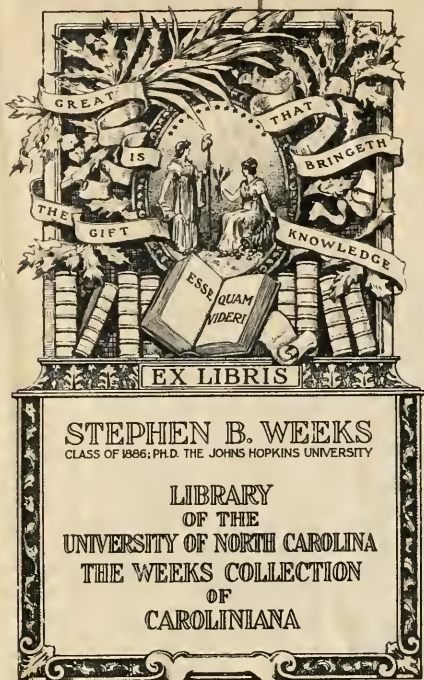


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# ACTS

PASSED BY

THE GENERAL ASSEMBLY

OF

THE STATE OF NORTH-CAROLINA,

At its Session,

COMMENCING ON THE 15TH OF NOVEMBER, 182<sup>d</sup>.



RALEIGH:

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1825.





# LAWS OF NORTH-CAROLINA,

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

HUTCHINS G. BURTON, ESQ. GOVERNOR.

## CHAPTER I.

An Act to alter the time of holding the Superior Courts in the fourth Judicial Circuit, and to alter the time of holding the County Courts of Guilford, Rockingham and Person.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Superior Courts of Law and Equity, for the counties hereinafter named, shall be opened and held in each and every year, on the days following to-wit: The Superior Court aforesaid for the County of Granville, shall be opened and held on the first Monday of March and the first Monday of September; the Superior Court aforesaid for the County of Orange, shall be opened and held on the second Monday of March and the second Monday of September; the Superior Court aforesaid for the County of Chatham, shall be opened and held on the third Monday of March and third Monday of September; the Superior Court aforesaid for the County of Randolph, shall be opened and held on the fourth Monday of March and the fourth Monday of September; the Superior Court aforesaid for the County of Rowan, shall be opened and held on the first Monday after the fourth Monday of March, and the first Monday after the fourth Monday of September; the Superior Court aforesaid for the County of Davidson, shall be opened and held on the second Monday after the fourth Monday of March and the second Monday after the fourth Monday of September; the Superior Court aforesaid for the County of Stokes, shall be opened and held on the third Monday after the fourth Monday of March, and the third Monday after the fourth Monday of September; the Superior Court aforesaid for the County of Guilford, shall be opened and held on the fourth Monday after the fourth Monday of March and fourth Monday after the*

Time of holding Granville S. Court.  
Orange.  
Chatham.  
Randolph.  
Rowan.  
Davidson.  
Stokes.  
Guilford.

fourth Monday of September; the Superior Court aforesaid for the County of Rockingham, shall be opened and held on the fifth Monday after the fourth Monday of March and the fifth Monday after the fourth Monday of September; the Superior Court aforesaid for the County of Caswell, shall be opened and held on the sixth Monday after the fourth Monday of March and the sixth Monday after the fourth Monday of September; and the Superior Court aforesaid for the County of Person, shall be opened and held on the seventh Monday after the fourth Monday of March and seventh Monday after the fourth Monday of September; and all proceedings and process of every kind, pending in, or issued or to be issued from the said last mentioned Superior Courts, shall stand continued and be returned to the time by this act prescribed for holding the said Courts respectively.

II. *Be it further enacted*, That after the next term of the Courts of Pleas and Quarter Sessions for the Counties of Guilford, Rockingham and Person, they shall be holden for the County of Guilford, on the third Monday of May, August, November and February; for the County of Rockingham, on the fourth Monday of May, August, November and February; and for the County of Person, on the first Monday of June, September, December and March, in each and every year; to which times all the process and proceedings of the said Courts respectively, shall be made returnable, and that this act shall be in force from and after the ratification thereof.

## CHAPTER II.

An Act to provide against the introduction and spreading of contagious or infectious diseases in this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when a contagious disease shall be raging in any part of this State, or in any part of the United States, it shall be the duty of the Officers of Police of any incorporated town within this State, who may have what they consider well founded apprehensions that their town is in danger of being visited by such disease, to take such precautionary measures, and provide such penalties for the breach of them, as to them may seem necessary and proper, the expense of which they are hereby authorised to defray out of any money at the time in their town treasury; or, if that should not be in a situation to sustain the expense, to borrow such sum as may be necessary to defray such expense, and after-

wards to raise the amount by a tax on the inhabitants of such town, over and above the ordinary taxes levied for the current expenses of such town.

II. *Be it further enacted.* That nothing herein contained shall be construed to lessen or impair the powers and authority of the Commissioners of the seaport towns, or the Commissioners of the seaport towns and the Commissioners of navigation, or other officers, under the Quarantine laws of the State, to prevent the introduction of diseases by vessels arriving at or near said seaport towns.

Nothing in this act to affect the powers already possessed by the Commissioners of the seaports.

III. *Be it further enacted.* That this act shall be in full force and effect from and after the ratification of the same; and that the Public Printer publish the same in such manner as to give the earliest information of the act.

This act to take immediate effect.

### CHAPTER III.

An Act to allow amendments on writs of error and appeals, and to authorise the Supreme Court to make amendments.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Superior Courts of Law, on any appeal or writ of error from the County Court, shall, from time to time, amend all and every imperfection, defect and want of form (except those specially demurred to, and set down and expressed as cause of demurrer) in the writ, declaration or other pleading, process, return, judgment, or course of proceeding whatsoever, in the County Court; and that the said Superior Court may, at any time, permit either of the parties to such appeal or writ of error, to amend any thing in the process, pleading, judgment or other proceeding of the County Court, in the same manner as the said County Court might or could have done, whilst the suit was pending in said County Court: *Provided always,* That such amendment shall be made on such terms as the said Superior Courts may, in their discretion, or by their rules, prescribe.

Sup'r Courts shall amend defects in appeals.

II. *Be it further enacted.* That the Supreme Court, on any appeal from the Superior Courts of Law, shall, from time to time, amend all and every imperfection, defect and want of form (except those specially demurred to, and set down and expressed as cause of demurrer) in the writ, declaration, or other pleading, process, return, judgment, or course of proceeding whatsoever, either in the County or Superior Court; and that the said Superior Court, may, at any time, permit either of the par-

Supreme Court shall amend defects in appeals.



ties to said appeal to amend any thing in the process, pleadings, judgment or other proceedings of the County or Superior Courts, respectively, in the same manner as such amendment might or could have been made in said Courts: *Provided always*, That such amendments, shall be made on such terms as the Supreme Court may, in its discretion, or by rule, prescribe.

#### CHAPTER IV.

An Act granting further time to file appeals in the Supreme Court.

First seven days of a term allowed for filing appeals.

*Be 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 appeals from the Superior Courts to the Supreme Court of this State, the appellant shall be entitled to file his appeal any time within the first seven days of the term, under the same rules and regulations in other respects as now prescribed by law.

Interfering acts repealed

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

#### CHAPTER V.

An Act to amend an Act passed in the year 1819, to create a Fund for Internal Improvement, and to establish a Board for the government thereof.

Board to consist of the Governor & three other members.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Board of Internal Improvement shall consist of the Governor of the State for the time being, and of three Directors, any two of whom shall constitute a Board to transact business, and who shall be chosen every year by joint ballot of both Houses of the General Assembly, who shall have the same powers and authority, and be subject to the same duties and restrictions as are now imposed by law.

The Board to contract annually for the services of a Civil Engineer.

*II. And be it further enacted*. That it shall be the duty of the Board of Internal Improvement, to contract annually for the services of some person skilled in the science of Civil Engineering, at the lowest salary at which such services can be obtained, not exceeding three thousand five hundred dollars per annum; and the services of the said Civil Engineer shall commence, annually, on the first day of January in each and every year, and expire twelve months thereafter.

Allowance of

*III. And be it further enacted*, That the Secretary of the Board of Internal Improvement shall hereafter be



allowed the sum of three dollars, and no more, per diem, for each day the Board shall be in actual session. the Secretary of the Board.

IV. *And be it further enacted,* That all laws and clauses of laws, in any wise contrary to the terms of this act, be, and the same are hereby repealed.

#### CHAPTER VI.

An Act supplemental and explanatory of an Act, passed the present session of the General Assembly, entitled, "An Act to amend an Act passed in the year 1819, to create a Fund for Internal Improvement, and to establish a Board for the government thereof."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the expenses of the Engineer, when travelling on his official duties, shall be paid him, not exceeding one dollar and fifty cents *per diem*, from the fund set apart for Internal Improvement, in addition to his salary. Allowance for travelling expenses of the Civil Engineers.

#### CHAPTER VII.

An Act to continue in force certain parts of the Act, entitled "An Act for the promotion of Agriculture and Family Domestic Manufactures, passed in the year 1822, and for other purposes therein mentioned."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as relates to the establishment of a Board of Agriculture, be, and the same is hereby continued in full force and virtue, who shall possess, exercise and enjoy all the rights, privileges and powers, which they are now entitled to by law. So much of the former act as relates to the establishment of a Board of Agriculture to continue in force.

II *And be it further enacted,* That the expenditures of the Board of Agriculture shall be confined to the publication of a volume of Essays and Reports upon Agricultural subjects, as directed by the above recited act, including the expense of taking and publishing a Geological and Mineralogical Survey of the various regions of this State, as directed by an act passed at the last session, and such other incidental expenses as may be necessary to carry the provisions of this act into effect; which said several sums, shall be paid out of any money in the Treasury not otherwise appropriated, to be drawn and accounted for, as prescribed in the above recited acts. The objects to which the expenditures of the Board shall be confined.

III. *And be it further enacted,* That the several Counties in this State, which have failed to establish Agricultural Societies, or may have neglected to avail themselves of the provisions of the above recited act, shall Counties which have not yet established Agricultural Societies. have 2 years longer

## LAWS OF NORTH-CAROLINA.

ger allowed them to obtain their proportion of the fund. have a further time of two years allowed them, to obtain their proportionable part of the fund set apart for the promotion of Agriculture and Family Domestic Manufactures within this State.

Unexpended balance of Agricultural fund shall go to the Treasury. IV. *And be it further enacted*, That the unexpended balance of the Agricultural fund, shall hereafter be considered as forming a part of the surplus fund in the Treasury.

### CHAPTER VIII.

An Act directing the erection of a Treasury Office, authorising the Treasurer to employ an Assistant Clerk, directing improvements in the Office of the Secretary of State, and fixing hours of business to be observed by the Heads of Departments.

The Treasurer is authorised to contract for the building of a Treasury Office. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Public Treasurer be, and he is hereby authorised and required to contract with some person to build upon the South-East section of the Capitol Square, a brick or stone building for the accommodation of the Treasurer of this State; said building shall contain a vault, or room, which besides proper fastenings, shall be made fire-proof, for the security of the records, papers and money of the Treasury Department.

\$2,500 appropriated therefor. II. *Be it further enacted*, That the sum of two thousand five hundred dollars, be, and hereby is appropriated for completing said building, and the Treasurer is hereby authorised to pay the same in such sums as the terms of the contract may require: *Provided*, The undertaker, at the time of making his contract, enter into bond payable to the Governor, with not less than two securities, to comply with his said contract in all the particulars thereof.

III. *Be it further enacted*, That when the said building shall be completed, it shall be occupied by the Treasurer for the time being as his Office.

The Secretary of State is authorised to make certain alterations in his office. IV. *Be it further enacted*, That the Secretary of State be, and he is hereby authorised and required, to cause such alterations to be made in the doors and windows in the building in which his Office is kept, as may render them secure against depredation, and, as far as practicable, preserve the records and papers against fire; that the bills and account for such improvements, not exceeding two hundred and fifty dollars, being first audited and allowed by the Comptroller, be paid by the Treasurer, on the warrant of the Secretary of State, countersigned by the Comptroller.

V. *Be it further enacted*, That the Treasurer be, and he is hereby authorised, from time to time, as occasion in his judgment may require, to employ an Assistant Clerk in his Office. Treasurer may employ an Assistant Clerk.

VI. *Be it further enacted*, That for the convenience of the Officers, Heads of Departments, and persons having business with them, said Officers shall be, and hereby are required to attend to every application made to them for official duties between the hours of nine and twelve o'clock, and between two and five o'clock, on every day in the year (Sundays, and the fourth of July only excepted) and said Officers shall not be required to attend to any call made at any other time of the day. Office-hours fixed for the Departments

#### CHAPTER IX.

An Act authorising the Public Treasurer to purchase Bank Stock.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Public Treasurer be, and he is hereby authorised to purchase stock in any of the Banks of this State, to such an amount, and at such times, as he may deem advisable, and that the same be purchased upon the lowest and best terms for which it may be obtained in the market; but in no instance to exceed the par value thereof. That this act shall continue and remain in force, until otherwise directed by law, or until the Legislature shall establish a Bank upon the funds of the State. Not to give higher than par value.

#### CHAPTER X.

An Act respecting Military Land Warrants.

*Be 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 Governor of this State, the Public Treasurer and Comptroller, be, and they are hereby constituted a Board to pass on all claims for military land warrants, which shall be preferred on or before the first day of July next; any law to the contrary notwithstanding. A board constituted.

II. *And be it further enacted*, That no military land warrant shall be issued under the authority of this State, after the first day of July next. No warrant to issue after 1st of July.

III. *And be it further enacted*, That it shall be the duty of the Secretary of State, to give notice in the public newspapers printed in Raleigh, of the passage of this act, from and after the ratification thereof, until the said first day of July next. Notice to be given of the passage of this act.



## CHAPTER XI.

An Act to carry into effect a contract entered into by Benjamin Robinson and William Robards, Commissioners on the part of the state, with certain Indians of the Cherokee Nation, in the said contract named.

Contract ratified & confirmed.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the contract entered into between Benjamin Robinson and William Robards, Commissioners for that purpose, appointed in conformity with the act of one thousand eight hundred and twenty-three, on the one part, and the following heads of Cherokee Indian families, to-wit: Jack, Sharp-Fellow, Jacob, Oo-lah-not-tee, Johnson, Connaught, Bag, or Sap-Sucker, Club, Wha-ya-kah, or Grass Grower, Old Nanny, Eu-noch, or Trout, by Skilkee, Am-ma-cher, or Water going under the Ground, Tau-neh, for self and heirs, John, Bear-going-in-the-hole, Too-naugh-he-all, Beaver-toter, John Quickly, Fence, Parch-corn-flour, Jenny, for self and heirs of Skekin, Ca-tee-hee, Yellow-Bear, Sally Little-deer, for self and heirs, Jenny, Wolf, W. Reid, John Ben, Thomas, Cul-sow-wee-hee, Old Mouse, Panther, Back-water, Yono-na-gis-kah, Eu-che-lah, Teg-entos-ah, Tom, for self and Aquallah, widow and heir of Too-lan-notah, and Gideon F. Morris, on the other part; which contract was executed at Franklin, in the County of Haywood, on the twentieth day of August, A. D. 1824, witnessed by Humphrey Posey, Joshua Robards, Saul Smith, and G. Stephens, be, and the same is hereby ratified and confirmed, except as to the claim of Gideon F. Morris, Tau-neh, and the heirs of Ah-leach, Jenny, and the heirs of Skekin, Sally Little-deer, and the heirs of Little-deer, Aqual-lah and Tom, widow and heir of Too-le-noo-tah, Parch-corn-flour, Jenny, Ca tee-hee, Yellow Bear, Cul-sow-wee-hee, Old Mouse, and Panther, and as to whom, the said contract and treaty is not ratified and confirmed.

Except as to the claim of Morris & others.

Contract to be enrolled, and printed with the laws of the state.

II. *And be it further enacted,* That the said contract be enrolled and printed with the laws of the state,\* and that the Secretary of State cause to be registered in a suitable book to be procured for that purpose, the certificates and surveys of the parties, together with the memorandum of evidence, and safely keep the originals, and all other papers relative to the contract, amongst the records of his office.

\* This contract is printed at the end of the Laws.



III. *And be it further enacted,* That the sum of nineteen thousand, nine hundred and forty dollars, from any unappropriated money in the Treasury, be, and the same is hereby set apart, for the purpose of carrying the said contract into effect.

Money set apart for carrying the contract into effect.

IV. *And be it further enacted,* That two Commissioners be appointed by the Governor, who, upon the Governor's warrant, shall draw from the Treasury the sum of nineteen thousand, nine hundred and forty dollars, set apart in the third section of this act, for the purpose of carrying the aforesaid contract into effect, whose duty it shall be to proceed to the town of Franklin, in the County of Haywood; and on notification to the parties, to meet them at that place, between the 20th day of April and the second day of May next, they shall pay the said parties, respectively, the sums stipulated to be paid them by the said contract.

Commissioners to be appointed to carry the contract into effect.

V. *And be it further enacted,* That the Commissioners to be appointed as aforesaid, on the payment of the money, as in the fourth section of this act provided, shall take a release from the parties, against all suits, and take conveyances from the several persons, as to whom the said contract is ratified, of all their title and claim to their said reservations within this State, in such form as shall be good and sufficient to convey the same, and cause the same to be proved and registered in the proper office of Haywood County; and after the same shall have been registered, that they cause the same to be transmitted to the Governor.

Releases & conveyances to be taken from the parties.

VI. *And be it further enacted,* That the said contract, after it shall have been enrolled, shall be delivered by the Secretary of State to the Commissioners, to be appointed as aforesaid, whose duty it shall be to carry the same into the County of Haywood, and cause the same to be proved and registered in the proper office of said county; and after the same shall have been registered, that they cause the same to be returned to the Governor.

Contract to be registered in Haywood county.

VII. *And be it further enacted,* That the Commissioners to be appointed as aforesaid, shall, upon the Governor's warrant, draw from the Treasury, the sum of five hundred dollars, and that with the money thus drawn, they liquidate and pay certain costs of suit, which the State in good faith is bound to pay under the aforesaid contract, and that they take the proper acquittances.

\$500 to be drawn from the Treasury to pay certain costs.

VIII. *And be it further enacted,* That the Treasurer pay the money, as in the foregoing section provided, from any money in the Treasury not otherwise appropriated.

Commissioners to enter into bond.

Their pay.

If one of the commissioners should not act, the other may perform all the duties.

Commissioners to report to the Governor.

Money to be retained out of the proceeds of the Cherokee lands, for this contract.

IX. *And be it further enacted*, That the Commissioners to be appointed as aforesaid, shall enter into bond to the Governor, with sufficient security, in the sum of twenty-five thousand dollars, for the faithful discharge of the duties as in this act prescribed, and that they shall receive for their services at the rate of five dollars each per day, during the time of performing the duties required by this act.

X. *And be it further enacted*. That if by death, refusal, or other cause, either of said Commissioners shall fail to act, the other Commissioner shall be authorised to perform the duties of Commissioners under this act.

XI. *And be it further enacted*, That the Commissioner or Commissioners, to be appointed as hereinbefore mentioned, shall report to the Governor, on or before the first day of November next, what he or they may have done in conformity to this act.

XII. *And be it further enacted*. That the Public Treasurer shall retain in the Treasury, out of the proceeds arising from the sale of the Cherokee Lands, which shall be first received at the Treasury, the amount of money appropriated by this act for carrying the above contract into effect.

## CHAPTER XII.

An Act to alter and amend the Act of the General Assembly of 1823, entitled "An Act for the relief of such persons as became purchasers of the Cherokee Lands, sold under the authority of this State."

Preamble.

Whereas it is found from experience, that owing to the present scarcity of money, the remote situation of the lands above mentioned, and the great distance from market of many of the purchasers thereof, it is not only difficult to most, but impracticable with some, to raise the money required of them as purchasers aforesaid; and for as much likewise, as the provisions of the act above-mentioned, are of such doubtful construction as to be misunderstood by many: For remedy whereof,

A stay of proceedings on the purchasers bonds till the next G. Assembly.

*Be 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 have been sold under the authority of this State, be, and the same is hereby granted, from and after the passing of this act, until the meeting of the next General Assembly.

II. *And be it further enacted*, That the Public Treasurer be, and he is hereby authorised and directed to re-

ceive from all purchasers of the above description, who shall tender payment on or before the period fixed as before mentioned, the one-eighth part of the original purchase, or debt due from him or them, together with all the interest which shall have accrued thereon up to that time, instead of requiring or demanding any other or greater part or proportion thereof.

Treasurer to receive one-eighth of the original purchase, instead of one-fourth.

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

### CHAPTER XIII.

An Act concerning the Lands held under leases from the Tuscarora Tribe of Indians.

Whereas it is represented to this General Assembly, in behalf of persons holding lands under leases for a long term of years from the Tuscarora tribe of Indians, that they are subject to great inconveniences from their estates being mere chattel interest: For remedy whereof.

Preamble.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the estates in land now held by certain individuals, under leases for a term of years from the Tuscarora tribe of Indians, made in pursuance of certain acts of the General Assembly of this State, shall be hereafter considered real estate; shall descend to, and be divided among the heirs of any intestate, subject to dower and tenancy by curtesy, and other incidents to real estate, and its liability to execution, and its conveyance and devise, shall be governed by the same rules as are now prescribed in the case of real estate held in fee-simple: *Provided,* that nothing herein contained, shall be so construed as to give to the individuals holding the said terms for years, a right to enjoy the same for a longer period than is designated in the leases executed by the said Tuscarora Indians, in pursuance of acts of the General Assembly of this State, nor so as to give to said individuals any right which, by the constitution of this State, is exclusively confined to freeholders.

These lands to be considered as real estate.

Not to extend beyond the period of their leases.

### CHAPTER XIV.

An Act to repeal an Act of the last General Assembly, entitled "An Act to amend the laws making provision for Widows."

*Be 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 foregoing act of the last General As-

Act of last session repealed.



sembly, making the provisions for widows therein named, be, and the same is hereby repealed and made void. And whereas the present provisions, independent of that act, may not be deemed sufficiently provident for widows of persons dying intestate :

Farther provision for widows.

II. *Be it further enacted*, That, in addition to the provision for the year's support of the widows and family of persons dying intestate, the widow of every such person so dying intestate, shall be entitled to one bed and its necessary furniture, and one wheel and one pair of cards, if such articles be among the goods and chattels of the 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 estate, under the same rules and regulations as the articles for her year's support are ; any thing to the contrary notwithstanding.

#### CHAPTER XV.

An Act to provide for revising and consolidating the Acts of the General Assembly concerning Administrators and Executors

Wm. Gaston Commissioner'd to revise the laws concerning ex'rs & adm'rs.

*Be 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 Gaston, Esquire, be, and he is hereby appointed Commissioner to revise and consolidate all the public acts of the General Assembly of this State concerning the duties of Administrators and Executors, and report the same, with such alterations as may be necessary, in a clear and concise form, to the next General Assembly.

Compensation.

II. *And be it further enacted*, That the said William Gaston, Esquire, shall receive such compensation for his services as aforesaid, as may be judged adequate by the next General Assembly.

#### CHAPTER XVI.

An Act to repeal, in part, an Act passed in the year 1820, entitled "An Act further pointing out the duty of Guardians."

Clerks to issue summonses instead of sc's. fa.

*Be 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 second section of the before-recited act, as requires the Clerks to issue a notice in nature of a *scire facias*, be, and the same is hereby repealed ; and that the said Clerks be required to issue an *ex officio* summons. And they shall be allowed sixty cents for each summons so issued, and the Sheriff thirty cents for serving the same.



II. *And be it further enacted by the authority aforesaid,* <sup>No fee to prosecuting officer.</sup> That no prosecuting officer shall be entitled to charge a fee in any such case.

## CHAPTER XVII.

An Act to extend the right of reviving actions, where the Plaintiff or Defendant may die pending the suit.

*Be 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 suit, to which an executor or administrator is party, Plaintiff or Defendant, shall abate <sup>No suit to, abate by the death of an ex'r or adm'r.</sup> by the death of such executor or administrator, but the same may be revived by, or against the administrator *de bonis non*, of such deceased party, as the same may be revived, by the existing law, by or against an executor upon the death of his testator, Plaintiff or Defendant, in any action.

II. *Be it further enacted,* That where any final judgment shall be had, by, or in the name of any executor or administrator, in such case, an administrator *de bonis non* may sue forth a *scire facias*, and take execution upon such judgment. <sup>Cases where final judgment is had.</sup>

## CHAPTER XVIII.

An Act to amend an Act, entitled "An Act concerning Divorce and Alimony," passed in the year 1814.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the said recited act as requires twelve months to elapse after the filing of the petition for divorce or alimony, before any decree shall be made; and so much of said act as imposes a tax of ten pounds to be paid by the party cast, be, and the same is hereby repealed. <sup>Parts of the former act repealed.</sup>

II. *Be it further enacted,* That if the party exhibiting his or her petition under the said act, shall make oath at the time of filing the same, that he or she is not worth the sum of two hundred dollars, bond for the payment of the costs of such suit shall not be required from such party. <sup>Cases in which a bond shall not be required.</sup>

## CHAPTER XIX.

An Act to amend an Act passed in the year 1818, entitled "An Act laying duties on Sales at Auction of Merchandize."

