and they are hereby appointed commissioners for the town of Windsor, in Bertie county, and are hereby vested with full power and authority to pass all such by-laws, rules and regulations, for the good order and government of the said town, as to them shall seem most fit and expedient, not inconsistent with the laws of this state, or of the United States.

II, *And be it further enacted*, That the said commissioners, or a majority of them, shall have full power to fill all such vacancies as may occur in their own body, from removal, death, or refusal to act, of any of the aforesaid commissioners.

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

### CHAPTER CXXI.

An Act concerning the Commissioners of the town of Greenville, in Pitt county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That every person hereafter elected as a commissioner for the town of Greene-

ville, in Pitt county, and notified of his election by the sheriff of said county, shall appear at such time as the said sheriff shall designate and appoint, and qualify, by taking the necessary oath required by the act of Assembly incorporating said town, under the penalty of twenty dollars; to be recovered before any justice of the peace for said county, in the name of the chairman of the court, by any person suing for the same, which sum shall, by the said chairman, be applied to the use and benefit of said town: *Provided always*, that no person shall be subject to said penalty, who shall have served in the office of commissioner of said town, within two years previous to such subsequent election.

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

#### CHAPTER CXXII.

An Act for the better regulation of the town of Statesville, in Iredell county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James M'Knight, Absalom K. Simonton, Jacob Keebles, William Foster and Michael Richard, be, and they are hereby appointed commissioners for said town, with full power and authority to make such rules and regulations for the better government thereof, as they, or a majority of them, may agree upon; and they are hereby fully authorised and empowered to make such by-laws and rules for the better government thereof, and have full powers to enforce the same: *Provided*, such rules, regulations or by-laws, shall not be inconsistent with the constitution or laws of this state or of the United States.

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

III. *Be it further enacted*, That the laws heretofore passed, so far as respects the appointment of commissioners for said town, be, and the same are hereby repealed.

#### CHAPTER CXXIII.

An Act to appoint Commissioners for the town of Swansborough, in Onslow county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William P. Ferrand, James Wade, William J. Russel, jr. James Frazier and Zadock Mumford, be, and they are hereby appointed Commissioners in and for the said town of Swansborough; and they, or a majority of them, are hereby authorised to make all such private laws for the regulation and government of said town, such laws, rules and regulations not being inconsistent with the laws of this state, as they may deem expedient:

*II. And be it further enacted,* That when any vacancy shall happen, by death, resignation or removal of said commissioners, such vacancy shall be filled by the remaining commissioners or a majority of them.

---

CHAPTER CXXIV.

An Act to amend an act passed in the year 1822, entitled "An Act supplemental to an act, passed in the year 1784, entitled an act to appoint Commissioners and to establish the town of Morganton, in Burke county, and for other purposes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the commissioners mentioned in the act of 1822, or a majority of them, shall meet at the court-house in said town on the fourth Monday of January, in each and every year, and appoint an overseer of the streets of said town, and hand said appointment to the clerk of the county court, to be by him entered and acted on as all orders to overseers are.

*II. And be it further enacted,* That the freeholders in said town shall meet on the first Monday of January in each and every year, and fill such vacancies amongst said commissioners as may be occasioned by the neglect or refusal to act, of the commissioners mentioned in said act.

*III. And be it further enacted,* That if said commissioners neglect to appoint an overseer of the streets aforesaid, the county court of Burke shall appoint one, whose term of service shall continue for one year.

*And be it further enacted,* That this act shall be in force from its ratification.

---

CHAPTER CXXV.

An Act for the better regulation of the town of Nashville.

*Be 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 H. Drake, George Boddie, Henry Blount, Samuel Westray and William Burt, are hereby appointed commissioners for the town of Nashville, and they, or a majority of them, shall have full power and authority to act and do all things which may tend to the regulation and good government of said town; to remove all obstructions which are or may be in any of the streets of said town, and keep the same in good order and repair; to make such by-laws and regulations as shall be necessary and proper for the government and police of said town, not inconsistent with the constitution of the state.

*II. And be it further enacted,* That, upon the death, removal, or refusal to act, of any of the aforesaid commissioners, those that remain, or a majority of them, shall have power to elect new ones to supply the places of those who remove, die or refuse to act, and

these, when so elected as aforesaid, shall be vested with the same power and authority as those appointed by this act.

III. *And be it further enacted*, That the power and authority granted by an act passed in the year one thousand eight hundred and fifteen, entitled "an act to appoint commissioners to fix on a suitable and central place in the county of Nash for erecting the court-house and other public buildings, and for other purposes therein mentioned," to the commissioners mentioned in the second section of said act, be, and are hereby transferred and vested in the commissioners by this act appointed.

IV. *And be it further enacted*, That the county court of Nash, (a majority of the justices being present) shall have power to allow the commissioners by this act appointed, such compensation as they may think adequate to their services.

#### CHAPTER CXXVI.

An Act to incorporate the Milton Male Academy, in the county of Caswell.

*Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That Romulus M. Sanders, John T. Garland, Archimedes Donoho, Philip H. Thomas, James Holder and Stephen Dodson, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name of the trustees of the Milton male academy, and by that name they shall have perpetual succession and a common seal, and they, or a majority of them, and their successors, shall be able and capable in law, to take, demand, receive and possess, money, goods and chattels, lands and tenements, for the use of said academy, and apply the same according to the will of the donor.

II. *And be it further enacted*, That the said trustees, or a majority of them, and their successors, shall be able and capable in law, to sue and be sued, plead and be impleaded, in any court in this state; and they shall have power to open and receive subscriptions for the benefit of said academy, and to do all such acts and things as may be thought necessary and proper to be done by bodies corporate for the advancement and promotion of science in the said institution, which may not be repugnant to the laws of the state.

III. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to appoint other trustees of the said academy, they shall have full power and authority to pass all by-laws and ordinances necessary for the good government and prosperity of the said academy; and that this act shall be in full force and effect from and after the passing thereof.