Whereas a practice prevails among auctioneers of this State, of setting up at auction one piece, article or parcel of merchandize, and by the price obtained for such piece, article or parcel, regulate the price at which other <sup>Preamble.</sup>

pieces or articles of the same kind of merchandize are by them sold at private sale, thereby evading the laws imposing a duty on merchandize sold at auction: For remedy whereof,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the duty of two and a half per centum, imposed by the above recited act, on goods, wares and merchandize sold at auction, shall be levied, collected and paid, on all goods, wares and merchandize, sold by any auctioneer, whether by public or private sale: Provided, the price at which such goods, wares and merchandize are sold, is fixed or agreed upon, or governed by the previous sale at auction, of any goods, wares or merchandize, of the same kind; which duty shall be accounted for by the said auctioneers, under the same rules, regulations and penalties, as are prescribed by the before-recited act. And every auctioneer, on rendering his account, as required by the before-recited act, shall take and subscribe to an oath on said account, that it truly exhibits the goods, wares and merchandize by him sold within the period there stated, either at auction or by private sale, wherein the price of any article was fixed, agreed upon or governed, by the previous sale at auction of any article, piece or parcel of goods, wares or merchandize of the same kind.*

Articles sold at private sale, when the price is governed by what is sold at auction, to pay the same duty.

Auctioneers required to account for such sales.

*II. Be it further enacted, That in the bonds given by auctioneers, there shall be added conditions, that he shall render a true and particular account of the sums for which any goods, wares and merchandize, made liable to duty by this act, have been sold by him; and shall as fully account for, and pay the duty on the same, as he is required to account for and pay the duty imposed by the before-recited act.*

Commissioners of towns to receive 1 per cent.

*III. And be it further enacted, That the auctioneers in each and every incorporated town in this State, shall pay to the commissioners of the town whereof he is an auctioneer, one per centum out of the two and a half per centum which is now paid to the State, as a duty on all goods, wares and merchandize, sold by them at auction.*

Commrs to require auctioneers to observe the rules prescribed.

*IV. Be it further enacted, That the said auctioneers shall be, and they are hereby to be governed, by the same rules, regulations, provisions and restrictions, to the said commissioners, for their payment, as they are in the above recited and amended act, to the State; any law to the contrary notwithstanding.*

## CHAPTER XX.

An Act to extend the provisions and penalties of an Act, entitled "An Act more effectually to punish the making, passing, or attempting to pass, counterfeit Bank Notes," passed in the year 1819, 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, whoever shall counterfeit, or cause or procure to be counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any bill or note; or publish as true, any counterfeit bill or note, purporting to be issued by order of the President and Directors of the Bank of the United States, or any corporation created by the United States, or any of them, shall be subject to the like penalties and restrictions as are contained in the said act for passing or counterfeiting a bill or note issued by order of the President and Directors of any of the Banks of this State, or any of the United States, or any of the territories thereof. .

Provisions  
against coun-  
terfeiting  
notes of the  
U. S. Bank  
or any of its  
branches.

## CHAPTER XXI.

An Act to amend an Act, passed in the year 1821, entitled "An Act to consolidate into one, the several Acts of the General Assembly of this State, relative to the appointment of Trustees of the University, for the government thereof, and for other purposes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the board of trustees, at their annual meeting, may, by resolution, vote or ordinance, from time to time, as to them shall seem meet, limit, control and restrain, the business to be transacted, and the power to be possessed and exercised by special meetings of the board, called according to the sixth section of the above-recited act; and the powers of such special meetings shall be limited, controlled and restrained accordingly. And every order, vote, resolution, or other acts, done, made or adopted by any special meeting, contrary to any such or other resolution, vote or ordinance of the board, at an annual meeting, shall be absolutely, to all intents and purposes, null and void.

Trustees at  
an annual  
meeting may  
limit the bu-  
siness of spe-  
cial meetings

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

## CHAPTER XXII

An Act for restraining Theatrical Representations in the vicinity of the University.

Whereas the exhibitions of strolling players in the vicinity of the University, without any tendency to im-



Preamble.

prove either the genius or the morals, are often calculated to lead youth into dangerous associations, while their parents and friends rely on the Faculty of the Institution for their protection from the seductions of vice, under the names of pleasure and amusement :

Theatrical  
performances  
not to be  
exhibited  
within five  
miles  
of C. Hill.

*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 exhibit any theatrical performance, or dramatic recitations, at Chapel-Hill, nor within five miles thereof, without the special permission, in writing, of three members of the Faculty of the University : The person or persons so offending against this act, shall be subject to indictment in the County or Superior Courts of Orange County, and, on conviction, shall be fined at the discretion of the Court.

#### CHAPTER XXIII.

An Act to amend an Act, passed in the year 1819, to provide for the payment of Witnesses, in certain cases.

If a defend't  
be discharg'd  
the court may  
order the  
witnesses to  
be paid.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in all cases wherein witnesses may be summoned or recognized to attend any of the Superior or County Courts, to give evidence in any prosecution in behalf of the State, and the Prosecuting Officer, or the Court, shall discharge the Defendant or Defendants, the Court may, if under the circumstances it shall appear to be just, order the certificates of attendance to issue to said witnesses; to be paid as other witnesses in such prosecutions are entitled to be paid.

#### CHAPTER XXIV.

An Act to regulate the Inspection of Saw-mill Lumber.

Rules for the  
inspection of  
lumber.

*Be 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 inspection of saw-mill lumber, shall hereafter be governed by the following rules, to-wit: all well-sawed sound boards and plank with square edges, and one-half heart on the sap side, shall be merchantable; also, all well-sawed boards and plank with square edges, one-half heart on the sap side, made of sound timber, and clear of split and wind-shakes for three-fourths of their lengths, shall be merchantable, deducting therefrom one-half of the fractured part; all well-sawed sound scantling with square edges shall be mer-



merchantable, and also, all well-sawed sound scantling with square edges two-thirds of their lengths, and the bark no more than one inch wide, shall be merchantable.

II. *And be it further enacted,* That all saw-mill lumber, not being of the description afore-named in this act, shall be deemed refuse. Any Inspector or Inspectors, who shall at any time hereafter, inspect saw-mill lumber by any rule or rules different from those prescribed by this act, shall forfeit and pay the sum of one hundred dollars, for each and every such offence, one-half to the informer, or person suing for the same, and the other half to the use of the County where such forfeiture shall be incurred.

Refuse lumber.

Penalty for inspecting by any other rule.

III. *And be it further enacted,* That should any person, who is not a legal or sworn Inspector of timber, presume to act as such, or as counter thereof, such person shall be deemed guilty of a misdemeanor, and on legal conviction thereof before any competent jurisdiction, shall be fined the sum of one hundred dollars, one-half to the use of the County where such offence may be committed, the other half to the use of the informer.

Penalty on an unauthorised inspector.

IV. *And be it further enacted,* That every Inspector shall cause to be separated the refuse lumber from the merchantable: *Provided,* that the same may be required either by the purchaser or the seller, under the same penalty as heretofore prescribed by this act.

Refuse lumber to be separated.

V. *And be it further enacted,* That this act shall extend only to the shippers and freighters on the Cape Fear River, and the several ports belonging to the same.

This act to extend to C. Fear River only.

VI. *And be it further enacted,* That so much of the acts of 1784 and 1821, as relates to the inspection of saw-mill lumber, be, and the same are hereby repealed.

Parts of former acts repealed.

## CHAPTER XXV.

An Act to authorise an increase of the Capital Stock of the Clubfoot and Harlow's Creek Canal Company.

Whereas the funds of the Clubfoot and Harlow's Creek Canal Company have been expended, and the work, though far advanced, is not yet completed; and the interests of the State and of the individual stockholders require, that the sum expended should not be lost by the abandonment of the work:

Preamble.

*Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That James Mauney, Otway Burns, Joseph Borden, Jeconias Pigott and Elijah Pigott, be, and they are hereby appointed Commissioners

Commissioners.

to receive subscriptions for the stock in the said Company for twenty shares, of one hundred dollars each, at such time and place, and after such notice, as they, or a majority of them, shall think proper.

Public Treasurer to subscribe for 75 shares.  
 II. *Be it further enacted*, That the Treasurer of the State be, and he is hereby authorised to subscribe, in behalf of the State, for seventy-five shares in the stock of said Company, additional to the shares heretofore subscribed by the State, out of the fund set apart for Internal Improvements.

#### CHAPTER XXVI.

An Act to incorporate a Company to improve the Navigation of the Thoroughfare between Cedar Island and Hall's Point, in Carteret County.

Commissioners  
 subscribers incorporated  
 A toll to be levied.  
*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Simon Styron, Briton Willis, Whittington Davis, Samuel C. Davis and Wallace D. Styron, be, and they are hereby authorised to receive subscriptions for stock for improving the navigation of the Thoroughfare between Cedar Island and Hall's Point, in Carteret County, in shares of five dollars each, to be paid at the time of subscribing, or secured to the satisfaction of the said Commissioners; and when one thousand dollars shall be paid or secured, the said subscribers shall be, and are constituted a body politic and corporate, by the name of 'The Cedar Island Thoroughfare Company,' and shall have all the powers incident to a corporation: They may appoint a Treasurer, and such other officers as they may think proper; they shall have authority to employ such hands and machines as they may think proper to work on the said Thoroughfare, to remove obstructions, and to improve the navigation thereof. And when said navigation shall be improved, so that boats or vessels drawing more than three feet water may pass the same, at common low tide, they shall be entitled to demand and receive a toll of fifty cents per foot from every boat which shall pass the same drawing more than three feet water: And this act shall be in force for the term of thirty years.

#### CHAPTER XXVII.

An Act to appoint Commissioners to superintend the laying off and improving that part of the great State Road between the Town of Jefferson and the Tennessee line, 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 George Bower, Gideon Lewis and Edward King, be, and they are hereby appointed Commissioners to superintend the laying off and improving that part of the great State Road, lying between the town of Jefferson and the Tennessee line, in Ashe County. Commissioners.

II. *And be it further enacted,* That the said Commissioners shall give public notice for at least twenty days, of their intention to let out such parts of the said road as they may think proper, after which they shall proceed to let out such parts thereof as they may deem proper, to the lowest bidder, who shall give bond and security for the performance of the work. Road to be let to the lowest bidder.

III. *And be it further enacted,* That they shall make out two fair plats of the said road, one of which shall be filed in the office of the Clerk of Ashe County, and the other shall be transmitted to the Board of Internal Improvements; which plats shall represent the most remarkable places over which the said road may pass, and the distance from one remarkable place to another, together with the whole distance of the road. Two plats to be made and filed.

IV. *And be it further enacted.* That the said Commissioners shall draw out of the fund set apart for Internal Improvements, the sum of three hundred dollars, for the purpose of carrying the provisions of this act into effect: *Provided,* that no money shall be drawn by virtue of this act, until the Board of Internal Improvements shall sanction their contracts. \$ 300 to be drawn from the Int'l. Improvement fund.

## CHAPTER XXVIII.

An Act to authorise the making of a Turnpike Road from the Saluda Gap, in the County of Buncombe, by way of Smith's, Murrayville, Asheville and the Warm Springs, to the Tennessee line.

*Be 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, be, and they are hereby appointed Commissioners for receiving subscriptions to the amount of thirty thousand dollars, for the purpose of laying out and making a Turnpike Road, from the Saluda Gap, in the County of Buncombe, by way of Smith's, Murrayville, Asheville and the Warm Springs, to the Tennessee line; 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 January next, and they shall conti- Commissioners.  
Books to be opened for subscription



me 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 twenty 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 twenty 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 Buncombe 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 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 effective, to all intents and purposes, as if the proprietor himself were personally present at the doing thereof.

II. *And be it further enacted,* That if the said sum of thirty 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 till the first day of February 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 subscription until the capital shall be reduced to thirty 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, and until the sum shall be reduced to the capital aforesaid.

III. *And be it further enacted,* That the capital stock aforesaid, shall be divided into shares of fifty dollars

A general meeting of subscribers.

Company incorporated.

Officers to be elected.

Proxies may be deputed.

Provision for re-opening the books.

If there be an excess of subscription it may be scaled.

The stock to be divided



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 Public Treasurer shall have power to appoint a Director of 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 the North and South-Carolina Gazettes, 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 legal process, or they may expose to sale, at the town of Asheville, the share or shares which such delinquent may hold in said Company, by giving ten days public notice as aforesaid. And if the said stock shall not sell for a sum sufficient to pay the instalments thereon, the sum deficient may be recovered of the person who owes the said stock, and the books of the Company shall be good evidence of such sale and purchase of said shares.

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 said road, or any part thereof, and shall obtain from the Board of 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 the money which may come into 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 appoint a clerk, and such managers and servants as they deem necessary. And when the road is completed, a toll-gatherer, or toll-gatherers, 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

into shares of \$50 each.

Public Treasurer to subscribe for 100 shares.

Shares to be paid for as directed.

Delinquent subscribers how to be proceeded against.

Contracts to be made for improving said road.

Treasurer may be appointed.

Clerk, &c.

Oath of office.

oath or affirmation for the due performance of his duty.

**Majority of stock to be represented at every general meeting.** 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 one 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:

**Pres't & Directors to be elected at every annual meeting.** 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, which have been duly paid for according to the terms of subscription, and the regulations prescribed for the payment of stock subscribed for, after leaving in the hands of the Treasurer such sums as the meeting may think necessary to answer the contingent charges: *Pro-*

**Dividends.** *vided always,* that under no circumstances, shall a greater dividend be made than twenty 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 be made, as the President and Directors may think most expedient; and for the more effectually enforcing this 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.

**Not to exceed 20. per cent.** VI. *And be it further enacted,* That all meetings where a majority of the stockholders are required to be present, the number of votes to which each stockholder shall be entitled, except the State, shall be according to the number of shares he shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote:

**Number of votes to which stockholders are entitled.**

for every eight shares above sixty, and not exceeding one hundred, one vote ; and for every ten shares above one hundred, one vote : but no person, copartnership, or body politic, shall be entitled to a greater number than thirty votes.

VII. *And be it further enacted,* That as a compensation to the said stockholders for the trouble they will bestow on said undertaking, and the expences they will disburse in constructing and keeping the said road in repairs, and erecting gates and other necessary works, the profits of the said road are vested in them, their executors and assigns, as tenants in common, for the term of thirty-six years, to be computed from the time of giving the notice prescribed in 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, to-wit : on every four-wheeled carriage of pleasure, two dollars and fifty cents ; on every gig or sulky, one dollar ; on every six horse waggon, two dollars and fifty cents ; on every four horse road waggon, two dollars ; on every three or two ditto, one dollar and fifty cents ; on every pedlar's cart, one dollar and fifty cents ; on every road cart, fifty cents ; on each horse or mule without a rider, six and a quarter cents ; on every head of beef cattle, six and a quarter cents, and hogs and sheep three cents on each ; on every animal designed for exhibition, two dollars ; travellers on horses, twenty-five 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 their collection, and previous to passing the same, the toll-gatherers, respectively, may refuse passage to the person or persons so refusing ; and if any person or persons shall pass, or drive through any wheeled carriage or animals liable to toll, without paying the same, he or they may be proceeded against before any tribunal having cognizance thereof : *Provided,* that nothing contained in this act, shall render any citizen of the county of Buncombe liable to pay the above toll.

VIII. *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

Profits vested in the company for 36 years.

Tolls.

Width of the road, &c.



feet ; 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 road shall be completed as aforesaid, the President and Directors shall give public notice thereof.

Road is a  
public high-  
way:

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

Land thro'  
which the  
road passes  
may be pur-  
chased

X. *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 where the lands lie, the Justices shall issue their warrant to the Sheriff of 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 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, provided twelve or more appear, to-wit : that he will impartially value the land in question, and consider all the 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 Court, to be recorded. And in all such cases, the Jury is hereby directed to describe the land valued, and such valuation shall be conclusive, and the President and Directors shall pay the sum to the owner of the land va-



lued, 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.

XI. *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 the necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, as the owner or owners being out of the State, the same proceedings may be had, and the same conveyances shall follow, as are described in the preceding clause.

Also, for erecting toll houses, &c.

XII. *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 books, 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 shares, and not for part of said 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 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 Company, be, to every intent and purpose, taken absolutely as such; but between the trustee and the person for whose benefit such trust shall be executed, the common remedy may be pursued.

Stockholders may transfer their shares.

XIII. *Be it further enacted,* That all hands liable to work on roads in the county of Buncombe, residing within two miles on either side of the road, from the Tennessee line to the top of the Saluda mountain, shall be liable to do six days work in each and every year on the said Turnpike Road, under the direction of the President and Directors of said Company, with the exception of the hands on the west side, from the mouth of ~~Big~~ Ivy, to the free Bridge on French Broad River, for

Hands liable to work on this road

which distance the river shall be the line; and the hands in the limits aforesaid, who shall not, when warned as in other cases, attend and work on the said road, shall be liable to the same fines and penalties, and recoverable in the same manner, that fines are now collected from persons failing to work on public roads in this State: *Provided*, that the hands within the limits aforesaid, shall not be compelled to do more than two days work in any one month.

When ten miles of the road are made tolls may be collected.

XIV. *And be it further enacted*, That so soon as any part of the said road, not less than ten miles in extent, shall be made agreeable to the specifications contained in the eighth section of this act, it shall and may be lawful for the President and Directors of the said Company to erect a toll-gate, and collect one-seventh of the whole amount of tolls imposed by the seventh section of this act, and in like proportion for a greater extent of road: *Provided nevertheless*, that no toll-gate shall be erected on said road within three miles south of Asheville, and north of Asheville (to a point north of the road leading from Asheville) to Waynesville, in Haywood County.

Modification of the toll.

XV. *And be it further enacted*, That all persons and property subject to tolls, passing on that portion of said road between the free Bridge and Saluda Gap, shall not be liable to pay more than one-fifth of the tolls imposed by the seventh section of this act: *Provided always*, that it shall be competent for the General Assembly of North-Carolina to repeal and make void this act, and to dissolve the Corporation hereby created, whenever it shall appear to them that the object of this act has failed, and those to whose management the affairs of the Corporation have been committed, have been guilty of mismanagement and abuse of their trust. And it shall also be competent for the said General Assembly to call to account, in such manner as it may prescribe, all and every person who may have acted in the character or capacity of President, Director or Treasurer of the said Corporation; and in case any person called to account shall be found guilty of mismanagement or abuse in the discharge of the duty which has been conferred on him by the Corporation, he, she or they shall be liable, in his or their individual capacity, in any Court having jurisdiction thereof.

Act may be repealed if its object be not attained.

Officers may be called to account.

Former act repealed.

XVI. *And be it further enacted*, That 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, passed at the last General Assembly, be, and the same is hereby repealed.

### CHAPTER XXIX.

An Act giving the assent of North-Carolina to, and enforcing in this State, certain Acts of the General Assembly of the State of Tennessee, relating to the Smoky Mount in Turnpike Company, and authorising a Subscription on the part of this State to the Stock of said Company.

Whereas it is represented to this General Assembly, that it will greatly promote the convenience and interests of the people of this State, that the acts of the General Assembly of the State of Tennessee, incorporating a Company to open a Turnpike Road from Sevierville, in Tennessee, to some place in the County of Haywood, in this State, should be enacted and enforced in this State; which acts are in the words following, to-wit: "An act to incorporate the Smoky Mountain Turnpike Company," passed the 16th day of November, 1821.

"Section I. *Be it enacted by the General Assembly of the State of Tennessee,* That James P. H. Porter, Alexander Preston, Simeon Perry, Robert Rogers (of Sevier County) Peter Bryan, William Cate, sen. (of Jefferson County) and John Underwood, and their associates, be, and they are hereby incorporated a Turnpike Company, to be called and known by the name of the Smoky Mountain Turnpike Company, to view, lay out, and cause to be opened, a road from Sevierville, in the county of Sevier, to cross the Smoky Mountain at such gap or place as a majority of the Company may agree upon; said road to be opened, marked, causewayed and improved, where the same is practicable, so as to correspond with the rules established by the laws of this State for the first class of public highways, and shall intersect the line of the State of Tennessee at such point, that a road from the navigable waters of Georgia may best meet the same.

"II. *Be it enacted,* That the stock of the said Company shall be ten thousand dollars, to be divided into shares of fifty dollars each, the one-fourth thereof to be paid in three months after the route of said road shall be by said Company agreed upon and marked, the balance in three equal instalments, to be paid at such times as may be agreed upon by the said Company, on their giving sixty days notice in some newspaper printed at Knoxville; and stockholders failing to pay at the time specified in such notice, shall forfeit to the Company so much as may previously have been paid by such stockholder: *Pro-*



Act of Tennessee.

vided, that if such stockholder, or his representatives, shall pay such instalment at any time before the forfeiture hereby contemplated shall be declared, the same shall be by said Company received, as if paid at the time specified.

“ III. *Be it enacted*, That said James P. H. Porter, Alexander Preston, Simeon Perry, Robert Rogers, Peter Bryan, William Cate and John Underwood, or a majority of them, be, and they are hereby appointed Commissioners, whose duty it shall be, by themselves or agents, to open books for receiving subscriptions for stock at the town of Sevierville, and such other places as they shall think proper; such books to be kept open until the whole stock shall be subscribed; and when it shall appear to said Commissioners that the subscription has been filled, said Commissioners, or a majority of them, shall give public notice thereof in some newspaper printed in Knoxville, and in such notice call a meeting of said stockholders.

“ IV. *Be it enacted*, That the stockholders when convened, shall proceed to elect, each person by himself or by proxy, giving as many votes as he holds shares, ten of their body Managers of the said Company, one of whom shall be President thereof; and may appoint out of said Managers, such other officers of their Board as they may deem necessary: And may also agree on times of meeting, and establish subordinate rules for the better progressing in the business of said Company: *Provided*, said rules shall in no wise violate the constitution or laws of the State.

“ V. *Be it enacted*, That the persons who shall become stockholders in said Company, shall be, and are hereby constituted a body corporate and politic, by the name and style of ‘The Smoky Mountain Turnpike Company,’ and by their President may sue and be sued, and each and every of the said stockholders shall be liable in his or their private estate, to the amount of the stock by him or them subscribed, to such person or persons as may become creditors to said Company; and should such President resign, and another be elected by the Company, in that case, the creditor of such Company may issue his process against the President so resigned, and such resignation shall not be cause of abatement.

“ VI. *Be it enacted*, That said Corporation shall continue for the term of twenty years.

“ VII. *Be it enacted*, That a majority of the Direc-



tors, including the President, or some one of the Directors authorised by him in writing to act as such, shall be necessary to transact the business of said Corporation; and in case of the death, resignation or refusal to act, of a Director, the Board shall proceed to fill such vacancy until the next annual election, and all Directors shall cease to be such as soon as they shall cease to be stockholders.

Act of Ten-  
nesssee.

“VIII. *Be it enacted*, That the stockholders shall make such compensation to the President as the Directors may deem reasonable for his extraordinary services, to be paid out of the funds of the Corporation; but no Director shall receive any compensation, except by a general vote of the stockholders. The Directors, or any number of stockholders holding stock to the amount of one thousand dollars, shall have power to call a meeting of the stockholders.

“IX. *Be it enacted*, That the Board of Directors shall have power to appoint all officers necessary for the performance of the business of said Corporation; of prescribing their duties, and taking security for the performance of the same, and to fix their compensation to be paid to them severally, as well as all other expences of said Corporation, out of the corporate fund.

“X. *Be it enacted*, That all bonds, notes and contracts, on behalf of said Corporation, shall be signed by the President, otherwise the funds of the said corporation shall not be held liable.

“XI. *Be it enacted*, That the Directors aforesaid shall keep fair and regular entries of their proceedings, in books to be by them provided for that purpose, which books, with all other papers belonging to said corporation, shall be subject to the inspection of the Commissioners aforesaid, or any stockholder; and that the stockholders may at any time transfer their interest in said stock, which transfer shall be made on the books of the corporation, all instalments that have been called for being paid previously; and on such transfer, the transferer shall cease to be a member of the corporation, and the transferee shall become one.

“XII. *Be it enacted*, That the Commissioners aforesaid, when notified by the said Directors that the said road is completed agreeably to the provisions of this act, shall proceed to view the same, and if on examination, they shall find said road is finished as by this act required, they shall give to said President, Directors and

Act of Tennessee.

Company, a certificate authorising them to set up and keep a toll-gate on said road out of the present settlements of Sevier county; and on said Company's receiving said certificate, they shall be entitled to demand and receive equally the highest rates of toll allowed any Turnpike Company in the State of Tennessee.

“XIII. *Be it enacted*, That it shall be the duty of the Commissioners aforesaid, once in six months, to view and examine said road, and in case the same shall be found to have been out of repair three weeks, the Commissioners shall set said toll-gate open, which shall not be closed until the said Commissioners give said Company a certificate that the said road is in repair, and that they are entitled to receive toll, under the penalty of one hundred dollars, to be recovered of said corporation before any jurisdiction having cognizance thereof, to the use of the person who shall sue for the same; and in the event of said road being suffered to remain out of repair three months, it shall be the duty of said Commissioners to report the same to the next session of the General Assembly of this State, who shall have power to declare said corporation dissolved, and shall make such provisions as they may deem proper for keeping the said road in good repair.

“XIV. *Be it enacted*, That if any person shall clandestinely pass, or attempt to pass, by said turnpike or toll-gate, to evade the payment of the toll aforesaid, he, she or they, shall, for every such offence, pay the said Company the sum of five dollars, to be recovered in the name of the President and Directors of said Company, before any jurisdiction having cognizance thereof; and if any person shall sustain any damage on account of said road being out of repair, or by being detained by the keeper of said turnpike, such person shall be entitled to an action against said corporation for the damages sustained by him or them.

“XV. *Be it enacted*, That if any person living in the counties of Sevier or Haywood, who shall have worked one week in marking and opening the way to either of the gaps mentioned in this act, such person, his property and family, shall be exempted from paying toll at the turnpike aforesaid for two years; and any person living as aforesaid, who shall, under the direction of said Company, or its agent, work three days in any year, shall be exempted as aforesaid for said year.

“XVI. *Be it enacted*, That this act shall be in force and go into operation, so soon as the State of North-

Carolina, by an act of the General Assembly thereof, shall give her assent to said Company opening that part of the road aforesaid lying within the limits of that State.

N. Carolina  
to assent to  
this act.

“XVII. *Be it enacted*, That on the State of North-Carolina giving her assent as aforesaid, the Commissioners of Internal Improvements in said State shall have a preference of six months for subscribing for any amount of the stock in said Company, not exceeding one-half of the capital thereof; and on said subscription being made by said Commissioners of Internal Improvements, the Governor of the State of North-Carolina shall have power to appoint three Commissioners on the part of that State, who shall act as joint Commissioners with those appointed on the part of this State, and shall discharge all the duties, when so appointed, of Commissioners under this act. And said Board of Commissioners shall open books of subscription for stock at Waynesville, in Haywood County, North-Carolina, and the Commissioners appointed by virtue and under the authority of this act, shall receive one dollar per day for each day they may attend as such, to be paid out of the funds of said corporation. And the Commissioners of Internal Improvements shall be entitled to vote in the election for Directors and other officers in said Company, by proxy, and in the same proportion to the amount of stock held as other stockholders in said Company.

Board of Int.  
Improvem't  
N. C. to have  
a preference  
of subscrip-  
tion.

A subscrip-  
tion to be opened  
in Haywood.

“XVIII. *Be it enacted*, That the Directors shall declare a dividend on the capital stock of said Company semi-annually, as soon as said road is completed, and each stockholder shall be entitled thereto in proportion to the stock which he or they may hold, and the dividends shall be payable to the stockholders respectively, or to their order, fifteen days after it is declared, if demanded.

“XIX. *Be it enacted*, That during the existence of said corporation, that said Company shall be at liberty to fix said turnpike or toll-gate on any vacant and unsettled land lying on said road, and to build toll-houses, dwelling-houses, stables, gardens, and inclose such lands, as may be necessary for the convenience of said establishment, and take all necessary timber for building and firewood: *Provided nevertheless*, that nothing in this act shall be so construed, as to authorise said Company to issue notes or bills for circulation.

And also another act of the General Assembly of the State of Tennessee, passed August 16, 1822, entitled



Another act  
of Tennessee

"An act to amend and explain an act to incorporate the Smoky Mountain Turnpike Company," passed at Murfreesborough, on the 16th of November, 1821, in the words following, to-wit :

"I. *Be it enacted by the General Assembly of the State of Tennessee*, That the said act shall be so construed as to grant no other privilege or power, nor to require any other duties to be performed by James P. H. Porter, Alexander Preston, Simeon Perry, Robert Rogers, Peter Bryan, William Cates and John Underwood, than that of Commissioners under said act ; neither shall said act be construed to require the Company thereby incorporated, to open and keep in repair the road by said act contemplated to be made from Sevierville, in the county of Sevier ; but said Company shall open and complete said road, agreeably to the regulations of said act, from such point or place in the county of Sevier as may be designated by the aforesaid Commission, between Sevierville aforesaid and the termination of the public road in said county, leading from Sevierville in the direction to the Gap that they may fix on for said road to cross the Mountain, to such other point as said Commissioners shall point out between the foot of the Mountain and the mouth of Soco Creek, in Haywood County, North-Carolina.

"II. *Be it enacted*, That when the said Company makes said road, so as to correspond with the second class of public roads, the Commissioners of said road in viewing the same, may authorise said Company, by a certificate under their hands, to fix a toll-gate thereon, and to receive toll from all passengers and live stock passing said road : *Provided*, said Company shall not receive toll for the passage of any carriage that may pass the said road until it is completed.

"III. *Be it enacted*, That the stock of said Company shall be divided into shares of twenty dollars, instead of fifty dollars.

"IV. *Be it enacted*, That said Company shall have as great length of time allowed to keep a toll-gate and receive toll on said road, as is allowed to any other turnpike in this State.

"V. *Be it enacted*, That so much of the aforesaid act as comes within the purview and meaning of this act, be, and the same is hereby 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 the said acts of the General Assembly of the State of Tennessee are hereby approved, ratified and confirmed, on the part of this State; and the Commissioners therein named, and the Company thereby incorporated, shall have, exercise and enjoy, within this State, all the rights, franchises and privileges, given by the said acts, subject to the limitations and restrictions therein contained, and subject also to the limitations and restrictions as are herein contained; and the State of North-Carolina shall have, use and exercise all the powers and authorities over the said corporation created by the said acts of Tennessee, which the State of Tennessee has, or can use or exercise; and the said Corporation and Company shall make and extend their said turnpike road at least eleven miles within the limits of this State, beginning at the Tennessee line, on the top of the Smoky Mountain, and running to or near Abraham Wiggins's, on Deep Creek, in Haywood County. And the sum of money which shall be subscribed on behalf of the State of North-Carolina, shall be applied and expended on that part of the said turnpike road which lies within the limits of Haywood County; and the compensation to the Commissioners mentioned in the seventeenth section of the said act of Tennessee, shall not exceed what, in the estimation of the President and Directors may be a fair compensation for the time and labour which they shall employ as Commissioners under the said acts.

The afore-  
said acts rat-  
fied:

II. *Be it further enacted*, That the Treasurer of this State shall, and he is hereby authorised and required, to subscribe, on behalf of this State, one hundred shares of the capital stock of said Company: *Provided*, that no part of said subscription shall be paid, until it shall appear to the satisfaction of the Board of Internal Improvements, that the balance of the capital stock in said Company shall have been subscribed for, and then only in the same proportion as the individual stockholders are required to pay.

P. Treasurer  
to subscribe  
for 100 shares

III. *Be it further enacted*, That the sum aforesaid, shall be paid out of the funds set apart for Internal Improvements, not otherwise appropriated.

To be paid  
out of funds  
for Int. Im-  
provement.

#### CHAPTER XXX.

An Act further to prescribe the duty of the Public Printer.

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

To attach the Comptrollers Statement to the Laws. Printer, annually to attach to the Acts of the General Assembly, the Statement of the Revenue of North-Carolina, agreeably to the Comptroller's Statement, and publish the same in the State Paper, immediately after it is reported to the General Assembly.

An Act to amend an Act, passed in the year 1810, entitled "An Act prescribing the manner in which the Public Printing shall in future be regulated."

*Be 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 close of each session of the General Assembly, the Public Printer shall render his account in detail, of all extra printing of the session, stating each document or paper by him printed as extra work, and the number printed, and with his account shall return one copy of each of the papers so charged for, and shall make oath that the work there charged has been done, and that the prices charged for the same, are the fair and usual charges made in this State for such work.*

Acc't of extra printing to be rendered on oath

Read three times and ratified in General Assembly, this 5th day of Jan. 1825. }

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

A true Copy,

WM. HILL, *Secretary.*

## PRIVATE ACTS.



## CHAPTER XXXII.

An Act to authorise the opening a Road in the Counties of Camden and Pasquotank, and the putting a Float Bridge across Pasquotank River.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* the county courts of pleas and quarter sessions of the counties of Pasquotank and Camden, be, and they are hereby authorised to appoint two or more commissioners to lay off a road the nearest and best way from the fork road near Bailey Spruill's shop in Camden county, crossing Pasquotank River, near Goat Island, to Elizabeth City, in Pasquotank county; which commissioners so appointed, shall proceed to lay off said road, and make out two distinct and fair plats thereof, and return one to each of the courts of pleas and quarter sessions of Pasquotank and Camden counties.

II. *And be it further enacted, That* on the return by the said commissioners of the plats of the said road to the courts of pleas and quarter sessions of said counties, it shall be the duty of said courts to direct the Sheriff of their county to summon a jury to view the same, and to assess such damages as the owner or owners of the land through which said road is to pass may have sustained, first having given at least ten days notice to the parties interested, and the damage thus ascertained, shall be paid by the persons petitioning for said road.

III. *Be it further enacted, That* Joseph Dozier, John Lamb and Evan Dozier, of Camden county, and William Albertson, Frederic Whitehurst and Horatio N. Williams, of Pasquotank county, be, and they and their associates are hereby authorised to put a Float Bridge, having a draw to the same, not less than thirty feet wide, across the River Pasquotank, at the place where the road aforesaid shall cross the same, with necessary fixtures to secure the same on each side of the River, and shall have authority to work on and repair the said bridge, from time to time, as may be necessary: *Provided*, the said bridge shall be a free bridge, and that no toll shall be collected for passing the same, unless levied or authorised by the concurrent orders of the county courts of Camden and Pasquotank: *Provided further*, that the said bridge shall not be within three miles of the float bridge of Enoch Sawyer, of Camden county.

IV. *Be it further enacted, That* the said road and bridge shall be made, kept up and repaired, free from expence to either of the counties of Camden or Pasquotank.



## CHAPTER XXXIII.

An Act to authorise and point out the method how the Road, commonly called the State Road, running through the County of Haywood, may hereafter be altered.

*Be 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 be, and is hereby constituted and appointed a commissioner from the line of the county of Buncombe, at Jesse Bel-  
lew's old place, to the court-house in Waynesville, in said county, and that Robert Love, is hereby appointed a commissioner on that part of said road from the court-house in Waynesville, to where said road crosses Tuckasegee River, and that Thomas Tetham, is hereby appointed a commissioner on that part of said road, from the crossing or ford of Tuckasegee, to where said road crosses the Tennessee River, and that John Stephenson be, and is hereby appointed a commissioner on that part of said road, from the ford at the crossing of said River of Tennessee, to where the same intersects the line of the State of Georgia.*

*II. And be it further enacted by the authority aforesaid, That if any person or persons, who hath lands adjacent to said road, and may be desirous of having the same altered or removed out of the course or channel as cut out and made by the contractor who opened said road, that such person or persons, in order to effect the same, shall file his or their petition for that purpose, with the commissioner who is appointed as such over that part of said road which is intended by such petition to be altered or removed; and on the said commissioner giving his assent in writing for said alteration or removal as may be prayed for, and upon the said petitioner or petitioner's making and improving that part of said road so to be altered or removed, to the entire satisfaction of said commissioner, which assent shall also be made in writing; all of which writings, together with the petition, shall be filed with the Clerk of the county court of Haywood. And all Overseers of such parts of said road that may be thus altered or removed, after the same is received and accepted of by said commissioner, shall be bound to keep the same in constant repair, as other parts of said road; and on neglect of duty, shall be subject to the same pains and penalties which Overseers of other public roads in the State are subjected to for neglect of duties.*

*III. And be it further enacted by the authority aforesaid, That if any person or persons shall or may hereafter, erect or build any fence across said road as heretofore cut out and opened by the contractor for opening said road, or shall obstruct the passage of said road by falling timber in the same, or by any other means, such person or persons shall be subject to all the pains and penalties to be inflicted for the obstruction of any of the public highways in the State.*



## CHAPTER XXXIV.

An Act to authorise and empower the County Court of Haywood County to contract with Joshua Allison, or any other person, to repair and constantly keep open the Catalooche Road, leading from Jonathan's Creek, in Haywood County, to where it will intersect Mahan's Turnpike Road in the State of Tennessee, so as live-stock and pack-horses may pass with convenience.

*Be 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 Haywood County (a majority, or at least seven Justices being present) be, and they are hereby authorised and empowered to contract with Joshua Allison, who has been the last proprietor of that part of the Catalooche turnpike road which has expired, leading from Jonathan's Creek in said county, to where it intersects Mahan's turnpike road, or any other person, to clear out such obstructions as may have fallen in said road, and to keep the same in constant repair, so as that live-stock and pack-horses may pass the same with convenience.*

II. *And be it further enacted by the authority aforesaid, That the Justices of the county (a majority, or at least seven being present) shall and may, at their first meeting of said court which shall happen after the first day of January, 1825, authorise and empower the said Joshua Allison, or such other person who may contract for repairing and constantly keeping in repair said road, to erect a toll-gate thereon, and to receive such rate of toll as a majority of said court may yearly direct. And should any person pass said gate by going the same round, so as to evade the payment of such toll as the proprietor of the said gate may be authorised to receive, shall forfeit and pay to the said proprietor, the sum of four dollars, to be recovered before any Justice of the Peace in said county.*

III. *And be it further enacted by the authority aforesaid, That the county court of Haywood (a majority, or at least seven of their body being present) shall annually appoint some discreet person to view and examine said road at least once in six months, and report the situation and condition of said road, and to return on his oath in open court, whether the proprietor or proprietors keep the same in such repair as ought to authorise him or them to receive the rate of toll authorised by said court; and upon the road being reported on by the said commissioner to be out of repair, the Solicitor for said county shall prefer a bill of indictment against the said proprietor or proprietors, in the same manner as against other Overseers of public roads in said county. And the court of said county (seven Justices being present) may make such allowance to the said commissioner for his services, as may appear to them just and right, not exceeding one dollar per day, to be paid by the proprietors of said gate. And this act shall continue to be in force one year, and no longer.*

## CHAPTER XXXV.

An Act to establish and regulate a Turnpike Road in the Counties of Rutherford and 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 John Moore, of Rutherford, and George D. Phillips and William Spann, of Buncombe County, be, and they are hereby appointed commissioners to view and lay off, on the best ground the intervening country will afford, a turnpike road from David Jackson's, in Rutherford County, by Samuel Edney's, Asa Edney's, William Mills's and James Kincaid's, crossing the Blue Ridge at or near Mills's Gap, to intersect with the Saluda Road, near Thomas Murray's, in Buncombe County.*

II. *And be it further enacted, That said road so laid off, shall be vested for twenty years in Samuel Edney, Asa Edney and Thomas Case, on the following conditions, to-wit: first, that said Samuel Edney, Asa Edney and Thomas Case, shall open and make said road twenty feet in width, clear of obstructions (except where side-cutting may be necessary, in which case the road shall be twelve feet wide): second, said Edneys and Case shall construct all necessary bridges at least ten feet wide; the declivities of said road shall not exceed one foot perpendicular to eight feet horizontal, and recurrence shall be had to this steepness as seldom as possible.*

III. *And be it further enacted, That upon the said Samuel and Asa Edney and Thomas Case making it appear to the satisfaction of said commissioners, that the said road is fully completed, agreeably to the specifications contained in the second section of this act, then said Edney, Edney and Case, shall be authorised to erect a gate, and receive the following tolls, to-wit: for a man and horse, twelve and a half cents; for loose horses and mules, six and a quarter cents each; for hogs and sheep, one cent each; for beef cattle, five cents per head; for road waggon, one dollar each; for pleasure carriages, one dollar each; and for carriages and vehicles of every other description, fifty cents each: *Provided*, that the said gate or gates are placed eastward of the point where the road leading over the mountain at Cooper's Gap intersects the Mills' Gap road, or otherwise so place them, that no person or property crossing the Mountain at Cooper's Gap, shall be liable to pay toll on the Mills' Gap road.*

IV. *Be it further enacted, That the said John Moore, George D. Phillips and Wm. Spann, shall, upon oath taken before any Justice of the Peace, have full power and authority to assess the damages any person may sustain by the road's being laid off through their land, and such damages so assessed, shall be paid by the said Samuel Edney, Asa Edney and Thomas Case.*

V. *Be it further enacted*, That should either of the commissioners appointed by this act, die, remove, or refuse to act, his or their place shall be filled by the appointment of others by the superior court of Buncombe county, which commissioner or commissioners thus appointed, shall have all the authority and powers of the commissioners appointed by this act: *Provided nevertheless*, that vacancies shall always be filled, so that one commissioner shall reside in Rutherford, and two in Buncombe county.

VI. *And be it further enacted*, That it shall be the duty of the said commissioners, under the penalty of fifty dollars, recoverable before any tribunal having cognizance thereof, one-half to the use of the county, the other half to the use of the person suing for the same; to make report in writing of the situation and condition of the said road to the grand jury of each and every superior court in the counties of Buncombe and Rutherford. And for all services rendered under this act, the said commissioners shall receive of the said Edneys and Case, a compensation at the rate of one dollar for each and every day spent in performing the same.

VII. *And be it further enacted*, That the twenty years during which this road is vested in the aforesaid Samuel Edney, Asa Edney and Thomas Case, shall be computed from the time that the road is put in the state of improvement contemplated by this act: *Provided nevertheless*, that if said road shall not be constructed within two years from the passage of this act, all the privileges granted to the said proprietors shall cease.

#### CHAPTER XXXVI.

An Act appointing Commissioners to view and lay off a Road from Rutherfordton, by Hickory Nut Gap, to Asheville.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Theodorick F. Birchett, James W. Carson and John Logan, of Rutherford county, and John Patton, Samuel Chunn and James M. Smith, of Buncombe county, be, and they are hereby appointed commissioners to view and lay off a public road from Rutherfordton, by Hickory Nut Gap, to Asheville, on the best ground the intervening country will afford. And said commissioners shall make out and 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 Rutherford and Buncombe counties; and when plats are thus certified and filed, the said courts shall appoint overseers on said road in their respective counties, and it shall be opened and kept in repair as other public roads.

II. *And be it further enacted*, That said commissioners shall, upon oath taken before any Justice of the Peace, assess such damages as may be sustained by laying off said road on the lands of any per-



son; and such damages so assessed and certified by the commissioners to the court of pleas and quarter sessions of Rutherford or Buncombe counties, shall be paid by the county in which the land lieth.

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

#### CHAPTER XXXVII.

An Act to amend an Act, entitled "An Act to improve the Turnpike Road lately owned by Nathan Horton, so far as respects Commissioners and Overseers."

*Be 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 Mart, Esquire, be, and he is hereby appointed a commissioner, to fill the vacancy occasioned by the death of Nathan Horton, with all the powers and authority as those appointed by the above-recited act.

II. *Be it enacted by the authority aforesaid*. That any overseer appointed by the commissioners, or a majority of them, agreeable to the above-recited act, who shall fail or neglect to warn in the hands, and compel them to work on said road, agreeable to the directions of the commissioners aforesaid, for every such offence he shall forfeit and pay the sum of ten dollars, to be recovered before any authority having cognizance of the same; and when collected, shall be applied by said commissioners towards defraying the expences of opening said road; any law to the contrary notwithstanding.

III. *Be it further enacted*. That so soon as the said road is completed and received by the said commissioners, it shall be kept open as all other roads are in this State.

IV. *Be it further enacted*. That the county and superior courts of the counties of Wilkes and Ashe shall have concurrent jurisdiction of the said road.

#### CHAPTER XXXVIII.

An Act to direct the completion of a public Road from Parkeville, in Perquimons county, to Pasquotank River Bridge.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joseph B. Skinner, of Chowan county, Jonathan H. Jacocks and William Jones, of Perquimons county, be, and they are hereby appointed commissioners for the purpose of completing the road from Parkeville, in Perquimons county, to Pasquotank River Bridge, commenced by Aaron Albertson, by virtue of an act of this General Assembly, passed in the year 1813; that the said commissioners shall have power to contract with one or more persons for the completion of the said road, taking bond with security for the faithful performance of the contract.



II. *Be it further enacted*, That the said road when completed, shall be a public road, and shall be subject, as other roads, to the jurisdiction of the respective counties through which it passes.

III. *Be it further enacted*, That the said commissioners shall be authorised to receive subscriptions from individuals for the purpose of completing the said road; and if the sums thus subscribed shall not be sufficient for that purpose, then the said commissioners shall be, and they are hereby authorised to receive from the Public Treasurer such sum as may be necessary to supply the deficiency, not exceeding two thousand five hundred dollars. And the sum so drawn by the said commissioners out of the Treasury, shall be charged by the Treasurer to the fund appropriated for Internal Improvement.

IV. *Be it further enacted*, That if any of the said commissioners shall die or refuse to act, the Board of Internal Improvement shall have power to appoint others in their place.

V. *Be it further enacted*, That no money shall be drawn out of the Treasury by the said commissioners in virtue of this act, until they shall have made a return to the Board of Internal Improvement of the amount of subscription received from individuals, which individual subscription shall amount to at least one thousand dollars, the payment of which shall be secured to the satisfaction of the said Board, nor until the contracts for opening the said road, shall be sanctioned by the said Board, nor unless the sums thus subscribed by individuals, together with this sum hereby appropriated, shall, in the opinion of the said Board of Internal Improvement, be amply sufficient to complete the said road.

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#### CHAPTER XXXIX.

An Act to repeal so much of the several Acts of Assembly establishing a State Road from Fayetteville to Morganton, so far as they relate to Cabarrus 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 State Road laid out from Fayetteville to Morganton, as lies between the town of Concord, in Cabarrus county, and the Montgomery county line, be done away, and no longer considered as a part of the said State Road, and all acts and clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed and made void.

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#### CHAPTER XL.

An Act to give the County and Superior Courts of Ashe County concurrent jurisdiction over the Road leading from the Punchon Camp to the town of Jefferson, by the way of Beaver Creek, in said County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the county and superior courts of Ashe county, shall have concurren

jurisdiction over the road leading from the Puncheon Camp, by the way of Beaver Creek, to the town of Jeffersonton, in said county; any law or custom to the contrary notwithstanding.

#### CHAPTER XLI.

An Act to prevent any person or persons from falling Timber into the Tuckasegee River, and Cany 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 in said Rivers, 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 XLII.

An Act to authorise the building a Dam across Ararat River, 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 from and after the passage of this act, it shall and may be lawful for Jesse Howard, of Surry county, and he is hereby authorised and empowered to erect a dam across Ararat River, in said county, within his own lands.*

#### CHAPTER XLIII.

An Act to amend an Act, passed in the year 1819, entitled "An Act to annex Smith's Island, at the mouth of Cape Fear River, to the County of Brunswick, and a part of Eagle's Island, to New-Hanover 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 W. Jones, Hinton James and William B. Mears, of New-Hanover county, and Samuel Hall and John Swann, of the county of Brunswick, be, and they are hereby appointed commissioners, to superintend the running the division-line between the said counties, agreeably to the provisions of the above-recited act, in place of those persons heretofore appointed for that purpose, and that they have all the power and authority vested by said act in the former commissioners.*

#### CHAPTER XLIV.

An Act to appoint Commissioners to contract with Jeremiah Land for the purchase of a piece of land for the use and benefit of the County of Currituck.

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

Caleb Etheridge, Daniel Lindsey, sen. Samuel Salyear, Dennis Dozier, sen. and Samuel Ferebee, sen. be, and they are hereby appointed commissioners, and they, or a majority of them, are hereby invested with full power and authority to purchase of Jeremiah Land, from one to five acres of land, adjoining the public lot on which the court-house of Currituck is situated; which land, when purchased by said commissioners, shall be by them laid off of said lot on the northernmost side of the main road. And in case any of the said commissioners should die, remove or refuse to act, the remaining ones shall have power to fill such vacancy.

II. *And be it further enacted*, That the said commissioners, or a majority of them, after making said purchase, shall procure a good and valid title to be made to the said land, to the chairman of the county court of said county, and his successors in office forever, for the use and benefit of said county.

III. *And be it further enacted*, That the court of pleas and quarter sessions of said county are hereby directed and required to lay a tax (sufficient to pay for the purchase of said land) on all the taxable property of said county, which tax when laid, shall be collected as other taxes, and paid over to the county trustee, and to be by him applied to the payment of said land,

IV. *And be it further enacted*, That the commissioners who shall act under the provisions of this act, shall each receive the sum of one dollar per day, for every day they may be employed in the discharge of the duties imposed on them by the provisions of this act. And they are hereby authorised to employ a surveyor to lay off said land, who shall receive the sum of two dollars for every day he may be so employed; which monies shall be paid by the county trustee of said county, as other county claims.

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

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#### CHAPTER XLV.

An Act to appoint Commissioners to run and mark the dividing-line between Duplin and Wayne Counties.

Whereas there have been disputes as respects the boundary-line between the counties of Wayne and Duplin:

*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 Ezekiel Slocumb and Stephen Smith, of Wayne county, and John Watkins and John T. Bryan, of Duplin, be, and they are hereby authorised, with the assistance of the surveyors of each county, to run and mark the line dividing the counties of Wayne and Duplin, as now by law established.

II. *And be it further enacted*, That nothing herein contained shall prevent any sheriff, or other officer having collection of any



taxes, due on any land or other property, on either side of said line, from collecting, under process or list of taxes, which was due in either county before said line was run.

III. *And be it further enacted*, That it shall be the duty of the aforesaid commissioners, after running the aforesaid line agreeable to this act, with the certificate of the surveyors and the plat therefrom, to return one fair plat of the same to each of the aforesaid counties of Wayne and Duplin; which plat and certificate shall be recorded by the clerks of the courts of pleas and quarter sessions of the counties aforesaid, and shall thereby become a matter of record.

VI. *And be it further enacted*, That each county court shall make such allowances to the commissioners, chain-carriers and markers, for their services in running the said line, as they may deem proper and sufficient.

#### CHAPTER XLVI.

An Act to authorise the appointment of Commissioners to run and mark the dividing-line between the Counties of Lincoln and 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 court of pleas and quarter sessions of the counties of Lincoln and Burke, be, and they are hereby authorised to appoint each one commissioner, should they deem the same necessary and expedient, to run and mark the dividing-line between the said counties; and the line so run and marked, shall be, and the same is hereby declared to be, the dividing-line between the said counties. And the said commissioners, within three months after running the same, shall make out and deposit in the clerk's office of each county, a fair plat of said line, which plats shall be recorded by the clerks of each county.

II. *And be it further enacted*, That the commissioners and chain-carriers, for their trouble in superintending and marking said line, shall receive such compensation as the county courts of each county may allow them, to be paid by the county trustees: *Provided always*, that the ascertaining the dividing-line aforesaid, shall not affect any title or titles to lands in either of the counties.

#### CHAPTER XLVII.

An Act to amend an Act, passed in the year 1819, entitled "An Act to appoint a Board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain a Branch to pilot on Ocracock Bar and the Swashes."

*Be 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 Wallace, Thomas Robinson, Littleton Styron, Amason Styron, Anson Gaskill, William Scarborough, Joseph Williams, Francis C. Neal, sen. of Ocracock; Zachariah Burrows and Ro-



bert Styron, of Hatteras, be, and they are hereby appointed a Board of Branch Pilots, for the purposes mentioned in the above-recited act, instead of the persons named in the first section of the said act.