#### CHAPTER CXXVII.

An Act to incorporate Friendship Academy, in Duplin county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That David Hooks, Marshall B. Hooks, Henry Winder, Robert M'Gowins,



Andrew Hurst, James K. Hill, Thomas Molton, Robert Middleton, and David Wright, be, and they are hereby declared to be a body politic and corporate, under the name and style of "The board of trustees of Friendship Academy in the county of Duplin," and shall, by that name and style, have perpetual succession, and by the name and style aforesaid, shall have power to take, demand, receive and possess, all monies, lands and tenements, which may be given for the use of said academy, and the same to apply according to the will of the donor, or as they may see proper to direct, and shall be capable of pleading or being impleaded, either in law or equity, by the name of the Board of Trustees of Friendship Academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to appoint such preceptors or tutors as to them shall appear necessary, and also a president, secretary and treasurer, and shall have power to make such rules and regulations as they may think proper for the government of said academy, not inconsistent with the constitution and laws of the state.

III. *And be it further enacted*, That whenever any of the aforesaid trustees shall die, remove, resign, or by any other means become incapable of performing their duties, a majority of those remaining shall elect some fit person or persons in his or their stead, who shall have the same power as their predecessors; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CXXVIII.

An Act to establish Town-Creek Academy, in Edgecombe county, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Weeks Parker, Charles Wilkinson, Hillory Peel, Moses Baker, William Mercer, John Mercer, Robert W. Routh, William Wilkins, James Pitt, Joab P. Pitt, Joshua K. Bullock and Whitnell K. Bullock, 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 Town-Creek 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 object contemplated.

## CHAPTER CLXXIX.

An Act to establish and incorporate Lumberton Academy, in the county of Robeson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That James McQueen, Sion Alford, Joseph Wood, Charles Moore, John W. Powell, Neill Baie, Henry Hollinsworth, Richard C. Bunting, Richard C. Rhode, Jacob Blount, James Storm, Willis Pope, Alexander Townseid, William Carloss and Stephen Thompson, be, and they are hereby appointed trustees of the Lumberton Academy, and they, and their successors in office, are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the "Trustees of the Lumberton Academy," and by that name shall have perpetual succession and a common seal, and shall be able and capable in law, to have, receive, possess and enjoy any quantity of lands and tenements, goods, chattels and monies that may be given them, and apply the same according to the will of the donor, and to dispose of the same in such manner as they may deem proper, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any court of law or equity within this state, and shall have power to appoint other or more trustees, and to fill the places of such as may resign, remove, die or become 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; to elect a tutor or tutors and other officers, and to do and perform all such acts and things as are incident to, and usually exercised by bodies politic and corporate, for the accomplishment of the contemplated object.

*II. And be it further enacted,* That any five of the trustees of the said academy shall constitute a quorum for the transaction of any business relative to the said institution.

## CHAPTER CXXX.

An Act to incorporate the Trustees of the Bertie Union Academy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That Joseph White, William S. Mhoon, William Pugh, Noah B. Hinton, William Britton, Benjamin Hempstead, Jesse Averitt, James G. Mhoon and Simon Turner, of the county of Bertie, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the Bertie Union Academy," and by that name may sue and be sued, plead and be impleaded, shall have a perpetual succession and a common seal, and in general shall have, exercise and enjoy, all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy within this state.

*II. Be it further enacted,* That any five of the said trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, or removal out of the state of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned.

## CHAPTER CXXXI.

An Act to amend an act, passed in the year 1816, entitled "An act respecting the Academy and town of Smithville, in Brunswick county."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That from and after the passing of this act, three trustees of said academy shall have power and authority to call a meeting of the board of said trustees, in case of the absence or inability of the president of said board, and that seven members, when met, shall constitute a quorum for the transaction of business: *Provided*, that said board so constituted, shall not have power to elect or expel the principal of said academy, nor to dispose of the funds belonging to said institution.

II. *And be it further enacted*, That the trustees of said academy, or any five of them, be and they are hereby authorised to raise by way of lottery, a sum not exceeding three thousand dollars, for the use of said academy, in such classes as to them may seem most expedient and proper.

III. *Be it further enacted*, That the managers of said lottery shall be bound in their personal property for the payment of the prizes in said lottery, and shall be individually sueable therefor, within six months from the time the prizes are drawn.

## CHAPTER CXXXII.

An Act incorporating Morganton Academy.

Whereas there has been for some years an academy existing at Morganton, with a flourishing male and female school attached to it; and whereas said academy has heretofore been managed only as a private school, although considerable funds have been given and granted to it, both by private donations and acts of the legislature of this state, without incorporating said academy:

*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 Thomas Walton, Doctor Thomas Boucheff, John Caldwell, David Tate, sen. Adolphus L. Erwin, James Erwin, Doctor Samuel Tate, Isaac T. Avery, John M. Greenlee, Charles McDowell, William G. Dickson, and James Murphey, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "The President and Trustees of the Morganton Academy," and by that name shall have perpetual succession and a common seal; and that they the said president and trustees, and their successors in office, by the name aforesaid, or a majority of them, shall be capable in law and equity, to take, demand, receive and possess, all monies, goods and chattels, that shall be given to them for the use of said academy, and to apply the same according to the will of the donor, and by 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 sever 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 purpose of said institution. And that they the said president and trustees aforesaid, when organized as hereinafter directed, shall have power to take, demand, sue for and recover, receive and possess, all monies, goods and chattels, lands and tenements, that shall or may have been given or subscribed to said institution before this act of incorporation, to be by them held and applied as aforesaid.

II. *And be it further enacted*, That the said president and trustees, or a majority of them, shall meet in the said academy in Morganton, on the fourth Monday in January next, and if accidents prevent such meeting, then at any time subsequent to that period, on giving five days notice, and when met, shall appoint out of their own body, a president, secretary and treasurer, to whom they may give competent salaries, when they shall record their proceedings, which record is to be made and kept by the secretary, and to make by-laws for the government of said institution; and shall further fill such vacancies as may be occasioned by the death, removal, refusal or neglect to act of any one or more of said trustees.

III. *And be it further enacted*, That the said president and trustees, and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain and sell, alien, encoll and convey and dispose of, 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 or deed of the deviser or donor does not forbid it. And that the said trustees, and their successors, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, 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, not inconsistent with the laws of this state.