II. *Be it further enacted.* That every branch pilot for Ocracock Bar and the Swashes, heretofore licensed to act as such, shall, within one year after the passing of this act, renew his bond as pilot to the Commissioners of Navigation, of Newbern, Washington and Edenton, respectively, by whom the branch has been granted to such pilots, with securities satisfactory to said commissioners, or a majority of them, with condition as now by law required. And every pilot receiving or having a branch from the Commissioners of Navigation of either of said ports, shall once in three years at least, renew his bond, with securities satisfactory to the commissioners. And the branch of such pilots neglecting or refusing to renew his bond, as aforesaid, shall be, and is hereby declared to be forfeited: saving and reserving nevertheless, to any person injured by the neglect or misconduct of such pilot, the right to sue on the bond previously given, although the branch of said pilot may have been forfeited previous to such neglect or misconduct.

III. *Be it further enacted.* That it shall be the duty of the said Commissioners of Navigation of the ports aforesaid, to require the pilots to whom branches may have been, or shall be granted, to renew their bonds at any time when said commissioners shall be of opinion that the securities in the bond are insufficient; and upon said pilots neglecting or refusing to renew their bonds, with security satisfactory to the said commissioners, they are hereby authorised and required to revoke and annul the branch granted to said pilots; any law, usage or custom to the contrary notwithstanding.

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#### CHAPTER XLVIII.

An Act supplemental to an Act, passed in the year 1806, entitled "An Act to regulate and ascertain the Pilotage that shall be allowed to Pilots at Ocracock Inlet and Swashes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all vessels of fifty tons burthen and upwards, coming in and over the bar of Ocracock Inlet, from the first day of November to the first day of May, in each and every year, shall be compelled to take a pilot, and be subject to the same rules, regulations and restrictions as are now by law established: *Provided nevertheless,* that vessels belonging to a citizen or citizens of this State, shall be exempted from the provisions of this act.

## CHAPTER XLIX.

An Act to amend an Act, passed in the year 1810, entitled "An Act to amend an Act passed in the year 1808, entitled An Act to prevent any person or persons from working seines and skimming with nets, or of setting nets, in Tar or Pamlico Rivers, on Sunday and Sunday nights, and Thursday and Thursday nights, in every week, from the fifteenth of January to the twenty-fifth of March, in each and every year.

*Be 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 regulations contained in said acts, shall be, and are hereby extended from the Fork Point, below Wilmington, to Waile's Point, at or near the mouth of Pungo River, and shall be governed by the same rules, regulations and restrictions as are contained in the above-recited acts; any law, usage or custom to the contrary notwithstanding.*

II. *Be it further enacted, That the provisions of this act shall extend to, and include Saturday and Saturday nights, Sunday and Sunday nights, instead of the times prescribed in the acts to which this is an amendment.*

## CHAPTER L.

An Act to amend the several Acts now in force to prevent the obstruction of Fish passing up the Roanoke and Cashie Rivers and their waters, and the Albemarle Sound.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every person whatever owning or using a seine for the purpose of catching fish in the River Roanoke or Cashie, or their waters, shall be compelled to take their seines out of the water, and let the same remain out, from Saturday twelve o'clock until Monday twelve o'clock, in each and every week, from the first day of March to the twenty-fifth day of May, in each and every year.*

II. *And be it further enacted, That any person who shall, either directly or indirectly, violate any of the provisions of this act, shall forfeit and pay, for each and every offence, the sum of two hundred and fifty dollars, to any person who shall first sue for the same, and shall be further liable to indictment for a nuisance, in any superior court having jurisdiction of said offence: Provided nevertheless, that if no person shall sue for said penalty, within one month from its forfeiture, then and in that case, it shall be the duty of the Solicitor to commence an action for the same, in the name of the Governor, for the use of the State of North-Carolina.*

## CHAPTER LI.

An Act to amend an Act, passed in the year 1821, entitled "An Act to amend an Act passed in the year 1810, entitled An Act to amend an Act passed in the year 1809, entitled An Act to amend the several Acts heretofore passed relative to the removal of obstructions to the passage of Fish up the several Rivers within this State, so far as the same relates to the Peele and Yadkin Rivers."

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

the provisions of the before-recited act, be, and they are hereby extended to the county of Iredell.

### CHAPTER LII.

An Act to alter the time of holding the Superior Courts of Law and Equity for the Counties of Northampton and Halifax.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* the superior courts hereafter to be held for the county of Northampton, shall be held on the fourth Monday after the fourth Monday of March and September, in each and every year; and the superior courts hereafter to be held for the county of Halifax, shall be held on the fifth Monday after the fourth Monday of March and September, in each year, and continue for two weeks each term of Halifax superior court, should the business of said court require it; and to which times respectively, all pleas, process, and proceedings, pending in the said courts, shall be made returnable, and stand adjourned accordingly.

II. *And be it further enacted, That* this act, so far as it gives to the county of Halifax a court for two weeks, shall only be in force for the period of one year, from and after the passage hereof.

III. *Be it further enacted, That* during the year 1825, the county court of Halifax, in addition to the jurors now by law required to be drawn to attend the superior court, shall draw twelve jurors to serve as such in the second week of the sitting of the said court, who shall be summoned accordingly; and the jurors first summoned, shall be discharged at the close of the first week, such only as being on the grand jury the court may think proper to retain until the grand jury be discharged.

### CHAPTER LIII.

An Act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus, 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 superior courts of Cabarrus county, shall be held on the sixth Monday after the fourth Monday of March next, and on the sixth Monday after the fourth Monday of September and March, in each and every year thereafter. And the superior court of Mecklenburg county, shall be held on the seventh Monday after the fourth Monday of March next, and on the seventh Monday after the fourth Monday of September and March in each and every year thereafter.

II. *And be it further enacted, That* the superior courts for Mecklenburg county shall be held for the space of two weeks at each and every term of said court, if the business in the court shall require it.

III. *And be it further enacted, That* the Judges of the superior courts of law and equity shall be entitled to receive ninety dollars.



and no more, for each and every term of said superior courts: any law to the contrary notwithstanding: which shall be paid upon certificate as heretofore required by law.

#### CHAPTER LIV.

An Act to alter the time of holding the County Courts 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 the county courts of Washington county, shall hereafter be held on the third Monday of January, April, July and October, in each and every year.*

II. *And be it further enacted, That the next court for the said county, shall be held on the second Monday of February next, and thereafter according to the directions of this act; to which time all suits, records and proceedings, and all other process, shall be returned by the officers of said court; any law to the contrary notwithstanding.*

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

#### CHAPTER LV.

An Act to alter the times of holding the Courts of Pleas and Quarter Sessions for the County of New-Hanover.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the court of pleas and quarter sessions for the county of New-Hanover, shall be held on the second Mondays in March, June, September and December, in each and every year. Provided, that the court of pleas and quarter sessions to be holden next for said county, shall be held as usual on the second Monday in February next, and from and after that time, on the days above enacted.*

#### CHAPTER LVI.

An Act for the more convenient Administration of Justice in the Courts of Pleas and Quarter Sessions for the Counties of Guilford, Caswell, Sampson, Wayne and Surry.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the next term of the courts of pleas and quarter sessions for each of the counties of Guilford, Caswell, Sampson, Wayne and Surry, which shall be holden after the first day of April next, and as often thereafter as it shall become necessary, a majority of the Justices of said counties being present, the Justices of the said court are hereby authorised and directed to arrange themselves into convenient classes of five persons in each, for the purpose of holding the said courts, respectively, in such manner as is directed by this act.*

II. *Be it further enacted*, That it shall be the duty of the first class of the said Justices, or a majority of them, arranged as aforesaid, to hold the first term of the said court under this act, in their several counties, respectively; and the second class, arranged as aforesaid, shall hold the next term thereafter, and so on in succession through the several classes, arranged as aforesaid, and it shall be the duty of each of the clerks of the county courts aforesaid, to give notice to each of the said Justices of the time when, under this act, they shall be required to hold their courts respectively.

III. *Be it further enacted*, That the Justices appointed under this act to hold the county courts aforesaid, shall be competent to do and perform any matter or thing, and exercise all the power and authority, 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.

IV. *Be it further enacted*, That if it should so happen, that three of the five Justices appointed under this act to hold the said county courts aforesaid, should not attend, from any cause, to hold the same, at the time and place required by law, it shall be lawful for those that do attend to appoint another, or other Justices of the said county, to hold the said court.

V. *And be it further enacted*, That the said courts shall have authority to adopt such rules of practice therein as may tend to facilitate the trial of causes and advance the administration of justice, and which are not inconsistent with the laws of the State.

#### CHAPTER LVII.

An Act for the better regulation of the Courts of Pleas and Quarter Sessions for the County of Franklin.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the court of pleas and quarter sessions of the county of Franklin, shall and are hereby authorised, at the first term of said court after the first day of January next, and at the first term of said court after the first day of January in each and every year thereafter, to elect from among themselves five fit persons to hold the said courts of the said county, three of whom shall be a competent number to hold the said courts, and discharge the duties thereof.

II. *And be it further enacted*, That the five persons so elected, or a majority of them, shall be competent to do and perform any business, matter or thing, which by the present laws seven Justices are authorised to perform; 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 Justices so elected, shall be entitled to receive each 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; which shall be paid by the county trustee, upon the certificate of the clerk of said court shewing how many days any such Justice, so to be elected as by this act required, shall have holden the said court.

III. *And be it further enacted*, That the Justices of the court of pleas and quarter sessions aforesaid, shall annually lay a tax sufficient to defray the expences accruing by reason of the provisions of this act, which tax shall be levied, collected and accounted for by the sheriff of said county, in the same manner, and under the same penalties, as other county taxes are by the existing laws of this State; any law, usage or custom to the contrary notwithstanding.

IV. *And be it further enacted*, That in all elections under and by virtue of this act, it shall be necessary that a majority of the acting Justices in said county shall be present at the same; and that this act be in force from and after the passing of the same.

#### CHAPTER LVIII.

An Act to amend an Act, entitled "An Act for the better regulation of the County Courts of Rowan," passed in the year 1822.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the Peace of the county of Rowan, at the first term to be held after the first day of May next, a majority of the acting Justices being present and consenting thereto, may elect out of their own body three persons, to hold the court of pleas and quarter sessions in said county, who shall exercise their appointment for one year, and no longer, unless re-elected; and the said Justices, in manner and form as aforesaid, may make the like appointments annually; any law to the contrary notwithstanding.

II. *And be it further enacted*, That each of the Justices so appointed, shall receive as a compensation for their services, to be paid by the county trustee on the certificate of the clerk, the sum of two dollars for each and every day they shall sit in court; which said Justices so elected, shall be competent to transact the business of law arising in said court, according to the usages and authorities now observed in the courts of this State; and shall also have power to do and perform any business, matter or thing, which, by the existing laws, require to be done by seven Justices.

III. *And be it further enacted*, That any of the Justices so elected, failing to attend, or shall die, move or resign, the remaining ones shall supply the vacancy thus happening, who shall be entitled to receive the same pay as aforesaid; and all acts and clauses of acts coming within the meaning and purview of this act, are hereby repealed.



## CHAPTER LIX.

An Act to repeal an Act, passed at the last session of the General Assembly, entitled '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 the before-recited act be, and the same is hereby repealed.*

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

## CHAPTER LX.

An Act to repeal an Act, entitled 'An Act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery,' passed in the year 1822, and an Act, entitled '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 before-recited acts be, and the same are hereby repealed and made void, so far as they relate to the county of Cabarrus.*

## CHAPTER LXI.

An Act to authorise the County Court of Pleas and Quarter Sessions of the Counties of Caswell and Buncombe to appoint Wardens of the Poor to build a Poor and Work-house, 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 at the term of the court of pleas and quarter sessions of the counties of Caswell and Buncombe, in the month of April next, and once in each and every year thereafter, at the term of the said courts at which the sheriff of the said counties shall be elected, the Justices of the said courts, a majority being present, shall appoint seven fit and proper persons wardens of the poor for the said counties, who shall be freeholders; and they shall have the same power and authority, and be subject to the same duties and penalties, as are now provided by law.*

II. *Be it further enacted, That the Justices of the courts aforesaid, shall have full power and authority to lay and collect a tax sufficient to purchase a suitable tract of land, at some convenient place in said counties, for the purpose of erecting thereon suitable poor and work-houses, and to cause to be built thereon, and kept in sufficient repair, buildings of a permanent kind, in which shall be maintained and employed, such of the poor of the counties as may be unable to obtain for themselves subsistence; and for the purpose of procuring the said land, and erecting thereon the proper buildings, the said courts are hereby authorised to appoint suitable commissioners to contract for the same, and cause the said buildings to be erected.*

III. *Be it further enacted*, That the wardens appointed under this act, shall have full power and authority to prescribe such rules and regulations as may conduce to the health, morals and good government of the poor of said counties. and to employ, on such terms as they may deem most expedient, superintendants of the poor and work-houses aforesaid, whose duty it shall be to keep at moderate labour, such of the poor committed to their charge as shall be able to labour, and treat them with kindness and humanity, and provide for them sufficient and suitable diet, cloathing, lodging and other necessaries; and to enforce all rules, orders and regulations, as the wardens of the poor shall from time to time establish relative to the poor. And in case of neglect to discharge such duties as they may be required to perform, they shall be subject to indictment in the county courts of Caswell and Buncombe, and, upon conviction, shall be fined at the discretion of the court.

IV. *Be it further enacted*, That it shall be the duty of the wardens of the poor, annually, at the term of the court at which they are to be appointed under this act, to make a report to the county court, exhibiting an account of all taxes and monies of every description received for the support of the poor during the preceding year, and a full and detailed statement of the expences of the poor, for the same period; a copy of which they shall cause to be set up in some convenient place in the court-room of said counties.

#### CHAPTER LXII.

An Act to establish a Poor and Work-house in the Counties of Jones and Randolph.

*Be it enacted by the General Assembly of the State of North-Carolina. and it is hereby enacted by the authority of the same.* That it shall and may be lawful for the wardens of the poor of the counties of Jones and Randolph, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the courts of pleas and quarter sessions of said counties, and the said courts are hereby authorised, empowered and required, on such application, at the term in which the county officers are elected, 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 Trenton, in said county of Jones, and within ten miles of Ashborough, in the county of Randolph, to build, or cause to be built thereon, a house or houses. fit for the reception of the poor of said counties, under which denomination shall be comprehended all such persons, of either sex, as shall be adjudged by the wardens incapable, through age or infirmities, to procure subsistence for themselves; and 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, cloathing, lodging and fuel, 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 it shall be lawful for the said courts to renew the imposition of said tax, from year to year, if necessary, to complete the said building, or to defray the expences that may be occasioned by keeping up the same; and the said overseer, for his services, shall be allowed for each year, such sums 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 counties, 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 expences 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 sheriffs of said counties, and paid over to the wardens, to be applied to the purposes before mentioned; any law to the contrary notwithstanding.

#### CHAPTER LXIII.

An Act to authorise the County Courts of Pleas and Quarter Sessions of the Counties of Rockingham and Duplin to appoint Wardens of the Poor, and to build a Poor and Work-house, 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 at the next term of the court of pleas and quarter sessions of the counties of Rockingham and Duplin, which shall happen after the first Monday in May next, and once in each and every year thereafter, at the term of said court at which the sheriffs of said counties shall be elected, the Justices of said courts, a majority being present and consenting thereto, shall appoint five fit and proper persons wardens of the poor for said counties, who shall be freeholders, and they shall have the same power and authority, and be subject to the same duties and penalties as are now prescribed by law.

II. *And be it further enacted*, That the Justices of the courts aforesaid, a majority being present, shall have full power and authority, if they deem the same expedient, to lay and collect a tax sufficient to purchase a suitable tract of land, at some convenient places in the said counties, for the purpose of erecting thereon a suitable poor and work-house; and to cause to be built thereon, and kept in sufficient repair, buildings of a suitable kind, in which shall be maintained and employed such of the poor of the counties, as may be unable to obtain for themselves subsistence. And for the purpose of procuring the said land, and erecting thereon the pro-



per buildings, the said courts are hereby authorised to appoint suitable commissioners to contract for the same, and cause the said buildings to be erected.

III. *Be it further enacted.* That the wardens appointed under this act, shall have full power and authority to prescribe such rules and regulations as may conduce to the health, morals and good government of the poor of the counties, and upon such terms as they may deem expedient; to employ a superintendant of the poor and work-house aforesaid, whose duty it shall be, to keep at moderate labour, such of the poor committed to his charge as shall be able to labour; to treat them with kindness and humanity, and provide for them sufficient and suitable diet, cloathing, lodging and other necessaries, and to enforce all such orders and regulations as the wardens of the poor shall from time to time establish relative to the poor; and in case of neglect to discharge such duties as he may be required to perform, he shall be subject to indictment in the county courts of Rockingham and Duplin, and, upon conviction, shall be fined at the discretion of the courts.

IV. *Be it further enacted,* That it shall be the duty of the wardens of the poor, annually, at the term of the court at which they are to be appointed under this act, to make a report to the court, exhibiting an account of all taxes and monies of every description received for the support of the poor the preceeding year, and a full and detailed statement of the expences of the poor for the same time, a copy of which they shall cause to be set up in some convenient place in the court-room.

#### CHAPTER LXIV.

An Act to repeal an Act, passed in the year 1823, entitled "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 before-recited act, be, and the same is hereby repealed.

#### CHAPTER LXV.

An Act to authorise the Wardens of the Poor for the County of Wake to hold their Court at such place or places in the said County, as shall be most convenient.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, it shall and may be lawful for the wardens of the poor of the county of Wake to hold their court at such place or places in said county, as shall be most convenient.

#### CHAPTER LXVI.

An Act respecting the Election of Sheriffs and other County Officers, laying the County Taxes, and appointing Jurors to serve at the Superior Courts in the County of Cumberland.

*Be 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 and other county officers heretofore elected at June term of the Court of Pleas and Quarter Sessions of the county of Cumberland for the term of one year, shall on Thursday of the next June term of said Court be elected. (a majority of the acting Justices of said county being present) to serve from said term until the Thursday of the term of said Court which may first happen after the first day of January 1826. The Sheriff and other county officers thus elected, shall take the same oath of office, enter into the several bonds which are by law now prescribed, limited in their operation and duration to the term of office by this clause or section established.

II. *Be it further enacted.* That the annual election of Sheriff and other county officers for said county of Cumberland, now held at June term of said Court, shall from and after the first day of January 1826, be held on the Thursday of the term of said County Court which shall first happen after the said first of January 1826, and so annually thereafter between the hours of 12 o'clock A. M. and 6 o'clock P. M. and a majority of the acting Justices of said county being present, a majority of that number shall be requisite to make an election. The Sheriff and other officers shall be bound and in every respect qualified as the law now prescribes.

III. *And be it further enacted.* That from and after the first day of January 1826, the county taxes of said county shall annually be laid by said County Court, a majority of the acting Justices in said county being present, on the day by this act designated for the election of county officers, before they proceed to the election of said officers.

IV. *And be it further enacted.* That it shall be the duty of each County Court next preceding the Superior Courts of said county of Cumberland, should it be necessary to draw double the number of Jurors usually drawn to serve at the succeeding Superior Court of said county, as follows to-wit: the one half to be summoned to attend said Superior Court the first week, and the other half to be summoned to attend the second week, and the Clerk of the County Court shall issue *venire* in accordance with this provision when deemed necessary, and they for their attendance shall be allowed the same pay as Jurors now are entitled to in said county.

#### CHAPTER LXVII.

An Act making compensation to Jurors of Washington county for attending the Superior and County Courts of said county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That from and after the passing of this act, every Juror attending the County and Superior Courts of the said county (talesmen excepted) shall receive for each and every day that he attends the sum

of seventy-five cents, and at the rate of seventy-five cents for every thirty miles travelling to and from said Courts, to be ascertained by the oath of such Juror before the Clerk of such Court.

II. *And be it further enacted*, That it shall be the duty of the Justices of said county (a majority being present,) to lay such a tax annually on all polls now taxable by law and on all other property now taxable by law in said county, as shall be sufficient to defray the said expenses hereby created by this act, which shall be collected and accounted for by the Sheriff of said county under the same rules, regulations and restrictions as other county taxes are collected by law.

III. *Be it further enacted*, That the Clerk granting the certificates of the Jurors, be allowed ten cents for such certificate, to be included in the certificate, and be paid by the Juror to the Clerk when the certificate is granted, any law to the contrary notwithstanding.

#### CHAPTER LXVIII.

An Act making compensation to the Jurors of the Superior and County Courts of the county of Columbus, and for laying a tax to defray the expenses of 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 from and after the passing of this act, every person who shall serve as a Juror (talesmen excepted) in any County or Superior Court of said county shall receive for every days attendance at the same, the sum of seventy-five cents, and the sum of two cents for each and every miles travelling to and from said Courts.

II. *And be it further enacted*, That each and every Juror, who shall serve as aforesaid, shall receive from the clerk of said Court a certificate of the amount that he is entitled to receive for such services, which shall be paid by the County Trustee of said county as other county claims.

III. *And be it further enacted*, That the County Court of said county, is hereby authorised and required to lay a sufficient tax on the polls and taxable property of said county, to defray the expenses that may accrue under the provisions of this act, which tax when levied, shall be collected and paid over to the County Trustee, in the same manner as other county taxes.

#### CHAPTER LXIX.

An Act making compensation to the Jurors of the Superior and County Courts of Davidson 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 acting Justices of the Peace of the county of Davidson, be authorised and required at the first County Court to be holden for said county, after the first day of January, one thousand



eight hundred and twenty-six, to lay a sufficient tax on all the polls now taxable by law, and on all real and personal estate now taxable by law, to defray the expenses incurred, in consequence of paying the Jurors of the County and Superior Courts as hereinafter provided.

II. *And be it further enacted*, That every person serving as a Juror in any of the courts of said county, (talesmen excepted) shall receive for each and every day they may attend the same, the sum of seventy-five cents, and for each and every mile travelling to and from said court the sum of two cents.

III. *And be it further enacted*, That the tax authorised by this act to be laid, shall be collected by the Sheriff of said county, and paid to the County Trustee, to be by him applied as by this act directed, and that every Juror serving as aforesaid, shall take from the clerk of the Court in which he may so serve, a certificate of such service, which shall be paid by the County Trustee as other county claims, for which certificate the clerks aforesaid, shall have and receive ten cents to be inserted therein and paid by the Juror taking the same.

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#### CHAPTER LXX.

An Act to allow compensation to the Jurors of the Superior and County Courts of the county of Surry.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a majority of the Justices of the Peace for the county of Surry, shall have power and they are hereby required and directed at the first court which shall be holden for said county after the first day of May next, and annually thereafter, to lay a sufficient tax on the Polls and taxable property of said county, to pay the Jurors attending the county and Superior Courts of said county, as hereinafter prescribed.

II. *And be it further enacted*, That the tax so laid, shall be collected and paid over by the Sheriff, to the County Trustees of said county, for the purposes herein specified, under the same rules, regulations and restrictions as other county taxes.

III. *And be it further enacted*, That all Jurors, (talesmen excepted) who shall serve in any of the Superior or County courts of said county, shall be entitled to receive for every days service, the sum of one dollar, and the like sum of one dollar for every twenty miles travelling to and from said court; *Provided*, That nothing herein contained shall be so construed as to allow Jurors to draw pay until the February term of the county court of said county, which shall happen in the year eighteen hundred and twenty six.

IV. *And be it further enacted*, That all the Jurors as aforesaid, who shall serve after that time, shall be allowed pay as aforesaid, and shall prove their attendance before the Clerk of the Court in

which they may so serve, who shall grant them a certificate for the same, which on being presented to the County Trustee, shall be paid by him, as other county claims, out of the monies appropriated and set apart for that purpose.

#### CHAPTER LXXI.

An Act to repeal an Act, passed in the year 1722, entitled, "An Act making compensation to the Jurors of the Superior and county courts of Franklin and Camden.

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

#### CHAPTER LXXII.

An Act to authorize the payment of persons summoned to serve as Talesmen Jurors for the county of Brunswick.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all persons summoned to serve as talesmen Jurors at either of the county or Superior Courts for the county of Brunswick, shall be entitled to and receive the same compensation for serving as a regularly summoned Juror, is now by law entitled to receive, any law to the contrary notwithstanding.*

#### CHAPTER LXXIII.

An Act to authorize the Court of Pleas and Quarter Sessions of Duplin, Pasquotank and Hyde 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 Duplin, Pasquotank and Hyde, seven Justices being present, be and they are hereby required at their first Session, which shall happen after the first day of January, 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 Committees are hereby authorized 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. 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 said county, from the first day of January one thousand eight hundred and ten, up to the end of the year for which*

the first committee shall be appointed ; and that future committees, shall investigate all the monied concerns of said counties ; and in all cases, the committee 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 committee, shall direct them to be paid such sum or sums, for their services, as the court may deem just ; and that every person appointed a member of the committee aforesaid, previous to his entering upon the duties of his appointment, shall 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 upon me, by law, as a member of the Committee of Finance of Duplin, Pasquotank, or Hyde, (as the case may be) 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." Which oath or affirmation shall be taken in open court, or before some Justice of the Peace for said counties.

IV. *Be it further enacted*, That if the said Clerks, Sheriff, 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 committee, 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 the said committee 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 Committee 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 person to the counties of Duplin, Pasquotank or Hyde aforesaid, whose account 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 costs.

#### CHAPTER LXXIV.

An Act for the better settlement of the Finances of 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 Duncan McPhatter, James McNeil and Joseph Regan be, and they are hereby appointed a Committee of Finance, for the county of Robeson, with full power and authority to examine all the papers and records in the offices of the Clerks of the County and Superior



Courts, Clerks and Masters in Equity, Sheriffs, county Trustee and all other receivers of monies belonging to said county, and the said committee are hereby authorised and empowered, to call on all such receivers of monies belonging to the county of Robeson, or their representatives, to lay before them the records, documents and papers relative to said monies 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 county, from the year 1816 inclusive, up to the present and to the end of each succeeding year, the committee remain in office : and the said committee shall make out and return to the Court of Pleas and Quarter Sessions a full and perfect statement thereof, designating therein all balances or monies due by the county to individuals, as well as those due by individuals to the county.

III. *And be it further enacted*, That if the said Clerks, Sheriff, county Trustee, or any other person indebted to said county, or the legal representative of said debtor, shall neglect or refuse to appear before said Committee of Finance, when summoned so to do, and account with said committee for the money of said county, charged to be and remain in their or his hands, ten days previous notice in writing being given to said debtor, appointing the time and place of attendance, shall forfeit and pay the sum of two hundred dollars, to be recovered in the name of the said committee of Finance for the use and benefit of said county, before any jurisdiction having cognizance thereof : and the said Committee of Finance, shall have full power to send for persons and papers, and any person summoned by them to appear or produce such papers or documents in their or his possession, as may by them be deemed necessary to give efficacy to the provisions of this act, shall forfeit and pay the sum of one hundred dollars to be recovered of such person so failing or refusing in the name of said committee of Finance for the use and benefit of the county, before any jurisdiction having cognizance thereof : *Provided nevertheless*, That no suit shall be commenced against such delinquent person at the court which shall sit next after the service of said notice, when and where the person so summoned, may attend and discharge himself of said forfeiture by rendering on oath such excuse for his disobedience, as shall be approved by said Court.

IV. *And be it further enacted*, That each person appointed by the authority of this act, a member of the Committee of Finance aforesaid, shall previously to his entering upon the duties of his said office take the following oath, to-wit : I A. B. do solemnly swear that I will faithfully discharge the duties imposed upon me by law as a member of the committee of Finance for the county of Robeson, to the best of my skill and ability, so help me God.

V. *And be it further enacted*, That it shall be the duty of said committee of Finance in the name of the said committee to institute suit against any person or persons or the representative or representatives of such, as may be indebted to the said county or shall hereafter become so and fail to make payment, which said suit or suits shall be prosecuted at the expense of and for the sole use and benefit of said county, and the said committee shall make out two fair statements of each settlement they may make under the provisions of this act, one of which shall be filed with the clerk of the Court of Pleas and Quarter Sessions, and the other to be retained by the committee.

VI. *And be it further enacted*, That as a compensation for their services, the said committee shall receive the sum of two dollars each per day, while necessarily engaged in the performance of their duty, and shall be further allowed at the rate of one dollar for every thirty miles travelling while engaged in the performance thereof, in going to and coming from the place or places of appointment for the transaction of the business of said committee, which compensation shall be paid by the County Trustee and the same shall be allowed him in the settlement of his account.

VII. *And be it further enacted*, That at the Court of Pleas and Quarter Sessions, seven Justices being on the bench, are hereby fully authorised and empowered to fill all vacancies which may happen in said Committee of Finance, by death, resignation, removal or refusal to act of any one or more of its members.

VIII. *And be it further enacted*, That this act shall be in force from and after the ratification thereof, and that all laws and clauses of laws coming within the purview and meaning of the same, are hereby repealed.

#### CHAPTER LXXV.

An Act to repeal in part, the first section of an Act passed in 1822, entitled, "An Act to authorize the County Courts of Pleas and Quarter Sessions of Chatham and other counties therein named to appoint 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 so much of the first section of the above recited act, as authorizes the appointment of a Committee of Finance by seven Justices, be and the same is repealed, except as to the counties of Anson and Perquimans.

#### CHAPTER LXXVI.

An Act to repeal in part an Act passed in the year 1823, 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 from and after the passing of this act, it shall be the duty of each

Captain of the several militia companies in the counties of Richmond, Cabarrus, and New-Hanover, at the first muster which they may hold after the first day of January next, and every three months thereafter to appoint not less than five fit and proper persons of the age of twenty one years, who shall be known as men of good character and free from habits of intoxication, to act as patrols for three months, whose duty it shall be to patrol their respective districts at least twice a month, and oftener, if necessary, and such patrol so appointed, or any one of them, shall inflict not more than fifteen lashes on the bare back of any negro slave, whom they find beyond his or her master's or mistress's premises, without a permit in writing, from the master, mistress or overseer of such slave or slaves, designating the place or places, to which such slave is permitted to go, and further should it so happen that one or more of said patrol, after being duly appointed should have just cause, to beat, wound or ill treat any negro slave or slaves, for their insolence or improper conduct, or on refusal of shewing their pass, or being taken by said patrol, in this case it shall be the duty of such patrol to bring such slave or slaves immediately to his or her master or mistress or overseer, and make a statement of the fact.

II. *Be it further enacted*, It shall be the duty of the patrol to keep good order and decorum among negroes at public places, and such patrol so appointed shall be exempt from working on roads, serving as Jurors and performing military duty, except battalion and regimental musters, *Provided*, that no person shall be compelled to serve more than six months in every year.

III. *Be it further enacted*, That any captain neglecting or refusing to appoint patrols as required by this act, shall forfeit and pay the sum of five dollars, to be recovered by any person suing for the same, before any Justice of the Peace of the said counties, one half to the use of the poor of said counties and the other half to the use of the person who may warrant for the same.

IV. *Be it further enacted*, That any of the patrols who fail to do their duty as required by this act shall forfeit and pay the sum of five dollars, to be recovered and applied as prescribed in the third section of this act.

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

#### CHAPTER LXXVII.

An Act to regulate the Patrol of the counties of Ashe 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 from and after the passage of this act, it shall be the duty of each Captain of the Militia companies in the counties of Ashe and New-



Hanover, at the first muster, which they may hold after the first day of January next, and every three months thereafter, to appoint not less than three fit and suitable persons of the age of twenty-one years, who shall be known as men of good character and free from habits of intoxication, to act as patrols for three months, whose duty it shall be to patrol their respective districts at least twice a month, and oftener if necessary, and such patrol so appointed, or any one of them, shall inflict not more than fifteen lashes on the bare back of any negro slave, whom they may find beyond his or her master or mistress's premises, without a permit in writing from the master, mistress or overseer of such slave or slaves, designating the place or places to which such slave is permitted to go, or other reasonable excuse.

II. *And be it further enacted*, That it shall be the duty of the patrol, to keep good order and decorum among negroes at public places, and such patrol so appointed, shall be exempt from serving on Juries, and performing military duty; except battalion and regimental musters: *Provided*, That no person shall be compelled to serve more than six months in any one year.

III. *Be it further enacted*, That any Captain neglecting or refusing to appoint patrols as required by this act, shall forfeit and pay the sum of five dollars, to be recovered by any person suing for the same, before any jurisdiction having cognizance thereof, one half to the poor of the counties, and the other half to the use of the person suing for the same.

IV. *Be it further enacted*, That any of the patrols who shall fail to do their duty as required by this act, shall forfeit and pay the sum of five dollars, to be recovered and applied as provided in the third section of this act; any law to the contrary notwithstanding.

#### CHAPTER LXXVIII.

An Act to compel the Clerks of the County and Superior Courts, the Clerk and Master in Equity, and the Register of Davidson county, to keep their respective offices at the 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 Clerks of the County and Superior Courts, the Clerk and Master in Equity and the Register of Davidson county, shall keep their respective offices at the Court-House in the town of Lexington, in said county, under the penalty of one hundred pounds, to be recovered before any jurisdiction having cognizance of the same, to be applied to the use of the said county; any law to the contrary notwithstanding.

## CHAPTER LXXIX.

An Act to regulate the time of appointing Overseers of Roads in the Counties of Montgomery and Person.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the last day of January next, all Overseers of Roads for the counties of Montgomery and Person, shall be appointed by the county court of said counties, at the next term of said court that shall be holden after the last day of January in each and every year, and at no other times: Provided however, that all vacancies occasioned by death or removal, may be filled at any term of said court.*

II. *And be it further enacted, That if any hand or hands liable to work on roads shall be placed on two or more road orders in said counties at the same time, he or they shall be liable to work only under that order which was first ordered to be issued.*

III. *And be it further enacted, That if between any two terms of appointing Overseers of Roads, as provided for by the first section of this act, any person or persons liable to work on Roads, shall become a resident or residents of any Overseer's district, he or they on being duly cited, shall be compelled to work on the road of such district, in like manner as those on the road order.*

IV. *And be it further enacted, That each and every district, shall be construed to extend as far from the road in every direction as it is from such road to the residence of that hand on the road-order for such road that lives at the greatest distance therefrom; and if any such resident, shall live at such a distance from two roads, as might by the provision of this act compel him to work on both, then and in that case he shall be compelled to work on that road on which he shall first be summoned by the Overseer.*

## CHAPTER LXXX.

An Act to repeal an Act passed in the year 1822, entitled, "An Act to repeal in part an Act of the General Assembly of this State, entitled, "An Act directing the designation of hands and how they shall be compelled to work under Overseers of Roads hereafter, in the Counties of Lincoln, Columbus, Burke and 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 before recited act, be, and the same is hereby repealed, and that the act repealed by the said act of one thousand eight hundred and twenty-two, be, and the same is hereby revived and continued in force, so far as the same relates to the county of Lincoln.*

## CHAPTER LXXXI.

An Act to repeal a supplement to an Act passed in the year 1822, entitled, "An Act to allow Commissions to Constables in the counties of Warren, Northampton and Brunswick."

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

a supplement to an act passed in the year 1822, entitled, "An act to allow Commissions to the Constables in the counties of Warren, Northampton and Brunswick, be, and the same is hereby repealed, so far as regards the county of Franklin."

### CHAPTER LXXXII.

An Act to repeal the Acts of the General Assembly, authorising the appointment of special Justices in the town of Fayetteville.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all acts of the General Assembly heretofore passed, authorising the appointment of special Justices of the Peace for the town of Fayetteville, be, and the same are hereby repealed.*

### CHAPTER LXXXIII.

An Act to amend an Act passed in the year 1823, entitled, "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."

*Be 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 first section of the before recited act, as gives to the Commissioners therein named, the power to fix on a proper place within the public square of said county of Wilkes, whereon to erect a new Court-House, together with the second section of said act, be, and the same is hereby repealed.*

*II. And be it further enacted, That Samuel Johnson, sen. Elijah Coffee, Col. John Maria, sen. John Sales, John Greer, Alexander Gilreath and Horace B. Satterwhite, be, and they are hereby appointed Commissioners, and they or a majority of them are hereby required to expose to sale one-half of the said public square; after reserving an alley of sixteen feet for public purposes on the eastern side thereof, running from the main to the back street, which part so to be sold, shall be laid off on the northernmost side of the said square, with the old Court House thereon, and shall be sold on a credit of nine and twelve months, and the proceeds of such sale shall be paid to the Treasurer of public buildings for said county, to defray the expenses of building the new Court-House.*

*III. And be it further enacted, That the said Commissioners shall have power to designate the spot on the remaining half of the said public square, (so to be reserved as a public square,) whereon to erect a new Court-House for said county, and the Commissioners appointed under the act of 1823, are hereby authorised and empowered to contract for the building of the new Court-House according to the remaining provisions of said act.*

*IV. Be it further enacted, That upon D. C. Barrett, Samuel F. Patterson, and Horace B. Satterwhite, executing and delivering to*



the Chairman of the Court of Pleas and Quarter Sessions of Wilkes county, their separate release of all title to any part of the public square in said county of Wilkes, under a sale made by James Wellborn, James Hackett and H. B. Satterwhite, under color of the act of Assembly above recited; the said Barrett, Patterson and Satterwhite, shall be, and hereby are discharged and released from all demand and claim for the purchase money of said land under said sale; any law to the contrary notwithstanding.

#### CHAPTER LXXXIV.

An Act to authorise the Court of Pleas and Quarter Sessions of Pasquotank County to purchase one or more acres of land for the use of said County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Pasquotank county, a majority of the Justices being present and consenting thereto, shall and may appoint Commissioners to purchase one or more acres of land, to erect a Court-House, Jail, and other public buildings thereon, which land shall be situated within or near the town of Elizabeth City.*

*II. Be it further enacted, That the said Commissioners, after making said purchase, shall procure a good and sufficient title to be made to the said land, to the Chairman of the county court of said county, and his successors in office forever, for the use and benefit of said county.*

*III. Be it further enacted, That the Court of Pleas and Quarter Sessions of said county, shall and may have power to lay a tax, sufficient to pay for the purchase of said land, on all the taxable property of said county, which tax, when laid, shall be collected as other taxes, and paid over to the County Trustee, and to be by him applied to the payment of said land, if other sufficient funds cannot be obtained therefor.*

*IV. Be it further enacted, That the said Commissioners or others, which the court may appoint, are hereby authorised and directed to sell the lot of land on which the public buildings now stand, together with the public buildings, at public vendue, at a time, and on a credit, which the said court may think proper, after advertising the same at three public places in said county, and to take bond or bonds, with good and sufficient securities, payable to the County Trustee, which bond or bonds the said Commissioners are hereby directed to deliver over to the said County Trustee, whose duty it shall be to collect the same when due, and apply the proceeds thereof as the said county court may direct.*

*V. Be it further enacted, That the Commissioners appointed by virtue of this act, shall, on the full payment of the bond or bonds given by the purchaser, convey to him all the right and title of th*

said county of Pasquotank, in and to the lot of land on which the public buildings now stand.

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

#### CHAPTER LXXXV.

An Act directing the time and place of sale of land and slaves under execution in 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 all sales of slaves and lands made by the Sheriff, Coroner, Constable, or by the Clerk and Master in Equity of Buncombe county, shall be made at the Court-House of said county, on the days following: on the first days of the sitting of the Court of Pleas and Quarter Sessions of said county, to-wit: on the first Monday of January, on the second Monday after the fourth Monday in March, on the third Monday of June, and on the second Monday after the fourth Monday of September, and on the first Monday in every other month in every year, under the same rules and regulation, in every other respect as are or may be prescribed for the conducting of such sales: *Provided nevertheless*, that if such sales cannot be completed upon the days aforesaid, the sales may be adjourned to the next day.

#### CHAPTER LXXXVI.

An Act to repeal an act passed in the year 1823, entitled "An act to repeal an act passed in the year 1818, entitled an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the Counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston, so far as the same relates to the counties of Robeson and Richmond," so far as relates to the County of Robeson.

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

#### CHAPTER LXXXVII.

An Act to authorise Thornton P. Gwyn and David Dalton, of Stokes County to erect Gates at the places 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 Thornton P. Gwyn and David Dalton, of Stokes county, be, and they are hereby authorised to erect and keep up a gate on each side of the Dan River, across the public road leading to Ladd's Ford, under the same rules, regulations and restrictions as are now, or shall hereafter be prescribed by law, in respect to all other public gates in this State.

## CHAPTER LXXXVIII.

An Act to authorise William Cathey and Asaph Wilson, of Haywood County, to erect Gates at the places 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 William Cathey and Asaph Wilson, be, and they are hereby authorised to erect and keep up gates on their own lands across the road leading from the head of Hominy creek, in said county, to Waynesville, under the same rules, regulations and restrictions as are now, or shall hereafter be prescribed by law, in respect to all other public gates in this State.*

## CHAPTER LXXXIX.

An Act to authorise Nicholson Washington to erect a gate on his land across the road leading through his plantation on Neuse River, in Wayne County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nicholson Washington, of the county of Wayne, be, and he is hereby authorised to erect and keep up a gate upon his own land across the public road leading to his Ferry on Neuse River: Provided, that the said gate be erected at least half a mile from the ferry, and that the said Nicholson Washington keep the road between the gate and the Ferry in good repair at his own expense.*

*II. And be it further enacted, That the said Nicholson Washington, on failure to keep said road in good repair, shall be amenable to the laws which are or may be, from time to time, provided against Overseers of public roads.*

## CHAPTER XC.

An Act to allow Adam Lockhart, collector of the taxes laid on the citizens of Anson County for the purpose of building a new Court-House, further time to complete the collection of said taxes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That Adam Lockhart, be, and he is hereby authorised to collect the arrears of taxes due from the inhabitants of Anson county, which were imposed for the purpose of defraying the expenses of building a new Court-House in said county, which authority shall extend to a collection of said taxes for the years 1818, 1819, 1820, and 1821, but shall not be construed to extend to a collection from the executors or administrators of the estate of deceased persons, or from those who shall voluntarily make oath that he or she has paid the same, and land which has been sold or conveyed since the year 1818, shall not be liable for said tax, and this act shall continue in force for twelve months and no longer.*



## CHAPTER XCI.

An Act to authorise John Holliday and Sarah Bright, Administrator and Administratrix of Richard Bright, dec. late Sheriff of Greene County, to collect the arrearages of taxes that remain due to their intestate.

*Be 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 Holliday and Sarah Bright, Administrator and Administratrix of Richard Bright, dec. late Sheriff of Greene county, be, and they are hereby authorised to collect the taxes due in said county for the years 1822 and 1823, which collection shall take place under the same rules and regulations as all other collections of public taxes, any law to the contrary notwithstanding: *Provided*, that no taxes shall be collected under the provisions of this act, from Executors or Administrators, or from persons removed out of the county, or from such as will make oath that they have paid the same.

## CHAPTER XCII.

An Act to authorise the Court of Pleas and Quarter Sessions of Hyde and Tyrrell Counties to issue licences to retail spirituous liquors by the small measure at or near their Court-House.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* the Court of Pleas and Quarter Sessions of Hyde and Tyrrell counties, be, and they are hereby authorised to grant licenses to retail spirituous liquors by the small measure at or near the Court-House, although the place named in such license shall be the place of residence of the persons to whom the licences are granted, under the same rules, regulations and restrictions, as are now by law established; any law to the contrary notwithstanding.

## CHAPTER XCIII.

An Act respecting the Elections 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* hereafter the elections for Members of the General Assembly and Representatives in Congress in Chowan county, shall each be held on the second Thursday in August, at the same places, and under the same rules, regulations and penalties as heretofore prescribed by law, and the polls shall be compared by the Sheriff on the succeeding day at the Court-House in the town of Edenton.

## CHAPTER XCIV.

An Act to alter the time of electing Sheriffs in the county of Lenoir.

*Be 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 election for a Sheriff in the county of Lenoir, shall in future be held at April instead of July court, as heretofore; any law to the

contrary notwithstanding, *Provided*: that the Sheriff who may be first elected under the provisions of this act, shall not enter on the duties of his appointment until the term of office of the present Sheriff shall expire.

#### CHAPTER XCV.

An Act fixing the places where the Elections are to be held in the County of Gates, and for other purposes-

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* in future, the elections in Gates county for Members of the General Assembly of this State, shall be held on the second Thursday in August in each and every year, in each captain's districts, and at the Court-House in said county.

II. *And be it further enacted, That* the elections for Members of Congress and for Electors to vote for President and Vice-President of the United States, shall be held at the said several places in said county at the periods respectively authorised by law.

III. *And be it further enacted, That* it shall be the duty of the Court of Pleas and Quarter Sessions, at their first court to be held after the first day of May next, to designate and fix on the place in each captain's district where said elections are to be held.

IV. *And be it further enacted, That* it shall be the duty of the Sheriff of said county to attend the election to be held at the Court-House, and that the inspectors appointed to hold the elections at the other places by this act established, shall meet on the day succeeding the day of election in each and every year, and make a return of the votes given at their respective places of elections to the Sheriff, whose duty it shall be to compare the whole votes given in said county, and the person having a plurality of votes shall be declared to be duly elected.

V. *And be it further enacted, That* the said elections shall be held under the same rules, regulations and restrictions as are now by law established.

VI. *And be it further enacted, That* a separate election shall be held in the county of Lenoir, at the house of Bright Harper, on the south side of Neuse River, at the same time, for the same purposes, and under the same regulations, in all things as prescribed by this act for holding the elections in Gates county.

#### CHAPTER XCVI.

An Act prescribing the time and places of electing the members of the General Assembly for the County of Wayne, and also Electors to vote for President and Vice-President of the United States and Members of Congress.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That* the elections to be held for the purpose of electing Members of the

General Assembly for the county of Wayne, shall be held in every Captain's district, on the second Thursday in August, and at the same place or places where petty musters are held in said county, or may hereafter be held by the Captains of the respective districts in said county.

II. *Be it further enacted*, That it shall be the duty of the keepers or inspectors of said elections, carefully to count the votes at sun-set on the Thursday, and on Friday the next day, to make a return of the state of the polls to the Sheriff by 12 o'clock at the court-house in Waynesborough, on the said day; when it shall be the duty of the Sheriff of said county carefully to compare the said polls, and declare who is duly elected.

III. *And be it further enacted*, That elections for Members of Congress, and for Electors to vote for President and Vice-President of the United States, shall be held at the same place or places that elections are held to elect Members of the General Assembly; any law to the contrary notwithstanding.

#### CHAPTER XCVII.

An Act to regulate the Elections for 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 elections to elect Members for the General Assembly for Washington county, shall be held at the house of Hardy N. Spruill, of Charles Phelps, at Jesse Jones's, and at the Court-house in Plymouth, on the second Thursday of August in each and every year; that it shall be the duty of the Sheriff, on Friday succeeding the day of election, to compare the polls at the court-house, and proclaim who are elected: that in all other respects, the election shall be governed by the laws now in force.

#### CHAPTER XCVIII.

An Act to detach the Company of Militia, now commanded by Captain Stephen Manson, in the County of Mecklenburg, from the second Regiment, and attaching it to the first Regiment of the Militia of said County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the company of militia, now commanded by Captain Stephen Manson, in the county of Mecklenburg, and attached to the second regiment of said county, shall hereafter be attached and belong to the first regiment of the militia of said county; and shall be subject to do duty in the said first regiment only, under the same rules, regulations and restrictions as are imposed by the militia laws of this State; any law to the contrary notwithstanding.



## CHAPTER XCIX.

An Act for the better regulation of the Militia of Haywood 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 the militia of Haywood county, residing on the north-east side of the Soco Mountain, in said county, shall compose the first battalion, and shall hold their battalion musters at the town of Waynesville; and all that part of the militia of said county, residing on the waters of the Tuckasegee and Oconolufy rivers, shall compose the second battalion, and shall hold their battalion musters at John B. Love's store, on the Tuckasegee river; and all that part of the militia of said county, south and west of the Cowee Mountain, shall compose the third battalion, and shall hold their battalion musters at the town of Franklin, in said county.

II. *And be it further enacted,* That the first and second battalions of the militia of said county, shall form the first regiment, and shall hold their regimental musters at the town of Waynesville; and the third battalion of said militia, shall form the second regiment, and hold their regimental muster at the town of Franklin. And the officers now commanding the militia of said county, shall attend and review the same, in battalion as well as regimental capacity, at the places designated by this act, under the same rules, regulations and penalties as are now prescribed by law to govern the militia of this State.

## CHAPTER C.

An Act to amend an act, passed in the year 1823, entitled "An Act to divide the Militia of Iredell County into two distinct 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 four distinct battalions, in manner following to wit: The companies of Captains Byers, Brawley, Ramsey, Nicholson and Mears, shall compose the first battalion of the first regiment; the companies of Captains Murdock, Dunlap, Beard, Alexander and Howard, the second; that the companies of Captains Sharp, Ball, Ashbury, Cook and Campbell, shall compose the first battalion of the second regiment; and the companies of Captains Thompson, Bennett, Jones and Wilfong, the second.

II. *And be it further enacted,* That the times and places for holding the regimental and battalion musters, shall be upon the rules and regulations heretofore prescribed by law; any law, usage or custom to the contrary notwithstanding.

## CHAPTER CI.

An Act for the better regulation of the third Regiment of Militia of Burke County.

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

all that part of the third regiment of militia of Burke county, residing on the west side of the Blue Ridge in said county, shall in future hold their battalion musters at the house of Jeremiah Sparks, in said county.

II. *And be it further enacted*, That the Colonel Commandant, or one of the field officers of said regiment, shall attend once in each and every year at the place above-mentioned, for the purpose of reviewing said militia, under the same rules, regulations and restrictions, as are provided by law in other cases: *Provided*, that nothing herein contained, shall be so construed as to exempt the said militia from attending any general review of the militia of said county, at the place now appointed by law for that purpose.

III. *And be it further enacted*, That the balance of the said third regiment shall hold their battalion musters at whatever place may be agreed upon by a majority of the officers composing said battalion, under the same rules, regulations and restrictions, as in other cases made and provided.

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#### CHAPTER CII.

An Act to establish a separate Battalion in the County of Hyde.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the several companies of the Hyde militia residing on the Banks, shall form and compose a separate battalion, and shall hold their battalion musters on Kinnikeet, where musters have usually been held.

II. *And be it further enacted*, That the said battalion be, and they are hereby exempted from attending review musters and drill of officers at the court-house; any law, usage or custom to the contrary notwithstanding.

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#### CHAPTER CIII.

An Act to establish a Battalion Muster in Carteret County.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter there shall be a battallion muster for the company or companies now commanded by Captain George W. Willis, to be held at Stephen Tulford's old field in the Straits district, in the county of Carteret.

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#### CHAPTER CIV.

An Act to alter the place of holding General Musters 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 the general musters of the said county, shall hereafter be held at Lee's Mills, in the said County; any law to the contrary notwithstanding.

## CHAPTER CV.

An Act concerning the Town of Fayetteville.

Whereas it is deemed expedient that the sum of six thousand dollars should be raised by way of loan for the use of the town of Fayetteville; and whereas much danger and inconvenience are felt by many of the citizens of said town from nuisances, prejudicial to the health of said citizens, and the exposure of combustible materials in the thickly settled parts of the town, and the want of due attention to repairing such buildings as by the effects of time and weather have become particularly liable to fire, thereby greatly endangering the property of the owners of valuable buildings, and other property in said town: And whereas it is thought advisable that no commissioner of said town should be liable to indictment as heretofore for any nuisance existing in the said town, except when the same may exist in his own ward:

*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 commissioners of the town of Fayetteville, for the time being, and their successors in office, shall, at any time hereafter, have power and authority to borrow, on the credit of the corporation, an amount not exceeding six thousand dollars; and for that purpose, may open books of subscription, at such time and place, as they, or a majority of them, may deem expedient, in which books, any person desiring to lend the said corporation, may subscribe for such number of shares of the sum intended to be borrowed by the said commissioners, as will amount to the sum which the said subscriber may be disposed to lend; the amount of each share to be stated by the commissioners in their books of subscription, at the time the same are opened.