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

#### CHAPTER CXXXIII.

An Act supplemental to an act, passed this session of the General Assembly, entitled  
 "An act incorporating Morganton Academy."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the president and trustees appointed under said act for the government of said academy, and their successors in office, shall have power to lay off as many lots, make as many streets, lanes, and alleys, as to them may seem proper, on such lands as they have, or may acquire adjoining the town of Morganton, for the benefit of said academy; which said lots, streets, lanes and alleys, shall be deemed part of the town of Morganton, and subject to the same police and by-laws as Morganton is or may be subject to, and that this act be in force from and after its ratification.

## CHAPTER CXXXIV.

An Act supplemental to an act, passed this General Assembly, incorporating Morganton Academy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Colonel Wm. W. Erwin, Colonel Andrew Baird, Jason Carson, Esquire, the Reverend Robert Johnson Miller, and the Reverend Chancy Eddy, be, and they are hereby declared to be incorporated as part of the trustees of Morganton Academy, in addition to the trustees appointed by said act of incorporation, with all the powers and authority that the trustees appointed by said act are vested with, and that the said trustees of said academy have power and authority to appropriate the balance of the money arising from the sale of the town commons (heretofore granted to said academy by act of Assembly) to the purpose of erecting on the academy lot, a building for the accommodation of a tutor and tutoress, and for keeping of such globes, maps and philosophical apparatus, as they have or may hereafter acquire; and that this act shall be in force from its ratification*

## CHAPTER CXXXV.

An Act to incorporate New Providence Library Company.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the individuals now associated in Mecklenburg county, under the name of "The New Providence Library Company," be, and they are hereby constituted a body politic and corporate by the aforesaid name of "the New Providence Library Company," and as such may acquire, hold and transfer real and personal property, may sue and be sued, plead and be impleaded, and do all other matters and things usually exercised by bodies corporate and politic in this state; so far as are necessary to the support of a library company.*

## CHAPTER CXXXVI.

An Act to incorporate the Sandy Creek Library Society.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Robert Wilson, Wm. Broadway, Benj. Good, and the other persons who are or may hereafter become members of library society on Sandy Creek, in the county of Davidson, be, and they are hereby constituted a body corporate and politic, by the style of the "Sandy Creek Library Society," and by that name shall be capable to sue and be sued, plead and be impleaded, to receive, enjoy and transfer real and personal estate, and further to make such rules and regulations for the government of said society, as they may think best calculated to promote the welfare of the institution.*

## CHAPTER CXXXVII.

An Act to incorporate the Lincoln Agricultural Society.

*Be 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 pre-*

sent members of the agricultural society of Lincoln county, and such as may hereafter be admitted into the same, be, and they are hereby constituted a body corporate and politic, by the style of the Lincoln Agricultural Society, and by that name shall sue and be sued, plead and be impleaded, receive, enjoy and transfer real and personal estate, and further, to make such rules and regulations, for the government of said society, as they may think best calculated to promote the welfare of said society.

---

#### CHAPTER CXXXVIII.

An Act to incorporate Greensboro' Lodge, No 76, in Guilford county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the master, wardens and members, which at present are, or in future may be of Greensboro' Lodge, number seventy-six, in Guilford county, are hereby constituted and declared a body corporate, under the name and title of "Greensboro' Lodge, number seventy-six," and by that 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 by-laws and regulations, as shall not be inconsistent with the constitution and laws of this state, or of the United States.

---

#### CHAPTER CXXXIX.

Act to incorporate Charity Lodge, in Windsor, Bertie county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the master, wardens and members who at present, or in future may be of Charity Lodge, in the town of Windsor, and the county of Bertie, are hereby constituted and declared to be a body corporate, under the name and title of "Charity Lodge," and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this state or of the United States.

---

#### CHAPTER CXL.

An Act to authorise certain persons hereafter named, to raise by way of Lottery five hundred and fifty dollars, for building a Bridge across the South Yadkin, at or near Henry's Ford, now Albea's Ford, in Iredell county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Thomas Pett, Samuel Albea, William F. Summers, John Tomlinson, Aza Beall, John Bailey and A. F. Caldwell, of Iredell county, be, and they are hereby authorised to raise by way of lottery, the sum of five hundred and fifty dollars, by such scheme or schemes, as they, or a majority of them, may think most advisable, in special confidence, that the said sum shall be applied to the building a bridge across the South Yadkin, at or near Albea's ford.

II. *Be it further enacted*, That the said lottery or lotteries shall be conducted and drawn under the superintendance and direction of the persons before named, under such rules, regulations and restrictions, as they, or a majority of them, may prescribe.

III. *And be it further enacted*, That when the sum aforesaid is raised, the commissioners aforesaid shall proceed to contract with some suitable person or persons to build said bridge, in such way, and of such materials, as they, or a majority of them, may think proper, any law to the contrary notwithstanding.

#### CHAPTER CXXI.

An Act to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine.

*Be 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, Daniel Noomcaser, of the county of Davidson, be, and he is hereby divorced from his wife Catharine, in as full and ample a manner, to all intents and purposes as if the rites of matrimony had never been solemnized between them, and they are hereby divorced accordingly; any law to the contrary notwithstanding.

#### CHAPTER CXXII.

An Act to divorce Elizabeth Wilkins, of the county of Burke, from her husband Wm. Wilkins.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Elizabeth Wilkins, of Burke county, be, and she is hereby absolved from the bonds of matrimony with her husband Wm. Wilkins, in as full and ample a manner as if the same had never been entered into, and that she be, and is hereby discharged from all duties, obligations, and engagements as wife to said William Wilkins aforesaid.

#### CHAPTER CXXIII.

An Act to divorce Jacob Johnson, of Chatham county, from his wife Hannah.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Jacob Johnson, of Chatham county, be, and he is hereby divorced from the bands of matrimony with his wife Hannah, as absolutely and completely, as though a marriage had never been solemnized between the said parties.