II. *And be it further enacted,* That the person or persons so subscribing, shall pay to the town treasurer the amount by him, her or them so subscribed, at such time, and in such proportions, as the said commissioners shall direct.

III. *And be it further enacted,* That such stockholder or stockholders shall be entitled to receive, semi-annually, three per centum upon such amount as he, she or they shall have paid to the town treasurer, under the direction of the said commissioners.

IV. *And be it further enacted,* That the said commissioners shall stipulate in their said books of subscription, at what time, and in what proportions, they will repay the monies so lent them.

V. *And be it further enacted,* That the said commissioners shall issue to such stockholder, a certificate, having annexed thereto the seal of the corporation of said town, to be signed by the town treasurer, and countersigned by the magistrate of police, setting forth the amount of each share, the number to which said stockholder is entitled, and the terms of the loan; which certificate shall be trans-



ferable by endorsement of the holder. And upon the transfer to different persons of any number of shares contained in any one certificate, the said commissioners, upon application and the return of the certificate, shall, from time to time, issue new certificates, comprehending a smaller or greater number of shares, to suit the convenience of stockholders: *Provided*, that the said commissioners shall grant no new certificate for the fraction of a share.

VI. *And be it further enacted*, That it shall be the duty of the commissioners for the town, for the time being, and their successors in office, to lay such taxes, and enforce the collection of the same, as may be necessary to meet the semi annual payment of the interest to stockholders, and also repayment of instalments according to the terms of the loan: *Provided*, such taxes shall not exceed those now authorised by law. And any commissioner neglecting their said duty, shall be held individually responsible to the said stockholders for the payment of their interest and the repayment of the principal, according to the terms of the loan.

VII. *And be it further enacted*, That when the said commissioners shall have reduced the amount borrowed by the payment of any instalment, below the said sum of six thousand dollars, they shall have power and authority to open their books of subscription, upon the same terms, and under the same restrictions as herein before prescribed, so as to increase their debt to the said amount of six thousand dollars, which is the utmost the said commissioners shall owe as a funded debt at any one time, exclusive of interest.

VIII. *And be it further enacted*, That the said commissioners shall have power and authority to direct the removal of such nuisances as, in their opinion, endanger the public safety, either on account of health or fire, and to impose such penalties as will enforce obedience.

IX. *And be it further enacted*, That in future, each of the commissioners shall be indictable for nuisances occurring in his own ward, and not for those occurring in the ward of any other commissioner.

#### CHAPTER CVI.

An Act concerning the Town of Edenton.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Commissioners of the town of Edenton, &c, and they are hereby authorised and empowered to lay out, and open a street leading from King Street to Church Street, passing to the eastward of the Court House, and to the westward of the Academy, and to purchase and receive conveyances from the owners of the lots, through which the said street is to pass, for so much ground as shall be necessary for that purpose, which conveyances shall be to the said Commissioners and their successors forever, for the use of the said town;

and if any of the owners shall be under age, or non compos, the County Court of Chowan shall, on application of the said Commissioners, and on their showing that they have given ten days notice of such application to the Guardian of each minor or lunatic, direct the Sheriff to summons a jury, who shall go on the premises, and after being duly sworn, shall assess the value of the ground wanted by the Commissioners, which assessment shall be returned to the next succeeding Court, and on payment of the value so assessed, the said ground shall vest in the said Commissioners in the same manner as if it had been conveyed, as is prescribed in the preceding clause.

II. *Be it further enacted*, That the said Commissioners be, and they are hereby empowered to sell all that part of the town commons, which lies to the north of the main road leading from the town to Gates County, and to give conveyances therefor in fee-simple, and the money arising from such sale, shall be appropriated to the purposes of this act.

III. *Be it further enacted*, That so much of any act of Assembly now in force, as prohibits the Commissioners of the town of Edenton from renting out the town commons, be, and the same is hereby repealed; and hereafter the Commissioners of the said town shall have power to rent out the commons, for a period not exceeding three years; *provided*, that not more than one half of the commons be rented out in any one year.

#### CHAPTER CVII.

An Act to amend an act, passed in the year 1815, entitled "An Act to incorporate the Town of Charlotte 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 the Commissioners for the town of Charlotte, shall have full power, and they, or a majority of them, for the time being, are hereby authorised to lay such a tax on the inhabitants of said town and their taxable property, as they, or a majority of them, may deem sufficient for repairing the streets, and for such other purposes as the said Commissioners may consider necessary for the comfort and convenience of said town.

II. *And be it further enacted*, That the aforesaid Commissioners, shall have power to appoint some discreet person to collect and account for said taxes, and the said collector, thus appointed, shall enter into bond and security for the faithful collecting and accounting for said taxes, in the same manner as the county tax is collected and accounted for by the Sheriff; any law, to the contrary notwithstanding.

## CHAPTER CVIII.

An Act to authorise the Town Commissioners of Halifax, in the County of Halifax, to make a settlement with the Commissioners appointed under the act of 1818, to sell and lay off the town lots, 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 elected for the town of Halifax, at their annual town elections, be, and they are hereby authorised to settle on the part of the people of said town, with the Commissioners appointed under the act of 1818, to lay off and sell off the town lots, and for other purposes.*

*II. And be it further enacted by the authority of the same, That it shall be the duty of the annually elected town Commissioners, to compel the Commissioners appointed under the act of 1818, to sell off the town lots and for other purposes, to a settlement within twenty days after their next annual election.*

*III. And be it further enacted, That they are hereby authorised and empowered to sue or be sued, plead or be impleaded, for any sum or sums of money due on the sale of said lots, and on the sale of any other property of the town, sold or conveyed by said Commissioners, and shall be known and distinguished, by the name of the Town Commissioners of Halifax, and have perpetual succession; and they are hereby authorised to have and to use a common seal for this and other purposes.*

*IV. And be it further enacted, That the town Commissioners, after their annual election, shall meet on the first Monday of May, in each and every year, and then and there to make an exposition of the state of the finances of said town, to the citizens of the same, or give publicity of the state of the funds, by publishing it in the town paper, which is now published, or may be published hereafter in said town.*

*V. And be it further enacted, That they, or a majority of them, shall have full power to appropriate and apply such sum or sums of money as to them may appear most proper, for the improvement and benefit of the town; and do all other acts relative to the town property, as could have been legally done by the Commissioners, appointed under the act of 1818, and all such other acts as may be done by them, or a majority of them, on behalf of the town, shall be to all intents and purposes deemed and held good and valid in law; any thing to the contrary notwithstanding.*

## CHAPTER CIX.

An Act to amend an act, entitled "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 the Commissioners of the town of Statesville, appointed by the last*



recited act, or a majority of them, shall have full power and authority to sell and convey the unsold lots of said town, giving three months notice by publication in the nearest Gazette of such sale to be at auction, on a credit of at least six months; that the proceeds arising from such sale or sales, shall be paid over to the County Trustee for the benefit of the County.

II. *Be it further enacted*, That the said Commissioners, or a majority of them, shall have a survey made of all the town lots in the said town, and a plat thereof to be filed in the office of the Clerk of the County Court of said County, for the use of all persons who may be interested: that the County Court aforesaid, shall make a reasonable allowance to the surveyors of said lots, to be paid by the County Trustee.

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

#### CHAPTER CX.

An Act authorising the Commissioners of the Town of Plymouth to make Conveyances of Lots in said Town, in certain cases.

Whereas Arthur Rhodes and wife conveyed, by their deed in trust, the land whereon the town of Plymouth is situated, to certain persons therein mentioned, for the purpose of laying off said land into lots, and the land having been afterwards laid off into lots by the persons mentioned in said deed of trust; and tickets, with the number of said lots written thereon, as evidence of title thereto, having been sold, and the said persons to whom said deed was made being all dead, and it appearing that many persons now hold said tickets as the only evidence of title: For remedy whereof,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Plymouth shall have full power and authority, and they are hereby authorised and empowered to execute deeds of conveyance in fee-simple to persons holding lots in said town by virtue of their tickets, upon the tickets being presented to them by the persons holding the same, such person or persons paying the expence of said deed or deeds.

#### CHAPTER CXI.

An Act for the better regulation of the Town of Lumberton, 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 Thomas Rhodes, Archibald Ray, Charles Moore, Neill Buie and Joseph Wood, be, and they are hereby appointed commissioners for the town of Lumberton, in the county of Robeson, with full power and authority to make all such by-laws, rules and regulations, for

the better government of said town, as they, or a majority of them, may deem proper, not inconsistent with the laws and constitution of the State or United States.

II. *Be it further enacted.* That upon the death, refusal to act, or removal of any of the said commissioners, the remaining commissioners hereby appointed shall have full power to fill such vacancy, and such person so appointed, shall have the same powers as those hereby appointed.

III. *And be it further enacted,* That an act heretofore passed, authorising the county court of Robeson to appoint an overseer for the regulation of said town, be, and the same is hereby repealed; and that this act be in force from and after the ratification thereof.

#### CHAPTER CXII.

An Act to establish and incorporate the Town of Lisbon, in Sampson County, and appoint Commissioners of 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 William Robinson, John Bryan, Kedar Bryan, Stephen Herring and Thomas Boykin, be, and they are hereby appointed commissioners for the purpose of causing a re-survey to be made of the town of Lisbon, which contains fifty acres of land, and formerly purchased of Jesse Peacock; and the same shall be surveyed into lots of one half acre each, and marked out and designated in the manner which may be prescribed by a majority of the said commissioners, so that disputes may be removed, and the lines and boundaries of each lot therein be forever hereafter known and established; and the said commissioners, or a majority of them, shall be governed by the old lines and boundaries of the lots heretofore laid off, as near as can be ascertained. And the balance of the fifty acres appropriated for the town, and which have not heretofore been laid off, they shall lay off into lots of half acre each, and designate and establish them as above mentioned. And when the survey shall be fully completed, a fair plat of the said town, representing each lot and the number and boundaries thereof, they shall cause to be registered in the register's office of said county.

II. *And be it further enacted.* That Doctor Abner Hopton, Cornelius Devane, Joseph Tredwell and Uz Wood, be, and they are hereby appointed commissioners for the town of Lisbon, in the county aforesaid, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such by-laws for the prosperity and good government of said town, as they, or a majority of them, may deem expedient: *Provided,* the same are not inconsistent with the laws and constitution of the State or the United States. And they, or a majority of them, are hereby declared able and capable to appoint commissioners for the said town, in the place of any one or more of those who are mentioned in this act, who may die, remove or refuse to perform the duties herein enjoined on them.

## CHAPTER CXIII.

An Act for the better regulation of the Town of Greensboro', 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 on the second Thursday in February next, and on the second Thursday in February in each and every year thereafter, it shall and may be lawful for the freemen of the town of Greensborough, to meet at the court-house in said town, and elect five commissioners of police, to serve for one year thereafter, who are authorised and empowered to make such by-laws and regulations, as by them may be deemed expedient for the better government of said town: *Provided always,* that such rules and regulations be not inconsistent with the laws and constitution of the State and the United States.

II. *And be it further enacted,* That the said commissioners shall have full power to appoint a town clerk, treasurer, and such other officers as may be necessary for carrying the laws into effect; and it shall be the duty of the clerk of said town to give public notice by advertisement on the court-house door, at least two days previous to each day of election, that a meeting is requested for the purposes above mentioned.

III. *And be it further enacted,* That the sheriff of said county is hereby authorised and required to hold said election, together with two freeholders to be by him summoned for that purpose, under the same rules and regulations as are or may be established by law for electing members of the House of Commons; any law, usage or custom to the contrary notwithstanding.

## CHAPTER CXIV.

An Act directing the manner in which Commissioners for the Town of Chapel-Hill shall in future be appointed.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the inhabitants of the town of Chapel-Hill, on the first Saturday in February next, and in each and every year thereafter, to elect seven persons to serve as commissioners of said town, for one year from the time of their election: *Provided however,* that no person shall be eligible to the appointment of commissioner, unless he has resided in said town for at least six months previous to his election, and for the same time has been seised and possessed in fee-simple of a lot in said town, of at least an acre of land.

II. *And be it further enacted,* That in the election of said commissioners, no one shall be entitled to vote unless he has been a resident of said town for six months previous to the day of election.

III. *And be it further enacted,* That the commissioners appointed by virtue of this act, shall have, use, exercise and employ all the powers and authorities heretofore used, exercised and employed by the commissioners of said town.



IV. *And be it further enacted*, That so much of an act passed in the year 1819, entitled "An act to appoint commissioners for the town of Chapel-Hill, in Orange county," and also so much of an act passed in the year 1822, entitled "An act to amend an act passed in the year 1819, entitled "An act to appoint commissioners of the town of Chapel-Hill, in Orange county," as comes within the meaning and purview of this act, be, and the same is hereby repealed.

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#### CHAPTER CXV.

An Act to appoint Commissioners for the Town of Clemmons ville, in Davidson 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 Hiram Phelps, Benton Clemmons, William Clemmons, Henry Eackol and Lewis Stipe, be, and they are hereby appointed commissioners for the town of Clemmons ville, in Davidson county, and they are hereby incorporated into a body politic and corporate, and they, or a majority of them, are declared to possess power and authority to sue and be sued, plead and be impleaded in any court of law or equity within this State, and also to pass such by-laws and ordinances to advance the interests of said town, and for the good government of the same, as they may deem expedient, not inconsistent with the constitution of this State or of the United States.

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#### CHAPTER CXVI.

An Act to establish and lay off a Town on the lands of James Gordon, in the County of Anson.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Joseph White, Miles Washington Mask, John Griffin, Andrew Polk and James Allen, be, and they are hereby appointed commissioners to lay off a town on the lands of James Gordon, on Crib's creek, in the county of Anson, to be called and known by the name of Gordanton; and the aforesaid commissioners, or a majority of them, be, and they are hereby authorised to lay off said town into acre or half-acre lots, with convenient streets and alleys, as to them shall appear most advisable; and the said lots, when so laid off, shall be for the sole benefit, and free disposal of the said James Gordon.

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#### CHAPTER CXVII.

An Act to empower the Commissioners of the Town of Elizabeth City to appoint a Fire Company, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Elizabeth City, be, and they are hereby authorised to appoint any number of persons residing in the

said town, not exceeding twenty-five, to constitute a Fire Company; to remove any person so appointed, upon sufficient cause shewn, and to fill any vacancies that may occur, and to establish such ordinances, rules and regulations for the government of such company, as they may deem expedient, not inconsistent with the laws of this State or of the United States.

II. *Be it further enacted*, That the persons so appointed shall, while they continue to act as firemen, be exempted from the performance of militia duty, except in case of insurrection or rebellion, or while the United States may be engaged in war with a foreign nation.

#### CHAPTER CXVIII.

An Act to provide for the payment of Expenses incurred for the suppression of the Smallpox in the Town 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 the commissioners of the town of Washington, in the county of Beaufort, for the time being, be, and they are hereby authorised and required to adjust and pay the just claims for the expences arising out of the occurrence of the Smallpox in said town, in the year eighteen hundred and twenty-four; and for that purpose, it shall be their duty to levy and cause to be collected, taxes for the year 1825, as follows: every merchant, shopkeeper and jeweller, who shall sell any goods, wares or merchandize in any store or shop in said town, shall pay the following taxes, to-wit: if the amount of his capital stock in trade, which stock shall comprehend as well investments made on credit or otherwise, any time during the year preceding the first day of February next, shall be under four hundred dollars, a tax not exceeding one dollar; if between four hundred and two thousand dollars, a tax not exceeding three dollars; if between two thousand and five thousand dollars, a tax not exceeding five dollars; if between five thousand and ten thousand dollars, a tax not exceeding eight dollars; if above ten thousand dollars, a tax not exceeding ten dollars. Every wholesale merchant shall pay a tax not exceeding twelve dollars; every commission merchant, a tax not exceeding eight dollars; and every tavern-keeper, a tax not exceeding three dollars. And the commissioners aforesaid, during the month of February next, shall cause to be furnished to the collector of the town taxes in said town, a full and correct list of the merchants, shopkeepers, jewellers and tavern-keepers in said town, and the several rates of tax hereby imposed: whereupon, the said collector shall forthwith call upon the persons named in the said list. And the said persons may make affidavit in writing, and deliver the same to the collector, stating the amount of their respective capital stocks in trade as aforesaid, or whether they are wholesale or commission merchants, as aforesaid, and shall pay to the said collector the amount of tax for which they may be respectively liable, which affidavits the said collector

is required to return to the commissioners aforesaid, at their first quarterly meeting after the month of February aforesaid (or as soon after the time by law for such meeting as by them required) and pay over to the town treasurer the monies so collected. And the said collector shall be liable for the taxes due by the persons named in the said list, and which ought to have been paid, according to the best evidence to be had, unless he shew satisfactory reason why the same could not be collected: *Provided nevertheless*, that if any person so named shall decline to make the affidavit required, such person shall be rated at the tax of twenty dollars, which shall be collected accordingly as the tax due from such person. And for the remaining sum necessary to be raised for the purpose aforesaid, the commissioners aforesaid shall levy and cause to be collected, a tax of not exceeding forty-five cents on every poll, and fifteen cents on every hundred dollars value of lots with their improvements in said town.

II. *And be it further enacted*, That the taxes imposed by this act, shall, except as herein before provided, be levied, collected and accounted for as other taxes in said town; and that this act shall be in force from and after the ratification thereof.

#### CHAPTER CXIX.

An Act to incorporate the Trustees of the Hillsborough Female Academy, in the County of Orange.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Frederick Nash, James S. Smith, Walker Anderson, William Cain, jun. Jonathan P. Sneed, Thomas J. Faddis and John Scott, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of "The Trustees of Hillsborough Female Academy;" and by that name and style shall have perpetual succession and a common seal, and they, or a majority of them, or 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 the 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 of this State, and to do all such acts and things as may be necessary and proper to be done by bodies corporate, for the advancement and promotion of science in said institution, not inconsistent with the 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 as trustees of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.



## CHAPTER CXX.

An Act to establish Mount Prospect Academy, in the County of Edgecomb, 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* Exum Lewis, Dempsey Bryan, Henry Bryan, James J. Phillips, Etheldred Phillips, William E. Bellamy, John F. Bellamy, William Dickin, Ephraim Dickin, Thomas Wiggins and Kinchen Hines, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of Mount Prospect 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 them, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any court of law within this State; shall have power to appoint other and more trustees, and to fill the place of such as may die, remove, resign, or be incapable of acting, and to establish such laws and regulations for the government of said institution, as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to and usually exercised by bodies politic for the accomplishment of the contemplated object.

## CHAPTER CXXI.

An Act to incorporate the Trustees of the Wake 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* Newton Wood, James D. Newsom, Jasper Gillett, Hartwell Horton, John Watkins, Joshua Fletcher, Benjamin Marriott and Seth Jones, of the county of Wake, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of the Wake Union Academy," and by that name may sue and be sued, plead and be impleaded, shall have 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 three 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 CXXII.

An Act to establish Davidson Academy, in the County of Montgomery, 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 James Allen, Frederick Randle, James Kindle, William Wall, Thomas Tomlinson, Benjamin Kindle and George W. Davidson, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of Davidson Academy, and by that name shall have perpetual succession, and shall be able and capable in law, to have, receive and possess, any quantity of land and tenements, goods, chattels and monies that may be given to them, and apply the same according to the will of the donor, and dispose of them, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any court of law within this State; shall have power to appoint other and more trustees, and to fill the place of such as may die, remove, resign or be incapable of acting, and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to and usually exercised by bodies politic for the accomplishment of the contemplated object.*

## CHAPTER CXXIII.

An Act to establish Swansboro' Academy, in the County of Onslow, 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 William P. Ferrand, Luke Huggins, David M. Dulany, David W. Saunders, James Wade, Frederick Foy, William Mitchell, George Hatch and Edward Jones, and their successors in office, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "The Trustees of the Swansboro' Academy," and by that name shall have perpetual succession and a common seal, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattels and monies that may be given to them, and apply the same according to the will of the donor, and dispose of them, when not forbidden by the terms of said gift: they may sue and be sued, plead and be impleaded, in any court of law within this State, shall have power to appoint other and more trustees, and fill the place of such as may die, remove, resign or be incapable of acting, and to establish such laws and regulations for the government of said institution, as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to, and usually exercised by bodies politic for the accomplishment of the contemplated object.*

II. *And be it further enacted*, That the trustees, or a majority of them, shall have power to elect a president, secretary and treasurer; and also to raise by way of lottery, a sum or sums for the purpose of erecting suitable buildings, purchase of books, or any other purpose for the promotion of said institution.

#### CHAPTER CXXIV.

An Act to establish New Hope Academy, in the County of Randolph, 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 Micajah Lassiter, Davis Hix, Linggerd Birkhead, Jesse Henley, Thomas Ingraham, Hill Lassiter and William Ingraham, sen. and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of New Hope Academy, and by that name shall have perpetual succession, and shall be able and capable in law to receive, enjoy and possess, any quantity of land and tenements, goods, chattels and monies which may be given to them, and apply the same according to the will of the donor, and dispose of the same, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded, in any court of law within this State, and shall have power to fill the places of such as may die, remove or resign, and to establish such by-laws, rules and regulations for the government of said institution, as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to, or usually performed by bodies politic for the accomplishment of the object contemplated.

#### CHAPTER CXXV.

An Act to amend an Act, entitled "An act to establish an Academy in the Town of Halifax, in the county of Halifax," passed in the year 1821.

*Be 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 Drew, Thomas Ousby, Richard Eppes, Edmund B. Freeman, John Joseph Daniel, jun. William Stith and William P. Clifton, 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 Halifax Academy, by which 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; and that they may sue and be sued, plead and be impleaded, in any court within this State.

II. *Be it further enacted*, That on the demise, resignation or removal of any of the said trustees, or of any of their successors, the citizens of the town of Halifax, at their regular town elections



for mayor and town commissioners, shall proceed to elect others to supply their places; and that no person, except he is qualified to vote for mayor and town commissioners, shall be permitted to vote for a trustee.

III. *Be it further enacted*, That the trustees of said Academy shall have full power and authority to establish such laws and regulations for the government of said institution as may be necessary for the good government thereof; and that they may be authorised and empowered to employ such tutor or tutors, tutoress or tutoresses, and other officers, as they may deem necessary and proper to discharge the duties thereof. And they are hereby authorised and empowered to perform all such things as are usually exercised by bodies politic for the attainment of their contemplated ends.

#### CHAPTER CXXVI.

An Act to establish Harmony Grove Academy, in the County of Edgecomb, 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* Lamon Dunn, Turner Bynum, Allen Nettle, John Garrett, Joshua K. Bullock, Jesse C. Knight, Samuel Ruffin, Willis Wilkin, Alexander S. Cotten, Peter Evans, Whitmel K. Bullock, Joab P. Pitt and Benjamin Sharp, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name of the Trustees of the Harmony Grove Academy, and by that name 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 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, and full power and authority to pass by-laws and ordinances for the good government and prosperity of said Academy.

#### CHAPTER CXXVII.

An Act for the relief of the Trustees of the Oxford Academy,

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

the trustees of the Oxford Academy, in Granville county, be, and they are hereby authorised to raise by one or more lotteries, the sum of ten thousand dollars.

### CHAPTER XXVIII.

An Act to incorporate the Agricultural Society of Beaufort County, and the Richmond Agricultural Society of Laurel Hill.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the present members of the Agricultural Society of Beaufort county, and the Richmond Agricultural Society of Laurel Hill (and such as may hereafter be admitted into the same) be, and they are hereby constituted bodies politic and corporate, by the name and style of 'The Agricultural Society of Beaufort county,' and 'The Richmond Agricultural Society of Laurel Hill,' and by that name shall be able and capable in law to sue and be sued, plead and be impleaded, to receive, enjoy and transfer real and personal property, and further, to make such rules and regulations for the government of their societies as may promote the objects of the institutions.*

### CHAPTER CXXIX.

An Act to incorporate the Mechanics' Benevolent Society of Wilmington.

Whereas certain persons in the town of Wilmington have associated themselves together in a society for the purpose of raising a fund to be applied to the relief of the unfortunate, afflicted and disabled honest mechanics, their wives and children, to whom chance or misfortune may render assistance necessary; to the end thereof that their charitable intentions may be carried into effect:

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That said society, or association, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Mechanics' Benevolent Society of Wilmington, and by that name shall have perpetual succession, and that the president and managers, their successors, or a majority of them, by the name aforesaid, shall be capable in law to receive, hold and possess, any quantity of lands or tenements, goods, monies or effects which may be given to the use of the society, and apply the same according to the will of the donor.*

*II. Be it further enacted, That the said president and managers, or a majority of them, may sell and dispose of any lands, tenements, goods or effects that may have been given to the use of the society, when the will of the donor does not forbid it.*

*III. Be it further enacted, That the said president and managers, by the name aforesaid, to-wit: the name of the president and managers of the Mechanics' Benevolent Society, shall be able and capable to sue and be sued, plead and be impleaded, in any court within this State, and shall have power to do all such things as are*

incident to, and usually exercised by bodies politic for the promotion of the objects contemplated, not incompatible with the constitution of this State.

IV. *Be it further enacted*, That the officers of the society shall consist of a president, vice-president and four managers, a treasurer and secretary, who shall manage the business of the society, and shall be elected annually by ballot, and that the election shall take place on the first day of January next, and on the last Saturday in November in each and every year thereafter, unless otherwise ordered by the society, two-thirds of its members being present at the time of such election.