#### CHAPTER CXXIV.

An Act to alter the names and legitimate Milbry Stokes and Charlotte Stokes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Milbry Stokes and Charlotte Stokes, children of Sherod Brantly and Tabitha Brantly, of Nash county. (born out of wedlock) be, and they are hereby legitimated, in as ample a manner as if born in wedlock; and that they shall hereafter be known and called by the names of

Milbry Brantly and Charlotte Brantly, and that they shall be heirs at law and next of kin, in the same manner, and to all intents and purposes, as if born in lawful wedlock, any law to the contrary notwithstanding.

#### CHAPTER CXLV.

An Act to alter the names of William Riley Brewer, Daniel Putnam Brewer, and Hilliard Brewer, children of Benjamin Whitley, of Martin county, and to legitimate them.

Whereas it is the desire of Benjamin Whitley, of Martin county, that the names of his illegitimate children should be altered to that of William Riley Whitley, Daniel Putnam Whitley, and Hilliard Whitley, and that the said William Riley, Daniel and Hilliard, be legitimated and made capable to inherit, in the same manner as if they had been born in wedlock.

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said William Riley Brewer, Daniel Putnam Brewer, and Hilliard Brewer, shall forever hereafter be called and known by the names of William Riley Whitley, Daniel Putnam Whitley, and Hilliard Whitley, and by these names so altered respectively, shall be able to sue and be sued, plead and be impleaded, in any court of law and equity whatever.

II. *And be it further enacted.* That the said William Riley, Daniel Putnam, and Hilliard, be, and they are hereby legitimated, and made capable to take, inherit and claim, any estate real or personal, which may be devised or descend to them, in as full and ample a manner as if they had been born in wedlock, and shall be so considered to every intent and purpose, any law or usage to the contrary notwithstanding.

#### CHAPTER CXLVI.

An Act to legitimate Benjamin Franklin Jackson, son of Pemia West, deceased, and Benjamin M. Jackson, of the county of Pasquotank.

*Be 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 Franklin Jackson, son of Pemia West, deceased, and Benjamin M. Jackson, of the county of Pasquotank, be, and he is hereby legitimated, in as full and ample a manner, to all intents and purposes, as if he had been born in lawful wedlock.

II. *And be it further enacted,* That the said Benjamin Franklin Jackson, by that name shall be capable to sue and be sued, plead and be impleaded, inherit, take and claim, any estate real or personal, which may descend or be devised to him; any law to the contrary notwithstanding.

#### CHAPTER CXLVII.

An Act to alter the name of Joseph Scott, and to legitimate him.

Whereas it is the desire of Henderson Jones, of Chowan county, that the name of his illegitimate son, Joseph Scott, should be altered to that of Joseph Jones, and that the said Joseph be legitimated and made capable to inherit, in the same manner as if he had been born in wedlock :



*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That from henceforward, the name of the said Joseph Scott shall be altered, and shall forever hereafter be called and known by the name of Joseph Jones, and by that name shall be able to sue and be sued, implead and be impleaded, in any court of law and equity whatever.

II. *And be it further enacted,* That the said Joseph be, and he is hereby legitimated and made capable to take, inherit and claim any estate, real or personal, which may be devised or descend to him, in as full and ample a manner, as if he had been born in wedlock, and shall be so considered to every intent and purpose; any law or usage to the contrary notwithstanding.

---

#### CHAPTER CXLVIII.

An Act to legitimate and alter the name of Sally Smith, of Stokes county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That Sally Smith of the county of Stokes, the illegitimate child of Milberry Smith and Aaron Tilly, be, and the same is hereby legitimated and made capable, by the name of Sally Tilly, to take and enjoy, by way of descent on the statutes of distribution, all estate, both real and personal, as fully and amply, as if the said Sally had been the lawful issue of the said Aaron and Milberry.

---

#### CHAPTER CXLIX.

An Act to alter the names and legitimate John Hunt, and others.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John Hunt, William Henry Hunt, Elizabeth Hunt and Sarah S. Hunt, children of Henry Harrison and Rebecca Harrison, of Nash county, born out of wedlock, be, and they are hereby legitimated, in as ample a manner as if born in wedlock; and that they shall hereafter be known and called by the names of John Harrison, William Henry Harrison, Elizabeth Harrison and Sarah S. Harrison, and that they shall be heirs at law, and next of kin, in the same manner, and to all intents and purposes, as if born in lawful wedlock; any law to the contrary notwithstanding.

---

#### CHAPTER CL.

An act to legitimate Helen Godly, Mehalah Godly, and Benjamin Godly.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That Helen Godly, Mehalah Godly and Benjamin Godly, children of Robert Godly, senior, of Beaufort county, born out of wedlock, be, and they are hereby legitimated, in as ample a manner as if born in wedlock; and that they shall be heirs at law and next of kin, in the same manner, and to all intents and purposes as if born in lawful wedlock; any law to the contrary notwithstanding.

## CHAPTER CLI.

An act to alter the names, and legitimate Sally Ann Woolard and Emeline Woolard.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Sally Ann Woolard and Emeline Woolard, children of Simon Cruthers and Nancy Cruthers, of Beaufort county, born out of wedlock, be, and they are hereby legitimated in as ample manner as if born in wedlock; and that they shall hereafter be known and called by the names respectively of Sally Ann Cruthers, and Emeline Cruthers, and that they shall be heirs at law, and next of kin, in the same manner, and to all intents and purposes, as if born in lawful wedlock; any law to the contrary notwithstanding.*

## CHAPTER CLII.

An Act to alter the names of Charles Alexander Williams, and others, and to legitimate them.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles Alexander Williams, Frances Williams, Peter Parker Williams, Thomas Williams, John Williams, Susannah Williams, and Horace Hillman Williams, children of William Barnes and Milley Williams, of the county of Granville, be, and they are hereby legitimated, in as ample a manner, as if born in wedlock, and that they shall hereafter be known and called by the names, respectively, of Charles Alexander Barnes, Frances Barnes, Peter Parker Barnes, Thomas Barnes, John Barnes, Susannah Barnes, and Horace Hillman Barnes, and that they shall be heirs at law, and next of kin of their said father and mother, in the same manner, and to all intents and purposes, as if born in lawful wedlock.*

II. *And be it further enacted, That the name of Elizabeth Wade, of Northampton county, be, and the same is hereby altered to that of Elizabeth Deloach, and she is hereby legitimated and made capable to inherit and enjoy any estate, either real or personal, in as full and ample a manner as if she had been born in actual wedlock.*

## CHAPTER CLIII.

An Act to legitimate and alter the names of Emereldy Thomas, Elias Thomas, and Ellis Thomas, children of Elias Taft, of Pitt county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from hence forward, the names of said Emereldy, Elias, and Ellis Thomas, shall be altered, and shall forever hereafter be called and known by the names of Emereldy Taft, Elias Taft, and Ellis Taft, and by that name shall be able to sue and be sued, plead and be impleaded, in any court of law and equity whatever.*

II. *And be it further enacted, That the said Emereldy, Elias, and Ellis, be, and they are hereby legitimated, and made capable to take, inherit and claim, any estate, real or personal, which may be devis-*

ed or descend to them, or either of them, in as full and ample a manner as if they had been born in wedlock. and shall be so considered to every intent and purpose; any law or usage to the contrary notwithstanding.

#### CHAPTER CLIV.

An Act to legitimate Emmery Beazor Williams, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said Emmery Beazor Williams, son of Rebecca Williams, shall be called and known by the name of Emmery Beazor Peacock, and by that name shall sue and be sued, plead and be impleaded.*

II. *And be it further enacted by the authority aforesaid, That the said Emmery Beazor Peacock, to whom Richard Peacock of Washington county is the reputed father, shall be considered as the legitimate child of the said Richard Peacock; and as such, shall be entitled to all the rights and privileges as though he had been born in lawful wedlock, and shall inherit from the said Richard Peacock, and shall, to all intents and purposes, be held and deemed the legitimate child of said Richard Peacock; any law, usage or custom to the contrary notwithstanding.*

#### CHAPTER CLV.

An Act to legitimate James Smith, Milley Smith, Unice Smith, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Smith, Milley Smith, and Unice Smith, illegitimate children of Love Smith, by John Everett, the reputed father, shall hereafter be called and known by the name of James Everett, Milley Everett and Unice Everett, and by these names only shall they be known, and in these names shall they sue and be sued, plead, and be pleaded.*

II. *And be it further enacted by the authority aforesaid, That the said James Everett, Milley Everett, and Unice Everett, shall be entitled to all the rights, privileges and immunities as though they had been born in lawful wedlock, and as such shall be able to inherit and to transmit inheritances, to all intents and purposes as though they had been born in lawful wedlock as aforesaid; any law, usage or custom to the contrary, notwithstanding.*

#### CHAPTER CLVI.

An Act to legitimate Nancy Johnson and others, of Moore county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this act, Nancy Johnson, of Moore county, wife of Larking Johnson, and Harriet Johnson and Patsey Johnson, children of Larking Johnson and Nancy his wife, be, and they are severally legitimated, in the same manner as if they had been born in lawful wedlock: any law to the contrary notwithstanding.*

## CHAPTER CLVII.

An Act for the relief of Edward Owen, of Person county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Edward Owen of Person county, be, and he is hereby restored to all the rights, privileges and immunities of a citizen of this state, as fully, and to all intents and purposes, as if he had never been convicted of the crime of petit larceny.*

## CHAPTER CLVIII.

An Act concerning Michael Rymer, of Rowan county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Michael Rymer, of Rowan county, be, and he is hereby restored to all the rights, privileges and immunities, of a citizen of this state, as fully, and to all intents and purposes, as if he had never been convicted of the crime of petit larceny.*

## CHAPTER CLIX.

An Act to restore to credit John Clewis, of Brunswick county.

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

## CHAPTER CLX.

An Act for the relief of Elizabeth Hoggott, of the county of Guilford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Elizabeth Hoggott, wife of Isaiah Hoggott, of Guilford county, be, and she is hereby authorised and empowered to hold and enjoy, free from the claims of her said husband, or his creditors, all such property as she may hereafter obtain by purchase gift or otherwise.*

*II. And be it further enacted, That the said Elizabeth Hoggott, be, and she is hereby empowered, in her own name, and separate and distinct from her husband, to sue for and prosecute her claim, either in law or equity, to all such property as she may be entitled to, in as full and ample a manner as if she were feme sole.*

## CHAPTER CLXI.

An Act securing to Jane Welborne, of Randolph county, and Sarah Pinnex, of Surry county, the property they may hereafter acquire.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the property, whether real or personal, that Jane Welborne, of Randolph county, shall and may hereafter acquire, either by devise, gift*

or purchase, shall enure to the sole benefit and use of the said Jane, and no other; and that she is hereby empowered to dispose of the same, in any manner that she may think proper.

II. *And be it further enacted,* That all property, whether real or personal, that Sarah Pinnex, of Surry county, shall and may hereafter acquire, either by devise, gift or purchase, shall enure to the sole benefit and use of the said Sarah, and no other. And that she is hereby empowered to dispose of the same, in any manner that she may think proper; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CLXII.

An Act to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Sally Hampton, wife of James Hampton of Stokes county, is hereby entitled to hold, possess and enjoy, in her sole right, all such estate, either real or personal, that she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner, as if she had never been married to her said husband, free and clear from the claim of her said husband, or any of his creditors; and she shall have full power and authority to prosecute or defend any suits, either in law or equity, in her own name, in the same manner as if she had never been married to her said husband; any law to the contrary notwithstanding.

#### CHAPTER CLXIII.

An Act for the relief of Annis Blackman, of Sampson county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Annis Blackman, of Sampson county, the wife of Wyatt Blackman, shall be able and capable in law, and she is hereby declared to be able and capable in law, to hold to her own and separate use, any property, either real or personal, which she may hereafter acquire, either by purchase, devise, or descent, free and clear from any claim of her husband, or his creditors, in the same manner as if she was a feme sole.

#### CHAPTER CLXIV.

An Act to exempt certain citizens of the county of Beaufort from certain duties.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That those persons residing in the county of Beaufort, on and near Pungo river, above the Indian run, be, and they are hereby exempted from serving as jurors, either in the county or superior courts of said county; any law to the contrary notwithstanding.