V. *Be it further enacted*, That the officers elected at the last annual meeting of the society, shall hold their respective appointments until the next annual meeting, with all the powers and authority given to such officers as may be elected after the passage of this act.

VI. *Be it further enacted*, That the members of this society shall have power, from time to time, to establish such constitution and laws as shall be necessary for the government of the society, under such restrictions and regulations as they, or a majority of them, may think proper.

#### CHAPTER CXXX.

An Act to authorise Golden Fleet Lodge, No. 74, in the Town of Milton, to raise certain sums of money by way of Lottery.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the members composing Golden Fleet Lodge, No. 74 in the town of Milton, or a majority of them, be, and they are hereby authorised and empowered, to raise by one or more lotteries, a sum of money not exceeding three thousand dollars, which shall be drawn in such number of classes, and at such times, and under such rules, regulations and restrictions, as shall be approved of by a majority of the members composing said Lodge.

II. *Be it further enacted*, That the said Lodge, or a majority of the members thereof, shall have full power and authority to appoint such persons as they may consider properly qualified to act as managers of the said lottery, whose duty it shall be to superintend and conduct the proceedings thereof, subject nevertheless to the approbation of a majority of said Lodge.

III. *Be it further enacted*, That the said managers, before entering on the duties of their said office, shall give bond, with good and sufficient security, to the master of said Lodge, and his successors, in the sum of six thousand dollars, to secure the faithful discharge of their duties, and to account for and pay over, to such persons as may be entitled to receive the same, all monies which may come into their hands by virtue of their said office.

#### CHAPTER CXXXI.

An Act to incorporate Zion Lodge, in the County of Jones.

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



the master, wardens and members, who now are, or may hereafter be appointed of Zion Lodge, in Jones county, are hereby constituted and declared to be a body corporate and politic, by the name and title of Zion Lodge, and by that name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and hold, alien and transfer property, and pass all such rules, regulations and by-laws, as shall not be inconsistent with the constitution and laws of this State.

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#### CHAPTER CXXXII.

An Act to incorporate the Clinton Library Society in the County of Stokes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the members of the Clinton Library Society, in the county of Stokes, be, and they are hereby constituted a body corporate, and under that name and style, shall have perpetual succession, and be capable, by gift or otherwise, of taking, possessing and transmitting property, real and personal, and in all things relating to the objects of said association, to have, enjoy and exercise the powers and privileges usually belonging and appertaining to corporations aggregate.

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#### CHAPTER CXXXIII.

An Act to alter the name of Stephen Outerbridge Fenner.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That Stephen Outerbridge Fenner (son of Doctor Richard Fenner, junior, deceased, late of Franklin county) shall hereafter be known and called by the name of Stephen Outerbridge, and by that name shall be able to sue and be sued, plead and be impleaded, in any court of law and equity whatever.

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#### CHAPTER CXXXIV.

An Act for the relief of James Longgon, of Louisburg, Franklin County.

Whereas James Longgon, a native of Ireland, on or about the years 1806 or 1807, received from William Brickell, a deed conveying to the said James Longgon, and his heirs forever, the piece of land known as lot number ten, in the town of Louisburg, in Franklin county; and the said James Longgon not having been at that time naturalized, nor entitled under the constitution of this State to purchase lands, the said lot has become forfeited to the State; and it appearing to this Legislature that the said James Longgon has since, viz. in the year 1813, been duly naturalized:

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all the right, title, interest and claim which the State of North-Carolina has, or might have, in and to the said lot, by reason or on account of the purchase thereof by the said James Longgon, is hereby granted and released to the said James Longgon, his heirs

and assigns, and the title to said lot is hereby confirmed to the said James Longgon, his heirs and assigns, his disability of alienage at the time of said purchase to the contrary notwithstanding.

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#### CHAPTER CXXXV.

An Act ot divorce Violet W. Lindsay, of Lincoln County, from her husband Samuel W. Lindsay.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Violet W. Lindsay, of Lincoln county, be, and she is hereby divorced from the bonds of matrimony with her husband Samuel W. Lindsay, late of Mecklenburg county, 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 Samuel W. Lindsay aforesaid.*

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#### CHAPTER CXXXVI.

An Act to divorce Mary Wilson, of the County of Buncombe, from her husband James Hawkins.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Mary Wilson (formerly Mary Hawkins) of the county of Buncombe, be, and she is hereby divorced from the banns of matrimony from her husband James Hawkins, as absolutely and completely, to all intents and purposes, as though a marriage had never been solemnized between the said parties; any law to the contrary notwithstanding.*

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#### CHAPTER CXXXVII.

An Act to divorce Lewis Tomberau, now of Wake County, from his wife Nancy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Lewis Tomberau, of Wake county, be, and he is hereby divorced from the bands of matrimony with his wife Nancy, in as full and ample a manner as if the same had never been entered into, and that he be, and is hereby discharged from all duties, obligations and engagements as husband to said Nancy.*

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#### CHAPTER CXXXVIII.

An Act to restore to credit William Milton, of Rutherford 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 Milton, of Rutherford 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 his right by a conviction, and he is hereby declared capable to depose and testify in any court of record within this State, and before any jurisdiction whatever; any law to the contrary notwithstanding.*

## CHAPTER CXXXIX.

An Act to restore the privileges of a Citizen to Nelson Nash, of Anson 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 Nelson Nash, of Anson 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.*

## CHAPTER CXL.

An Act for the relief of John Witherow, of Rutherford 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 Witherow, of Rutherford county, be, and he is hereby restored to all the advantages and privileges of a citizen, in as full and ample a manner as though he had never been convicted of perjury.*

## CHAPTER CXLI.

An Act to exempt certain persons in Hyde County from serving on Juries.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all that part of the citizens of Hyde county residing on the Banks, between New Inlet and the Carteret line, be, and they are hereby exempted from serving on Juries, either in the Superior or County Courts.*

*It. Be it further enacted, That nothing herein contained, shall be so construed as to exempt any of the above-mentioned citizens from serving as Talesmen Jurors, either in the Superior or County Courts of said county.*

## CHAPTER CXLII.

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

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of February next, it shall not be lawful for any person or persons whatsoever to turn loose, or let run at large, any dog or dogs, on the island of Portsmouth, in the county of Carteret, under the penalty of five pounds for each and every offence, to be recovered before any jurisdiction having cognizance thereof, and to be applied to the use of the poor of that county.*

Read three times and ratified in General Assembly, this 31st day of Dec. 1824. }

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

A true Copy,

WM. HILL, Secretary.



## RESOLUTIONS,

Passed by the General Assembly of 1824.



*Resolved unanimously.* That the Governor be authorised and requested to make such arrangements for the reception of General Lafayette, should he visit this State, as may comport with the dignity of the State, and the respect due to the illustrious Guest of the Nation, and that he assure the General of the deep and grateful sense entertained by the people of this State of the value and importance of his services, in obtaining the independence they enjoy.

*Resolved,* That the Governor of this State be authorised to draw on the Treasurer for the sums necessary to carry the preceding resolution into effect.

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*Resolved.* That the Private Secretary of the Governor, under the direction of the Governor, sell such part of the furniture of the Governor's House, as may be unfit for further use.

*Resolved.* That the Private Secretary of the Governor, under the direction of the Governor, purchase such additional articles of furniture as may be necessary for the accommodation of the Governor and his family, and that the Governor draw on the Treasurer for a sum not exceeding five hundred dollars, to be applied with the proceeds of the furniture to be sold for the purposes of this resolution.

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*Resolved,* That the committee of Finance be instructed to have burnt the sum of twelve thousand one hundred and seventy dollars eighty nine and one-fourth cents of Treasury Notes unfit for circulation, and that the Treasurer have credit for that sum in the settlement of his accounts.

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*Resolved,* That the Secretary of State purchase upon the best terms upon which the same can be obtained, suitable Stationery required for the Executive Office, the Offices of the other Departments of Government, and the Clerks of the General Assembly, for the ensuing year, and that the Treasurer advance the Secretary the sum necessary to make such purchase, not exceeding three hundred dollars; and that the rule of the House requiring all resolutions and reports, the object of which is to draw money out of the Treasury, be dispensed with, so far as the same respects this resolution.

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*Resolved.* That the Secretary of State be authorised and requested to procure the necessary quantity of Candles for the use of the next General Assembly, upon the best terms that the same can be obtained, and that his draft for that purpose on the Treasury, be paid in like manner, as is provided in respect to procuring Stationery.

## RESOLUTIONS.

*Resolved further,* That the Secretary be requested to endeavor to obtain both the Stationery and Candles in the northern markets, and that the rule requiring resolutions to be read three times, be dispensed with as regards this resolution.

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*Resolved,* That the Secretary of State be authorised and directed to cause suitable frames to be made, and the *fac similes* of the original Declaration of Independence placed therein, and that he dispose of them agreeable to the resolution of Congress, accompanying the Governor's message.

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*Resolved,* That the Comptroller of this State, be directed to contract, on behalf of the State, with some suitable person, at a price which he may deem reasonable and just and not exceeding seventy five dollars, to take charge of the Public Buildings and the property belonging thereto, during the ensuing year.

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*Resolved,* That the Treasurer, Comptroller and Secretary of State be authorised to purchase and cause to be erected in some convenient place on the Capitol Square, a suitable Bell for the use and accommodation of the Legislature, on or before the next session.

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*Resolved by the Senate and House of Commons of the State of North Carolina,* That the Honorable John Louis Taylor, the Reverend Joseph Caldwell, Peter Browne, Esq. and the Honorable Duncan Cameron, be, and they are hereby requested to prepare a plan or system of Public Education for the instruction of Children of poor or indigent parentage, and that they report the same to the next General Assembly of this State.

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*Resolved further,* That his Excellency the Governor communicate these Resolutions to the Commissioners respectively named in the preceding resolution.

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*Resolved,* That the Public Treasurer and Comptroller be authorised to pass upon the amount of compensation which the Secretary of State shall receive for recording the several documents required by law in relation to the Contract entered into by Benjamin Robinson and William Robards, with certain Cherokee Indians, and that the sum allowed shall be paid by the Public Treasurer, upon the Warrant of the Comptroller, and that so much of the rules of this House, as requires this resolution to be read more than once, be suspended in this instance.

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*Resolved,* That the Public Treasurer pay to Charles Phelps, late Sheriff of Washington county, the sum of twenty-five dollars, being so much paid by him through mistake to the Public Treasurer in his settlement as Sheriff in 1822.

*Resolved*, That the Public Treasurer be authorised and directed to pay to Allen S. Ballinger, Sheriff of Johnston county, the sum of thirty-four dollars and seventy-six cents, and that he be allowed the same in the settlement of his annual account.

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*Resolved*, That the Clerks of the two Houses of the General Assembly deliver to the Attorney for certain Cherokee Indians whose claims have not been allowed, all the documents relating to their titles to the land, the subject of negotiation between them and the State.

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*Resolved by the Senate and House of Commons*, That Richard Taylor and Edward Williams, contractors with the State, through their agent Hamilton Fulton, relative to the erecting of Embankments and Jetties below Wilmington, be, and they are hereby exempted from any forfeiture which may have accrued to the same, in consequence of their having failed to complete the works in the specified time.

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*Resolved by the Senate and House of Commons of the General Assembly of the State of North-Carolina*, That Thomas F. Davis, Clerk of the Court of Pleas and Quarter Sessions for the County of New-Hanover, be, and he is hereby allowed until the first day of June next, to make his return agreeable to the provisions of an act passed in the year 1823, entitled "An act to amend an act, entitled an act to promote Agriculture and Family Domestic Manufactures within this State."

*And be it further resolved*, That if the said Thomas F. Davis shall make his return on or before the first day of June as aforesaid, he shall be, and he is hereby fully discharged from all penalties and forfeitures which he may have incurred under the above recited act.

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Whereas there is good reason to believe, that the several Clerks of the Courts of Pleas and Quarter Sessions of the Counties of Carteret, Currituck, Onslow, New-Hanover, Brunswick and Hyde, and the Commissioners of wrecked property heretofore appointed in the said Counties, respectively, have not complied with the duties and obligations prescribed them by the several acts of the General Assembly of this State concerning wrecks and wrecked property :

*Be it therefore Resolved*, That the Public Treasurer of this State be authorised to empower some suitable person or persons to ascertain what monies or property remain in the hands of said Clerks or Commissioners, or any of them, that ought to be accounted for, and that he take all lawful ways and means of recovering all such monies or property so remaining unaccounted for.

*Resolved further*, That the Public Treasurer allow to the person or persons he may appoint under the preceding Resolution, a com-



## RESOLUTIONS.

mission not exceeding six per centum on the amount that may be paid into the Public Treasury, pursuant to these Resolutions.

*Resolved.* That the Comptroller of this State be required to obtain from the Clerks of the Courts of Pleas and Quarter Sessions, and Wardens of the Poor in each County in this State, or from any authentic source, a Statement exhibiting the amount of tax, and sums of money levied and disbursed in their respective Counties, annually, for the support of the Poor, during the last five years, and report to the next General Assembly.

*Resolved,* That Brice Fonville, Sheriff of Onslow County, be, and he is hereby discharged from the penalty of two hundred pounds, incurred in failing to make his return of the result of the Election for Electors of President and Vice-President for the County of Onslow, at the late Election, within the time limited by the act of the year 1815, and that the Officer prosecuting on behalf of the State, be, and he is hereby instructed not to prosecute the said Sheriff on account of the said forfeiture.

Read three times and ratified in General }  
Assembly, this 31st day of Dec. 1824. }

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

A true Copy,

WM. HILL, *Secretary.*

## INDIAN CONTRACT.

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Articles of Agreement and Contract, made and entered into at Franklin, in the county of Haywood, State of North-Carolina, between Benjamin Robinson and William Robards, Commissioners duly authorised and empowered by the Governor of the State of North-Carolina, according to the provisions of the act of the General Assembly, of the session of eighteen hundred and twenty-three, of the one part, and Jack, Sharp-Fellow, Jacob, Oo-lah-not-tee, Johnson, Connaught, Bag, or Sap-Sucker, Clubb, Wha-yak-ah, or Grass-grows, Old Nanny, Eu-noch, or Trout, Am-macher, or Water-going-under-the-Ground, John, Gideon F. Morris, Bear-going-in-the-hole, Too-naugh-he-all, Beaver-toter, John Quehey, Fence, Jenny, widow of Shekin, for herself and the heirs, Cata-hee, Yellow-Bear, Sally Little-deer, for self and the heirs, Tau-neh, widow of Ah-Leach, for self and the heirs, Jenny, the Wolf, William Reid, John Ben, Thomas, Cul-sow-wee, Old Mouse, Panther, Back-water, Yoo-ne-gis-kah, Eu-che-lah, Tegen-tos-see, or Pat, Parch-corn-flour, and Aquallah, the widow, and Tom, the heir of Too-le-noo tah, of the other part. Whereas the Indians and other persons of the Cherokee Nation, by virtue of the Treaties made and ratified by the United States of America, with said nation, in the year eighteen hundred and seventeen and eighteen hundred and nineteen, claim to have brought themselves within the eighth article of the treaty of 1817, and the second article of the treaty of 1819, and having, according to the provisions therein contained, had a tract of land containing six hundred and forty acres surveyed to each and every of them, and in right thereof, have, hold, and claim title to each and every tract so laid off and surveyed within the county of Haywood, State of North-Carolina, which said several tracts of land are situated and bounded as follows: Jack's tract, beginning at a stake on the side of a mountain and south side of Tesserter creek, thence north three hundred and twenty poles to a red oak on a point of a ridge crossing said creek, at an hundred and sixty poles where a marked hickory and black oak stand on the bank of the same, thence east three hundred and twenty poles to a stake near the top of a mountain, thence south three hundred and twenty poles along the top of the mountain to a stake, thence west three hundred and twenty poles to the beginning.—Sharp-Fellow's tract, beginning at a stake in the mountain the north-east corner thereof, thence south three hundred and twenty poles to two hickories, thence east three hundred and twenty poles to two black gum saplings, crossing the branch at fifty poles, thence north three hundred and twenty poles to a stake crossing the creek at fifty eight poles, thence west three hundred and twenty poles to the beginning on Shoal creek.—Ja

cob's tract, beginning at a black oak and hickory on the point of a ridge on the east side of Shoal creek, thence west three hundred and twenty poles to a stake on the mountain, crossing Shoal creek at one hundred poles at a marked hickory, thence north three hundred and twenty poles to a large pine crossing Saquo creek at one hundred and fifty six poles, and also Ooconaluftee river at two hundred and fifty-six poles, thence east three hundred and eight poles to a stake on the former boundary line, crossing Ooconaluftee and Saquo, thence with said line south, fifty-five degrees east, twenty poles to a stake in the creek, thence south three hundred and ten poles to the beginning.—Oo-lah-not-tee's tract, beginning at a post oak Johnson's south-west corner, thence east five hundred and twelve poles to a stake on a mountain crossing Deep creek at one hundred and sixty-five poles, thence south two hundred poles to a stake, thence west five hundred and twelve poles to a stake crossing the creek at three hundred and fifty-two poles, thence north two hundred poles to the beginning.—Johnson's tract, beginning at a post oak, Oo-lah-not-tee's north-west corner, thence east three hundred and twenty poles to a black oak, crossing Deep creek at one hundred and sixty five poles, thence north three hundred and twenty poles to a stake near the creek, thence west three hundred and twenty poles to a stake, thence south three hundred and twenty poles to the beginning.—Connaught's tract beginning at two water oaks, a sycamore and water beech, on the north bank of Ooconaluftee river, about twenty-six poles above its mouth, thence north three hundred and eighty six poles to a black oak sapling and locust, thence west three hundred and twenty poles to a spanish oak, crossing a branch at one hundred and seventy-eight poles, thence south three hundred and thirty poles to a large poplar on the bank of Tuckasedge river, thence up the same to the beginning.—Bag, or Sap-Sucker's tract, beginning at a plum bush and sassafras at a ford in Tuckasedge river, thence east two hundred and fifteen poles to a stake on the mountain, thence along the said mountain south three hundred and seventy poles to a stake, thence west three hundred and seventy-five poles to a stake on the mountain, thence north one hundred and twenty-five poles to a lynn and water oak on the bank of said river, thence up its meanders three hundred and forty poles to the beginning.—Clubb's tract, beginning at two small wild cherry trees and a red oak on the south bank of the Sugar-town fork of Tennessee River, thence south three hundred and fifty poles to two large maples in a branch, thence east three hundred and twenty poles to a black oak and post oak sapling, thence north three hundred and forty eight poles to a stake on the bank of the river, thence down the same as it meanders, four hundred and sixty poles to the beginning.—Wha-yakah's tract, beginning at a stake on the top of a high mountain and corner with Te-gen-tos se's, thence with his line west three hun-



dred and twenty poles to a stake near two marked red oaks, crossing the creek at one hundred and sixty poles at a marked hickory, thence north three hundred and twenty poles to a stake in a glade on the bank of said creek, thence east three hundred and twenty poles to a stake near the bank of Tuckasedge river, thence south three hundred and twenty poles to the beginning.—Old Nanny's tract, beginning at a double walnut, William Reid's south-west corner, thence with said Reid's line east three hundred and twenty poles to a small hickory, crossing said river at one hundred and forty poles, thence south three hundred and twenty poles to a hickory and black oak, crossing the said river at one hundred and twenty poles, thence west three hundred and twenty poles to a stake crossing a large creek at one hundred and sixty-three poles, thence north three hundred and twenty poles to the beginning. Ennoch, or Trout's, beginning at a black oak, the north-west corner, near a branch, thence south three hundred and twenty poles to a stake in a glade, crossing the branch at two hundred and eighty poles, thence east three hundred and twenty poles to a red oak, thence north three hundred and twenty poles to a black oak sapling, crossing the branch at two hundred and twenty poles, thence west three hundred and twenty poles to the beginning.—Am-ma-cheror Water-going-under-Ground's tract, beginning at a small hickory and chesnut trees, corner with the Old Mouse's and on the line of the Fence's, thence with the Fence's line, south eighty degrees west, thirty-four poles to a white oak, thence west one hundred and six poles, the mouth of a branch, thence down the river as it meanders one hundred and forty poles to a bunch of maples on the bank of of the river, just above the mouth of a branch, the Wolf's corner, thence with said Wolf's line north three hundred and sixty-eight poles to a stake on the mountain, thence east two hundred and twenty poles to a stake, thence south four hundred and seventy-four poles with the Old Mouse's line to the beginning.—John's tract, beginning at a red oak and two chesnuts, corner with the Bear-going-in-the-hole, thence with said line north three hundred and twenty poles to two black jacks, crossing the creek at one hundred poles, thence east three hundred and twenty poles to a pine, crossing one fork of the creek at one hundred and fifteen poles, thence south three hundred and twenty poles, crossing the creek at two hundred poles to a stake, thence west three hundred and twenty poles to the beginning.—Gideon F. Morris's tract, beginning at a water oak on the bank of said river, thence east two hundred and thirty-five poles to a stake near a marked post oak, thence north three hundred and twenty poles to a stake near a marked black oak, thence west three hundred and sixty poles to a white oak, thence south one hundred and sixty poles to a crab-apple tree and hickory on the bank of said river, thence up the same as it meanders two hundred and thirty poles to the beginning on Tennes-

see River.—The Bear-going-in-the-hole's tract, beginning at two wild cherry trees, and a small red oak on the bank of the creek, thence east two hundred and thirty-six poles to two chesnut trees and a red oak, thence with John's line north four hundred and thirty-four poles to a stake on a mountain, crossing the creek at one hundred poles, thence west two hundred and thirty-six poles to a stake, thence south four hundred and thirty-four poles to the beginning.—Too-naugh-he-all's tract, beginning at a red oak on the line of the Bear-going-in-the-hole, thence west two hundred and eighty poles to a white oak, thence north with the line of the Old Mouse, three hundred and sixty-six poles to a stake on the mountain, thence east two hundred and eighty poles to a stake on the mountain side, thence south three hundred and sixty six poles to the beginning.—Beaver-toter's tract, beginning at a stake and trees marked as pointers on the north side of the mountain, thence north with the line of John Quehey's, three hundred and twenty poles to a large white oak, crossing the branch at one hundred and fifty poles, thence west three hundred and twenty poles to a stake with trees marked as pointers, thence east three hundred and twenty poles to the beginning, crossing the branch at one hundred and twenty-seven poles.—John Quehey's tract, beginning at a stake and trees marked as pointers on the north side of the mountain, corner with the Beaver-toter's, thence north three hundred and twenty poles with the Beaver-toter's line to a large white oak crossing the branch at one hundred and fifty poles, thence east three hundred and twenty poles to a stake high up on the mountain, thence south three hundred and twenty poles to a stake and trees marked as pointers, thence west three hundred and twenty poles to the beginning. The Fence's tract, beginning at a plum bush on the bank of Tennessee River, thence north along Too-naugh-he-all's line one hundred and eight poles to three small pines in an old field, corner with the Old Mouse, thence with his line south eighty degrees, west two hundred and forty poles to a white oak on Am-ma-cher's line, thence with his line west one hundred and sixty poles to a water oak on the bank of said river, just below a small branch, thence up the river as it meanders, eight hundred and eighteen poles to the beginning.—Jenny's, (widow of Ske-kin) tract, beginning at a stake on the top of a high ridge on the south side of Tennessee River, thence north one hundred and thirty poles to a Spanish oak, thence with a line run equa-distant between the dwelling of Oo-san-la-ta-he and the said Ske-kin, north thirty degrees, west two hundred and twenty poles to a stake, crossing Tellico creek at eighty-two poles, thence west two hundred and fifty poles to a black oak, thence south three hundred and twenty poles to a red oak on a high ridge, thence east three hundred and seventy-five poles to the beginning, crossing the creek.—Ca-ta-he's tract, beginning at a double hickory and chesnut tree on the bank of Tennessee River, corner with

the Yellow-Bear, thence with said Bear's line south four hundred and fifty-five poles to a red oak and white oak, crossing Running-town creek at two hundred and seventy-six poles, thence east three hundred and twenty poles to a pine tree, crossing the creek at one hundred and eighty poles, thence north one hundred and fifty poles to a Spanish oak, black gum and post oak on the bank of the river, thence down the same as it meanders four hundred and twenty poles to the beginning.—Yellow-Bear's tract, beginning at a double hickory and chesnut trees, on the south bank of Tennessee River, the beginning corner of Ca-ta-hee's reservation, thence with Ca-ta-hee's line south three hundred and twenty poles to a black oak and Spanish oak, thence west three hundred and twenty poles to a stake on the mountain and trees marked as pointers, crossing the creek at thirty poles, thence north three hundred and twenty poles to a stake on the side of a mountain, thence east thirty poles to a hickory on the bank of said river, thence up its meanders three hundred and fifty-five poles to the beginning.—Sally Little-deer's (widow of Little-deer) tract, beginning at a red oak and pine corner with the Trout's, thence south three hundred and twenty poles to a black oak and post oak, a corner with the Whipperwill, thence with his line east, three hundred and twenty poles to a stake crossing the creek at one hundred and thirty-two poles, thence north three hundred and twenty poles to a stake in the Trout's line, thence with said Trout's line west three hundred and twenty poles to the beginning, crossing the creek at two hundred and five poles.—Jenny's tract, beginning at a large three forked red oak on the north bank of Tennessee river, the lower corner of the Wolf's reservation, thence down the river as it meanders, five hundred poles to a stake on the bank of the river, thence north one hundred and seventy-five poles to a stake on a high mountain, thence east three hundred and twenty poles along the mountain to a black oak, thence south four hundred and eighty-four poles with the Wolf's line to the beginning.—The Wolf's tract, beginning at a bunch of maples, on the north bank of Tennessee, just above the mouth of a branch, Am-ma-cher's lower corner, thence down the river as it meanders, five hundred and forty poles to a large three forked red oak, the upper corner of Jenny's reservation, thence with the line of Jenny, north three hundred and seventy-five poles to a stake, thence east three hundred and twenty poles to a stake in said Am-ma-cher's line, thence with said line south two hundred and twenty poles to the beginning.—William Reid's tract, beginning at a stake the north-west corner, thence south three hundred and twenty poles to a double walnut, crossing said river at one hundred and thirty poles, where a bunch of lynn<sup>e</sup> stand on the south side of the same, thence east three hundred and twenty to a small hickory crossing said river, at one hundred and forty poles to a stake, thence west three hundred and twenty poles to the beginning.—John