#### CHAPTER CLXV.

An Act to exempt certain citizens in Tyrrell county from public duty.

from and after the first day of May next, all the citizens residing in that part of Tyrrell county lying to the southward and eastward of the Great Alligator river, and of the north-west fork of said river, be, and they are hereby exempt from serving as jurors, in either the county or superior courts of said county; any law to the contrary notwithstanding.

### CHAPTER CLXVI.

An Act to emancipate Sally Zimmerman, a slave belonging to the estate of Andrew Caldcleugh, deceased, late of Rowan County.

Whereas the said Andrew Caldcleugh, in and by his last will, did devise that a female slave, called and known by the name of Sally Zimmerman, a child of tender years, should be emancipated and set free; and whereas the executors of the said Andrew Caldcleugh, by and with the consent of the heirs at law, and residuary legatee of the said Andrew Caldcleugh, have petitioned this General Assembly to carry the will of the said Andrew into effect as it relates to the said slave:

*Therefore be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the said slave Sally shall be, and hereby is emancipated, and set free from slavery, fully and absolutely, and shall be called and known by the name of Sally Zimmerman.*

Read three times and ratified in General }  
Assembly, this 31st day of Dec. 1823. }

A. MOORE, S. H. C.  
B. YANCY, S. S.

A true Copy,

WM. HILL, Secretary.

## RESOLUTIONS

*Passed by the General Assembly of North-Carolina,*

At their Session which commenced November 17, 1823.

---

*Resolved,* That his Excellency the Governor be requested to address a Memorial to the Congress of the United States, requesting that honorable body to make provisions for satisfying out of the lands ceded by this state to the United States, such claims as have been adjudged valid by the state, under the cession act of 1789, and which have remained unsatisfied.

*Resolved by the General Assembly of North-Carolina,* That the sum of five hundred dollars be presented to Mr. Appleton, United States Consul at Leghorn, as an acknowledgment from the state for his services as agent of the state in procuring the Statue of Washington; and that the Governor draw and transmit the same.

*Resolved,* That the Treasurer of the State of North-Carolina, be required to withhold the payment of any further sum as an instalment on the shares subscribed for by the Treasurer in behalf of the State, in the Tar river and Nense river navigation companies, until he shall have ascertained whether said companies have been duly and legally organized; and until it shall appear to the satisfaction of the said Public Treasurer, that the subscriptions for stock in the said corporations by individuals, were made in conformity to law; and until also the said corporations put themselves under the management of the Board of Internal Improvement.

*Resolved,* That the Board of Internal Improvements be, and they are hereby instructed, to have surveyed the North-East branch of the Cape-Fear river, from the first obstruction above its mouth to the head of navigation, and report thereon to the next General Assembly.

*Resolved,* That the sum of five thousand dollars, be, and the same is hereby appropriated for the purpose of completing the repairs of the State-House and procuring furniture for the same, and that the Treasurer be allowed this sum in the settlement of his accounts.

*Resolved further,* That all contracts for furniture be submitted to his Excellency the Governor, before they are finally ratified, and on his approving of the same, he is hereby authorised to draw his warrants on the Treasurer for all sums necessary to carry the same into effect: *Provided,* such, with all future expenses for repairs, do not

exceed the appropriation hereby made ; and that the rule requiring that resolutions of this nature be read three times, be dispensed with so far as respects these resolutions.

---

*Resolved*, That the Treasurer, Secretary and Comptroller constitute a Board for the superintending the application of the fund set apart for the completion of the Capitol and the procurement of the necessary furniture, and

*Resolved further*, That the services of the State Architect be henceforth dispensed with.

---

*Resolved*, That the Treasurer pay to the Superintendant of Public Buildings such sum, annually, as the Secretary of State, Comptroller and himself, may consider a fair compensation for the services performed by said superintendant in taking care of the said buildings and preserving the same in good order : *Provided*, that said compensation does not exceed one hundred and fifty dollars.

*Resolved further*, That the rule requiring that all resolutions of this nature be read three times, be dispensed with so far as regards this resolution.

---

Whereas, certain persons belonging to the continental line of North-Carolina, rendered services during the revolutionary war, for which they are entitled to receive lands from this state, and no warrants have yet issued for those lands, nor application been made for such warrants, and it is desirable that such warrants be issued and satisfied out of the vacant lands ceded to the state of Tennessee, as speedily as possible ; and it being unknown to whom the said warrants rightfully belong :

*Resolved*, That the Secretary of State be, and he is hereby directed to issue to the Trustees of the University of this State, warrants in each case on the muster roll of the continental line of this State, where warrants have not heretofore issued ; and that the said Trustees hold the same, and the lands to be entered by virtue thereof, in trust for the officers and soldiers who performed the military services for which said warrants shall issue : *Provided*, that if no claim be exhibited by the said officers and soldiers, or their legal representatives, within seven years from the first day of January next, the said trust shall cease and determine.

---

*Resolved*, That the Secretary of State purchase, either in this State or elsewhere, as he may think best, the Stationery required for the Executive Office, the Offices of the other departments of the Government, and the Clerks of the General Assembly, for the ensuing year : and that the Treasurer advance the sum necessary to make such purchase, not exceeding three hundred dollars. And that the rule of the house requiring all resolutions, the object of which is to



draw money out of the Treasury, be dispensed with, so far as it respects this resolution.

*Resolved*, That the Treasurer, under the inspection of the sub-committee of Finance, burn the sum of five thousand, six hundred and ninety-six dollars, twenty-five cents, of ragged and defaced Treasury Notes, in his office, unfit for circulation.

*Resolved*, That the Public Treasurer have credit in his account with the State, for the sum of five thousand, six hundred and ninety-six dollars, twenty-five cents, being the amount of the Treasury Notes burnt, as aforesaid: and that the Comptroller credit him accordingly.

*Resolved*, That the Public Treasurer be, and he is hereby authorised to pay to Thomas Elliot, of Mecklenburg county, who was placed upon the pension roll of this state in the year one thousand eight hundred and nineteen, the further sum of twenty-five dollars annually, in addition to the sum now allowed by law.

*Resolved*, That the vestry and members of the Protestant Episcopal Congregation in Raleigh, be, and they are hereby permitted and authorised to erect on the south-west corner of Moore square, a temporary building for divine worship; which building they shall remove whenever required so to do by the General Assembly of this State.

*Resolved*, That the Adjutant-General of the State, under the direction of the Governor, be required to procure a full and complete description of the uniform of the army of the United States and publish the same.

*Resolved further*, That the Adjutant-General furnish to the several returning officers of the militia of this State, proper blank forms for their future returns.

*Resolved*, That it shall, and it is hereby declared to be, the duty of the Public Printer, to attach to the Laws to be published for the year 1823, the Returns of the different Sheriffs and Clerks of this State, agreeable to the Comptroller's Report.

Read and ratified in General Assembly, }  
this 8th day of December, 1823. }

A. MOORE, S. H. C.  
B. YANCY, S. S.

A true Copy.

WM. HILL, Secretary.



# INDEX.

PUBLIC ACTS.	Page.	Page.
An act to regulate the time of holding the superior courts in the 5th circuit,	3	To amend an act to extend and improve two roads from Wilkesboro' to the Tennessee line, 28
To establish a superior court in Davidson county, and to alter the time of holding several courts,	4	To repair and improve the road from Huntsville to the Virginia line, by the way of Gap Civil, 29
To amend the laws making provision for widows,	6	To amend an act directing a road to be opened from Fayetteville to Morganton,
Securing to the widows of intestates the surplus of the personal estate of their husbands,	7	30
To amend an act to provide for children born after making their parents will,	8	To amend an act to appoint commissioners to view and lay off the road from Wilkesboro' to Mrs. Bogle's in Iredell,
To secure the rights of landlords against tenants holding over,	9	31
To authorise the issuing of treasury notes,	10	Authorising the making and improving a road from Asheville to Rutherfordton,
To amend and extend the provisions of an act to promote agriculture and family domestic manufactures,	11	32
Respecting the reservations of certain Indians in the lands lately acquired from the Cherokees,	13	To appoint commissioners to lay off the state road from John Lyle's to Bowers's old place,
To amend an act of last session to provide a revenue for the payment of the civil list and contingent charges of government,	14	ib
For the relief of the purchasers of Cherokee lands,	15	To amend an act to appoint commissioners to extend the Fayetteville road from Morganton to the Tennessee line,
Concerning the public land in Haywood county,	16	ib
Concerning the University,	ib	To amend the first section of an act directing a road to be opened from Leaksville to Wilkesboro',
Directing a geological and mineralogical survey of the state,	17	33
Directing how the laws of other states shall be received in evidence,	18	To appoint commissioners to lay out a road from Salisbury to Beattie's ford,
Concerning the Cape-Fear navigation company,	ib	34
Concerning the Roanoke do.	19	For the relief of female debtors,
Concerning the Clubfoot and Harlow's creek do.	20	ib
To facilitate the navigation of Neuse river,	ib	To amend an act regulating descents, Authorising certain limitations of slaves by deed or writing,
To amend an act to incorporate a company and make a turnpike road from Pungo river to Plymouth,	21	ib
To authorise a turnpike road from Asheville to the Tennessee line,	22	To authorise the payment of money to clerks of courts of record, in certain cases,
		35
		To regulate the practice in courts of Equity,
		ib
		To amend an act supplemental, to an act for the division of Rowan county,
		36
		To repeal part of the 10th section of an act passed in 1784,
		37
		To amend the militia laws relative to the cavalry,
		38
		To repeal in part the 4th section of an act to revise the militia laws relative to the artillery companies of light infantry, grenadiers and riflemen,
		39
		To explain the second section of an

	Page.		Page.
act to revise the militia laws, relative to the infantry,	39	To regulate do. on Tranter's creek,	51
To amend and explain the 6th section of an act for the more perfect organization of the militia,	ib	To provide for the building of a courthouse and jail, in Davidson county,	52
To authorise the distribution of the militia laws,	ib	To authorise the sheriff of Davidson to pay over the taxes collected for the public buildings, to the commissioners,	ib
To add a part of Currituck to Hyde county,	ib	To authorise the erection of the public buildings of Washington county, at Plymouth,	53
To amend an act to exempt vessels under 60 tons, entering Cape-Fear, from paying pilotage,	40	To amend an act passed in 1795, appointing commissioners for erecting public buildings in Wilkes county,	54
To amend an act for appointing sheriffs and directing their duty in office, and for obliging the late sheriffs and collectors who are in arrears to account, &c.	ib	To amend and continue in force an act appointing commissioners to fix on a suitable place for the public buildings in Hyde,	55
To extend the time for registration of grants, deeds, &c.	ib	For the more convenient administration of justice in the county court in Rockingham,	ib
To amend the laws respecting wrecks and wrecked property,	41	Prescribing the manner in which the sheriff of Buncombe shall pay over the tax laid for building a courthouse,	56
To amend the several acts respecting weights and measures,	ib	Concerning the sheriff of Cumberland and the special justices of Fayetteville,	ib
To amend an act relative to the apprehension of runaway slaves,	42	To repeal act passed in 1822, directing the time and place of selling lands and slaves under execution, so far as relates to certain counties,	58
To repeal the 44th section of an act passed in 1741, concerning servants and slaves,	ib	To repeal the same act, so far as respects Washington and New-Hanover counties,	ib
Declaring the punishment of persons of colour, in certain cases,	ib	To amend the same, so far as relates to a part of Rowan,	ib
To repeal an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp.	43	To authorise the county court of Robeson to appoint a committee of finance,	59
<b>PRIVATE ACTS.</b>			
To authorise the building of a toll-bridge over the Roanoke at Halifax,	45	To authorise a like committee in Washington and Johnston counties,	60
To authorise D. Dougherty of Lenoir, to erect a bridge across Nense,	47	To repeal the 7th section of an act passed in 1822, appointing committees of finance in several counties, so far as relates to Anson,	61
Authorising Rowan county court to lay a tax to build a bridge across the South Yadkin,	48	To authorise T. Love of Haywood, adm'r of R. Love, jr. to remove off a certain building from the Cherokee land,	62
To extend the time for building a bridge over the Dan, near Milton,	ib	To amend an act directing the time and manner of appointing overseers of roads in Richmond county,	ib
To remove obstructions in Pungo creek,	49	To repeal an act to regulate the patrol of Richmond county, &c.	ib
For improving the navigation of Crane's creek, in Cumberland,	ib	To authorise Alexander Long to keep up a gate across the road in Rowan,	66
To keep open Goose creek, in Craven,	ib	To authorise Wm. Neal and Isaac Ward, of Rowan. to erect a gate,	ib
To prevent the falling of timber in the Tennessee river, &c. in Haywood,	50	To authorise a certain number of jers-	
To amend an act for the protection of the health of the inhabitants of Smithville,	ib		
Concerning the duty of ferrymen across the Albemarle Sound,	ib		
To regulate the seine fisheries on Blount's creek, Meantort,	51		

	Page.		Page.
ices of Brunswick county, to appropriate county monies,	63	To repeal an act passed in 1822, respecting commissions to constables, so far as relates to Ashe county,	76
To amend an act to compel the clerks of Surry to keep their offices at the court-house,	64	To increase constables fees in New-Hanover,	ib.
To repeal an act directing the manner of appointing patrollers in Davidson county,	ib.	To amend an act in relation to elections in Hyde county,	ib.
For the relief of Jordan Denson, late sheriff of Franklin,	ib.	For the better regulation of elections in Guilford,	77
To establish a poor-house in Chowan,	65	To divide the militia of Iredell,	ib.
To establish a poor and work-house in Duplin,	ib.	To alter part of the line dividing the two regiments of militia in Surry,	ib.
To establish a poor-house in Rutherford,	66	To establish a light infantry company in Richmond,	ib.
To repeal so much of an act, passed in 1819, authorising several counties to lay a tax for the support of the poor, as respects Craven,	67	To amend an act for the better organization of the militia of Beaufort,	78
Concerning the county courts of Moore and Sampson,	ib.	To alter the mode of electing officers in Gates,	ib.
To regulate the county courts of Duplin,	68	To authorise the commissioners of Smithfield to levy additional taxes, &c.	ib.
For regulating Buncombe, do.	69	For the better regulation of Elizabethtown, in Bladen,	79
To regulate Richmond, do.	ib.	Do. of Windsor, in Bertie,	ib.
To amend an act for regulating the county courts of Cabarrus, Moore and Montgomery, so far as relates to Cabarrus,	70	Concerning the commissioners of the town of Greenville, in Pitt,	ib.
To repeal an act passed in 1818, to repeal the 1st section of the 26th chapter of the acts of 1791, in relation to several counties, so far as respects Robeson and Richmond,	71	For the better regulation of Statesville,	80
To repeal an act to establish a court of probate in Cumberland,	ib.	To appoint commissioners of Swansboro'	ib.
To repeal an act passed in 1822 to regulate the county courts of several counties, so far as relates to Moore and Montgomery,	ib.	To amend the act for the government of Morganton,	81
To alter the times of holding the county courts of Washington,	72	For the better regulation of the town of Nashville,	ib.
To alter Tyrrell, do.	ib.	To incorporate the Milton male academy,	82
To alter the time of holding the courts therein mentioned,	ib.	To incorporate Friendship academy, in Duplin,	ib.
To repeal an act passed in 1821, to alter the time of holding two of the county courts of Burke,	ib.	To establish Town-Creek academy, in Edgecombe,	83
Directing the appointment of a board of appeals for Washington county,	73	To establish Lumberton academy,	84
Making compensation to jurors in Tyrrell county,	ib.	To incorporate the trustees of Bertie Union academy,	ib.
To provide for paying jurors in Wayne,	74	To amend the act of 1816, respecting the academy and town of Smithville,	85
To amend an act passed in 1822, for compensation of jurors, as respects Moore county,	75	Incorporating Morganton academy,	ib.
Directing the manner of hereafter appointing constables in Mecklenburg,	ib.	Supplemental to the above act,	86
		Another supplemental act to do,	87
		To incorporate New Providence Library company,	ib.
		To incorporate Sandy Creek do.	ib.
		To incorporate Lincoln agricultural society,	ib.
		To incorporate Greensboro' lodge, No. 76,	88
		To incorporate Charity Lodge in Windsor,	ib.

	Page.		Page.
To authorise a lottery for building a bridge across the South Yadkin,	88	To legitimate Emmery B. Williams,	93
To divorce Daniel Noomcaser, of Davidson, from his wife Catharine,	89	To legitimate the children of John Everett,	ib.
To divorce Elizabeth Wilkins of Burke, from her husband William Wilkins,	ib.	To legitimate Nancy Jolinson and others,	ib.
To divorce Jacob Johnson of Chat-ham, from his wife Hannah,	ib.	For the relief of Edward Owen,	94
To alter the names and legitimate Milbry and Charlotte Stokes,	ib.	For the relief of Elizabeth Hoggott,	ib.
To alter the names of the illegitimate children of B. Whitley of Martin	90	For the relief of Annis Blackman,	ib.
To legitimate B. Franklin Jackson,	ib.	Concerning Michael Rymer,	ib.
To alter the name of Joseph Scott,	ib.	Securing to Jane Welborn and Sarah Pinnex the property they may here-acquire, after	ib.
To alter the name of Sally Smith,	91	To restore to credit John Clewis,	ib
To alter the name of John Hunt and others,	ib.	To secure to Sally Hampton her pro- perty,	95
To legitimate the children of Robert Godly,	ib.	To exempt certain citizens of Beau- fort from public duties,	ib
To alter the names of Sally A. and Emeline Woolard,	92	To exempt do. of Tyrrell from do.	ib
To alter the name of C. A. Williams and others,	ib.	To emancipate Saly Zimmerman, a slave,	96
To legitimate the children of Elias Talt,	ib.	Resolutions,	97
		Sheriff's and Clerks returns of taxes, attached.	

