Ben's tract, beginning at a stake the north east corner of a mountain, thence west three hundred and twenty poles, crossing said fork at fifty poles where two poplars are marked on the bank to a stake, three hundred and twenty poles south to a stake, thence east three hundred and twenty poles crossing the creek to a stake, thence north three hundred and twenty poles to the beginning.—Thomas's tract, lying on Tessenty creek, surveyed according to the memorandum of the surveyor on the 20th September, 1820, the lines cannot be stated, the plat being lost.—Cul-sow-wee's tract, on Tessenty creek, adjoining Thomas's tract, the lines cannot be stated the plat being lost.—The Old Mouse's tract, beginning at three small pines in an old field on Too-naugh-he-all's line, thence with the line of the Fence south eighty degrees, west two hundred and six poles to a chesnut tree and small hickory on Am-ma-cher's line, thence with his line north five hundred and twelve poles to a stake on the mountain, thence east two hundred and two poles to a stake on the side of the mountain, thence south with Too-naugh-he-all's line four hundred and seventy-seven poles to the beginning.—Panther's tract, beginning at a red oak and hickory on the bank of Tennessee river, thence north ninety poles to a stake on the mountain, thence west four hundred and twenty poles along said mountain, thence south three hundred and twenty poles to a stake, thence east eighty poles to a maple on the bank of the river, thence down the meanders of the same four hundred and sixty poles to the beginning.—Back-water's tract, beginning at a black oak Oo-lah-not-tee's south-west corner, thence with his line east three hundred and seventy-five poles to a stake on a high mountain crossing Deep creek at one hundred and sixty poles, thence south one hundred and sixty poles to the bank of Tuckasedge River, thence down said river as it meanders two hundred and fifty-five poles to two birch trees on the Big Bear's line, passing the mouth of said creek at one hundred and eighty-six poles, thence with said Bear's line north sixty-six poles to a black gum, thence west two hundred and eighty-five poles along said Bear's line to a stake, thence north one hundred and seventy poles to a stake, thence east one hundred and seventy-five poles to the beginning.—Tau-nah's widow of Ah-Leach tract, beginning at a black oak and two chesnuts on the top of a high ridge the north east corner, thence south three hundred and twenty poles to a stake on the side of the mountain, crossing the branch at one hundred and fifty two poles, thence west three hundred and twenty poles to a sour wood, a hickory and a black oak, thence north three hundred and twenty poles to a stake, thence east three hundred and twenty poles to the beginning.—Parch-corn-flour's tract, beginning about fifty poles below the mouth of said creek, at a red oak and post oak on a rocky bluff, thence up the river south three hundred and twenty poles to a stake, thence east three hundred and twenty poles to a stake, crossing said creek at one

hundred and seventy poles, thence west three hundred and twenty poles to the beginning.—Yoo-ne-gis-kah's tract, being that for which an action of ejectment was brought against Mark Coleman, and judgment obtained in the Supreme Court of this State, the lines of the same will appear by the plat filed in said cause.—Eu-chu-lah's tract, being that for which an action of ejectment was brought against Joseph Welsh, and judgment obtained in the Supreme Court of this State, the lines of the same will appear by the plat filed in said cause.—Te-gen-tos-see or Pat's tract, on Culla-wee above Tuckas-edge, being the same tract for which an action of ejectment was brought against David Rogers, in Buncombe Superior Court, and judgment in said Court, the lines will appear by the plat filed in the said cause.—Aqua-lah and Tom's (widow and heir of Too-lu-noo-tah) tract, beginning at a bunch of water beeches, in the upper end of a small island in said river, just below the mouth of a branch, thence down the river as it meanders, three hundred and thirty-five poles to a stake on the bank of said river, opposite the mouth of Deep creek, thence south two hundred and ninety poles to a stake on the mountain, thence east three hundred and twenty poles to a stake, thence north two hundred and ninety poles to the beginning.

The said several Indians and persons described and named, as aforesaid, have agreed to cede, sell, make over, bargain and transfer, their respective right, title and interest to the tracts or parcels of land, situated, bounded and described, as aforesaid, with all the improvements, to the State of North-Carolina, subject to the ratification of the General Assembly of said State.

Now know ye, that the said contracting parties, to carry into full effect their intentions and agreement, have concluded and agreed to the following Articles :

*Article 1.* The persons aforesaid, claiming title as before mentioned, and one of the contracting parties, do severally, and for themselves cede, bargain, sell, make over and transfer, all and every right, title and demand, which they, or either of them have to the several tracts or parcels of land, as herein before mentioned, and which have been laid off and surveyed to each and every of them ; and each of them do hereby surrender the several certificates and plats which they hold as evidence of their titles, to the State of North-Carolina.

*Art. 2.* It is stipulated and agreed on by the contracting parties, that the State of North-Carolina, in consideration of the several tracts of land ceded, bargained, sold, made over and transferred, shall allow and give to each and every person parties to this Agreement, the following sums, viz: to Jack, three hundred and fifty dollars—to Sharp-fellow, four hundred dollars—Jacob, six hundred and forty dollars—Oo-lah-not-te, one thousand dollars—Jhen-

son, one thousand dollars—Con-naught, six hundred dollars—Bag, or Sap-sacker, five hundred dollars—the Clubb, twelve hundred and eighty dollars—Wha-ya-kah, or Grass-grows, eleven hundred dollars—Old Nanny, nine hundred dollars—Eu-noch, or Trout, four hundred and fifty dollars—Am-ma-cher, or Water-going-under-the-ground, one thousand dollars—Tau-neh, and the heirs of Ah-Leach, six hundred and forty dollars—John, one thousand dollars—Gideon F. Morris, three thousand dollars—The Bear-going-in-the-hole, one thousand dollars—Too-naugh-he-all, three hundred dollars—Beaver-toter, three hundred dollars—John Quehey, three hundred dollars—Fence, four hundred dollars—Parch-corn-flour, four hundred dollars—Jenny, and the heirs of Ske-kin, three hundred dollars—Ca-ta-nee, five hundred dollars—Yellow-Bear, two hundred and fifty dollars—Sally Little-Deer, and the heirs of Little-Deer, six hundred and forty dollars—Jenny, three hundred dollars—the Wolf, six hundred and forty dollars—William Reid, eighteen hundred dollars—John Ben, eight hundred dollars—Thomas, two hundred dollars—Cul-sow-wee, two hundred dollars—Old Mouse, 150 dollars—Panther, three hundred and twenty dollars—Back-water, 400 dollars—Yoo-na-gis-kah, thirteen hundred dollars—Eu-che-lah, 1000 dollars—Te-gen-tos-se, or Pat, twelve hundred and eighty dollars—Aqua-lah and Tom, widow and heir of Too-lu-noo-tah, one hundred dollars: Which said several sums, so stipulated to be paid and allowed, shall be paid to each and every person as aforesaid, at Franklin, in the county of Haywood, within said State, on the first Monday of May 1825, (unless the General Assembly should agree to pay the same sooner; and if so, the said parties to be duly notified of the time and place) in the current Bank notes of this State, or in silver. If paid in silver, the several sums to be paid at a discount of six per cent. And should the parties entitled to receive, elect to have the said several sums, or part thereof, paid in silver, they are to make the same known to the General Assembly, on or before the first day of December next.

*Art. 5.* Whereas several of the persons aforesaid, one of the contracting parties, have instituted suits against some of the Citizens who have purchased land of the State of North-Carolina; and claim title by virtue thereof, to the land, or part thereof, which is the subject matter of this Agreement; which said several Suits, are now depending in the Superior Courts of Law, of Haywood and Buncombe Counties, and in several instances judgments have been obtained by several of the said parties, in said Courts, and also in some instances, judgments have been obtained in the Supreme Court of this State. For the purpose of ending the litigation, without injury to either of the parties interested, it is stipulated and agreed, that all and every Suit, Action, Judgment, Execution or Writs of Possession, shall be, and are hereby suspended, until it is ascertained and known, whether the General Assembly will ratify



this Agreement made by the contracting parties aforesaid. It is expressly understood, that in case the General Assembly should not ratify this Contract and Agreement, at the next Session of the General Assembly, that then, and in that case, each and every person as aforesaid, shall have the benefit of all, and every process that can issue on the said judgments. And that nothing in this Article shall in any manner affect their right of action.

*Art. 4.* It is also stipulated and agreed by the contracting parties, that each and every person party to this Contract, shall remain in possession of their respective tracts of land, until the several sums hereby stipulated to be paid, shall be paid as before mentioned, and that each and every one of them shall use, occupy, as they now do, their said several tracts of land without interruption, and shall be protected by the laws of the State. And that every person or persons, who have purchased from the State of North-Carolina, any of the several tracts of land, or any part thereof, as before mentioned and described, they and each of them, shall use, occupy and enjoy the same, without any hindrance or molestation, by any or either of the Indians and parties to this Contract. It is agreed and so understood, that in case the General Assembly should ratify this Contract, then, and in that case, each and every of the persons parties to this Contract, agree to remove from the respective tracts of land, and give possession thereof, upon the payment of the several sums as heretofore agreed on; and that all, and every suit or action now pending, shall be dismissed, each party paying their own costs, and each and every judgment that may have been obtained by any one of the said parties, shall be subject to the control and direction of the General Assembly.

*Art. 5.* It is stipulated by the contracting parties, and agreed, that the right, title and demand to the several tracts of land, which each and every person hereby cedes, bargains sells, makes over and transfers to the State of North-Carolina, is of their individual right, and each of them hold the same severally, it is therefore agreed, and so understood, that the General Assembly may ratify, and accept of the right, title, and demand of any one of the parties to this Contract, or the whole, and the same to be as binding, as if several contracts were entered into with each, and every of them.

*Art. 6.* This Contract and Agreement to be binding on the contracting parties, so soon as it is ratified by the General Assembly of the State of North-Carolina.

In witness of all, and every thing herein stipulated and agreed on, by and between the parties, we have, at Franklin, in the county of Haywood, State of North-Carolina, this twentieth day of August, A. D. one thousand eight hundred and twenty-four, of our

## INDIAN CONTRACT.

free consent, set our hands and seals, to the foregoing twenty-one pages.

Interlined before signed.

**BEN. ROBINSON,** *Seal.*

**WM. ROBARDS,** *Seal.*

Jack X his mark, *Seal.*

Sharp-Fellow, X his mark, *Seal.*

Jacob, X his mark, *Seal.*

Oo-lah-not-tee, X his mark, *Seal.*

Johnson, X his mark, *Seal.*

Connaught, X his mark, *Seal.*

Bag, or Sap-Sucker, X his mark, *Seal.*

Clubb, X his mark, *Seal.*

Wla-ya-kah, or Grass

Grows X his mark, *Seal.*

Old Nanny, X her mark, *Seal.*

Eu-noch, or Trout X his mark, *Seal.*

By Skilkee.

Am-ma-cher, X his mark, *Seal.*

Water going under Ground.

Tau-nch, X her mark, *Seal.*

for self and heirs.

John, X his mark, *Seal.*

G. F. Morris, *Seal.*

Bear-going-in-the-hole X his mark *Seal.*

Too-naugh he-all, X his mark, *Seal.*

Beaver-toter, X his mark, *Seal.*

John Quehey, X his mark, *Seal.*

Fence X his mark, *Seal.*

Parch-corn-flour, X his mark, *Seal.*

Jenny, X her mark, *Seal.*

For self and heirs of Ske-kin.

Ca-ta-hee, X his mark, *Seal.*

Yellow-Bear, X his mark, *Seal.*

Sally Little-deer, X her mark, *Seal.*

For self and heirs,

Jenny, X her mark, *Seal.*

Wolf, X his mark, *Seal.*

W. Reid, *Seal.*

John Ben, X his mark, *Seal.*

Thomas, X his mark, *Seal.*

Cul-s-w wee, X his mark, *Seal.*

Old Mouse, X his mark, *Seal.*

Panther, X his mark, *Seal.*

Back-water, X his mark, *Seal.*

Yoo-ne-gis-hah, X his mark, *Seal.*

Eu-che-lah, X his mark, *Seal.*

Teg-en-tos see, X his mark, *Seal.*

Tom, X his mark, *Seal.*

For self and Aquallah widow and  
heir of Too-le-noo-tah.

In presence of

Humphrey Posey,

Joshua Roberts,

Jonathan Philips,

Saul Smith,

G. Stephens.

# INDEX.



## PUBLIC ACTS.

	Page.
An act to alter the time of holding the superior courts in the 4th Judicial Circuit, and the county courts of Guilford, Rockingham & Person,	3
To provide against the spreading of contagious diseases,	4
To allow amendments on writs of error and appeals and to authorise the Supreme Court to make amendments, Granting further time to file appeals in the Supreme Court,	5
To amend an act passed in 1819, to create a fund for Internal Improvement, and to establish a board for the government thereof,	6
Supplemental and explanatory of do.	7
To continue in force certain parts of the act for the promotion of Agriculture and Domestic Manufactures,	ib.
Directing the erection of a Treasury Office, fixing office-hours, &c.	8
Authorising the Treasurer to purchase Bank Stock,	9
Respecting Military Land Warrants,	ib.
To carry into effect a contract made with the Cherokee Indians,	10
To alter and amend the act of 1823, for the relief of purchasers of Cherokee lands,	12
Concerning Lands leased from the Tuscarora Indians,	13
To repeal an act of last session to amend the laws making provision for widows,	ib.
To provide for revising and consolidating the laws concerning administrators and executors,	14
To repeal, in part, the act of 1820, further pointing out the duty of guardians,	ib.
To extend the right of reviving actions, where the plaintiff or defendant may die pending the suit,	15
To amend an act concerning Divorce an Act, passed in 1814,	ib.
To amend the act laying duties on sales at auction of merchandize,	ib.
To extend the provisions of the act of 1819, more effectually to punish the making & passing counterfeit bank Notes,	17
To amend the act of 1821, to consolidate all the acts relative to the ap-	

	Page.
pointment of trustees of the University,	17
For restraining theatrical representations in the vicinity of the University	ib.
To amend the act of 1819, to provide for the payment of witnesses in certain cases,	18
To regulate the inspection of saw-mill lumber,	ib.
To authorise an increase of the capital of the Clubfoot and Harlow Canal Company,	19
To incorporate a company to improve the navigation of the Thoroughfare between Cedar Island & Harlow's Point,	20
To provide for the laying off and improving that part of the great State road between Jeffersonston and the Tennessee line,	ib.
For making a turnpike road from the Saluda Gap, by the way of Smith's, Asheville, &c. to the Tennessee line,	21
Giving the assent of this State to certain acts of Tennessee, relating to the Smoky Mountain Turnpike Company	29
Further to prescribe the duty of the Public Printer,	35
To amend the act of 1810, prescribing the manner in which the public printing shall in future be regulated,	36

## PRIVATE ACTS.

To open a road in the counties of Camden and Pasquotank, and to put a float-bridge across Pasquotank river,	37
To authorise and point out the method how the State road in Haywood county may hereafter be altered,	38
To empower Haywood county court to contract for keeping open the Catawchee road,	39
To establish a turnpike road in the counties of Rutherford & Buncombe,	40
To appoint commissioners to lay off a road from Rutherford, by Hickory Nut Gap, to Asheville,	41
To amend the act to improve the turnpike road, lately Horton's, so far as respects commissioners & overseers,	42
To direct the completion of a road from Parkeville, in Perquimans, to Pasquotank river bridge,	ib.
To repeal so much of the acts establish-	



	Page.		Page.
ing a state road from Fayetteville to Morganton as relates to Cabarrus,	43	Cabarrus, Moore & Montgomery, so far as relates to county of Cabarrus,	53
To give Ashe superior & county courts concurrent jurisdiction over the road from the Punchoon Camp to Jefferson	ib.	To authorise the county courts of Caswell and Buncombe to build a poor and work-house,	ib.
To prevent the falling of timber into the Puckas gee river and Cany fork thereof, in Haywood county,	44	To establish a poor and work-house in the counties of Jones & Randolph,	54
To authorise the building a dam across Ararat River, in Surry,	ib.	To authorise the county courts of Rockingham and Duplin to build poor and work-houses, &c.	55
To amend the act of 1819, to annex Smith's Island to the county of Brunswick, and a part of Eagle's Island to New-Hanover,	ib.	To repeal an act of last session to establish a poor-house in Chowan county,	56
To appoint commissioners to contract for a piece of land for the use of the county of Currituck,	ib.	To authorise the wardens of the poor of Wake to hold their court at such place or places as shall be most convenient,	ib.
To run and mark the dividing-line between Duplin and Wayne counties,	45	Respecting the election of sheriffs, &c. laying county taxes, and appointing jurors to the superior courts in Cumberland county	ib.
To run and mark do. between Lincoln and Burke counties,	46	Making compensation to jurors of sup'r & co'ty courts of Washington county,	57
To amend the act of 1819, to appoint a board of Branch Pilots to examine all who wish to pilot on Ocracock Bar and the Swashes,	ib.	Do. to the jurors of Columbus county, and a tax to pay the same,	58
Supplemental to an act passed in 1806, to regulate and ascertain the pilotage to be allowed at Ocracock Inlet and the Swashes,	47	Do. to the jurors of Davidson county,	ib.
To amend an act passed in 1810, to regulate the working of seines & skimming nets in Tar & Pamlico rivers,	48	Do. to the jurors of Surry county,	59
To amend the several acts to prevent the obstruction of the passage of fish up the Roanoke & Cashie rivers, &c.	ib.	To repeal an act of 1822, making compensation to the jurors of Franklin & Camden,	60
To amend an act of 1821, to amend the several acts relative to the removal of the obstructions to the passage of fish up the several rivers, so far as relates to the Pedee and Yadkin,	ib.	To authorise the payment of talesmen jurors for Brunswick county,	ib.
To alter the time of holding the superior courts of Northampton & Halifax,	49	To authorise the county courts of Duplin, Pasquotank & Hyde, to appoint a committee of finance,	ib.
To alter the time of holding do. in Mecklenburg and Cabarrus, and for other purposes,	ib.	For the better settlement of the finances of Robeson county,	61
To alter the time of holding the county courts in Washington county,	50	To repeal in part the first section of an act of 1822, authorising Chatham and other counties to appoint committees of finance,	63
To alter do. in New-Hanover county,	ib.	To repeal in part an act of last session to regulate the patrol of Richmond, &c.	ib.
For the more convenient administration of justice in the county courts of Guilford, Caswell, Sampson, Wayne and Surry,	ib.	To regulate the patrol of Ashe and New-Hanover counties,	64
For the better regulation of the county court of Franklin,	51	To compel the clerks of the courts of Davidson county to keep their offices at the court-house,	65
To amend an act for the better regulation of the county courts of Rowan,	52	To regulate the time of appointing overseers of roads in Montgomery and Person counties,	66
To repeal an act of last session to regulate the county courts of Duplin,	53	To repeal an act passed in 1822, directing the designation of hands, &c. under overseers of roads in Lincoln, Columbus, Burke & Rockingham counties,	ib.
To repeal an act passed in 1822, for the better regulation of the city courts of		To repeal a supplement to an act passed in 1822, to allow commissions to constables in Warren, Northampton and Brunswick counties,	ib.
		To repeal the acts authorising the appointment of special justices in the town of Fayetteville,	67

	Page.		Page.
To amend an act of last session in relation to the fixing on a proper place in the county of Wilkes whereon to erect a court-house, prison and stocks,	67	commissioners under the act of 1818, to sell and lay off the town lots, &c.	79
To authorise the county court of Pasquotank to purchase one or more acres of land for the use of the county,	68	To amend an act for the better regulation of the town of Statesville,	ib
Directing the time and place of sale of land & slaves under execution in Buncombe county,	69	Authorising the commissioners of the town of Plymouth to make conveyances of lots in said town,	80
To repeal an act of last session in relation to the 26th chapter of the acts of 1791, so far as relates to Robeson,	ib.	For the better regulation of the town of Lumberton,	ib.
To authorise Thornton P. Gwyn & David Dalton, of Stokes, to erect gates,	ib.	To establish and incorporate the town of Lisbon, in Sampson County,	81
To authorise W. Cathey & A. Wilson, of Haywood, to erect gates,	70	For the better regulation of the town of Greensboro?	82
To authorise N. Washington to erect a gate on his land on Neuse River,	ib.	Directing the manner in which commissioners for the town of Chapel Hill, shall in future be appointed,	ib.
To allow A. Lockhart, collector of the taxes in Anson county for building a court-house, further time to complete the collection,	ib.	To appoint commissioners for the town of Clemmonsville, in Davidson city,	83
To authorise the adm'rs of R. Bright, late sheriff of Greene, to collect arrearages of taxes,	71	To establish and lay off a town on the lands of James Gordon, in the county of Anson,	ib.
To authorise the county courts of Hyde and Tyrrell to issue licences to retail spirituous liquors near their court-houses,	ib.	To empower the commissioners of Elizabeth City to appoint a Fire Company, and for other purposes,	ib.
Respecting the elections in Chowan,	ib.	To provide for the payment of expences incurred for the suppression of the smallpox in the town of Washington,	84
To alter the time of electing sheriffs in Lenoir county,	ib.	To incorporate the trustees of the Hillsborough Femal Academy,	85
Fixing on the places for holding elections in Gates, & for other purposes,	72	To establish Mount Prospect Academy, in the county of Edgecomb,	86
Prescribing the time and places of holding elections in Wayne county,	ib.	To incorporate the trustees of the Wake Union Academy,	ib.
To regulate the elections for Washington county	73	To establish Davidson Academy, in the county of Montgomery,	87
To detach Captain Manson's company of militia, in Mecklenburg county, from the 2d reg't. and attach it to the 1st,	ib.	To establish Swansboro' Academy, in the County of Onslow,	ib.
For the better regulation of the militia of Haywood county,	74	To establish New Hope Academy, in the county of Randolph,	88
To amend an act of last session to divide the militia of Iredell into two reg'ts	ib.	To amend an act to establish an Academy in the town of Halifax, passed in the year 1821.	ib.
For the better regulation of the 3d regiment of militia of Burke,	ib.	To establish Harmony Grove Academy, in the county of Edgecomb,	89
To establish a separate battalion in the county of Hyde,	75	For the relief of the trustees of the Oxford Academy,	ib.
To establish a battalion muster in Carteret county,	ib.	To incorporate the Beaufort & the Laurel Hill Agricultural Societies,	90
To alter the place of holding general musters in Washington county,	ib.	To incorporate the Mechanics' Benevolent Society of Wilmington,	ib.
Concerning the town of Fayetteville,	76	To authorise Golden Pierce Lodge, No. 74, in the town of Milton, to raise certain sums by way of lottery,	91
Concerning the town of Edenton,	77	To incorporate Zion Lodge, in Jones county,	ib.
To amend an act passed in 1815, to incorporate the town of Charlotte,	78	To incorporate Clinton Library Society, in Stokes county,	92
To authorise the commissioners of Halifax to make a settlement with the		To alter the name of Stephen Outbridge Fenner,	ib.
		For the relief of James Longgon, of	

	Page.		Page.
Louisburg, Franklin county,	92	For the relief of John Witherow, of Rutherford county,	94
To divorce Violet W. Lindsay, of Lincoln county, from her husband Sam'l W. Lindsay,	93	To exempt certain persons in Hyde county from serving on juries,	ib.
To divorce Mary Wilson, of Buncombe, from her husband James Hawkins,	ib.	To prevent dogs from running at large on the island of Portsmouth, Carteret,	ib.
To divorce Lewis Tomberau, now of Wake, from his wife Nancy,	ib.	Sundry Resolutions,	95
To restore to credit William Milton, of Rutherford county,	ib.	Contract entered into with the Cherokee Indians,	99
To restore the privileges of a citizen to Nelson Nash, of Anson county,	94	Comptroller's Statement of the Revenue, folded at the end of the pamphlet.	



A STATEMENT

Of the Nett Amount of that Branch of the Revenue which is receivable by the Sheriffs for the year 1823.

Counties.	Sheriff's Names.	Land Tax.	Town Property Tax.	Poll Tax.	Stad. Rate.	Gate Tax.	Store Tax.	Pedlar Tax.	Artificial Jurisdiction Tax.	Natural Jurisdiction Tax.	Negro Trader Tax.	Building Tax.	Broker Tax.	Amount due by Sheriffs.	Amount paid by Sheriffs.
Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
Anson,	Joseph Medley,	312 08	11 10	423 25	8 95			45 13	131 60					931 08	931 08
Ashe,	John Ray,	126 13	4 28	112 81	7 32			20 74						509 65	509 65
Beaufort,	Alfred Galloway,	197 58	1 38	254 14	1 88	4 70		59 48						775 74	775 74
Benebome,	Henry Grady,	351 48	19 21	340 48	23 97			56 40	73 90					976 87	976 87
Beaufort,	Stephen Owens,	354 11	1 15	498 77	9 40	4 70		158 80	18 80					1035 37	1035 37
Burke,	Samuel M. Tate,	408 73		375 56	30 01			37 60	73 90					644 33	644 33
Gloucester,	Griffin L. White,	280 09	5 94	320 60	15 04	4 70								1496 63	1496 63
Berrie,	Lewis Bond,	600 98	10 09	617 40	20 14			120 32	103 40	14 10				1408 41	1408 41
Craven,	James C. Cole,	344 51	171 68	571 34	6 28			288 92		18 80	14 10			445 18	445 18
Cartersville,	Thomas Marshall,	169 11	30 42	175 97	9 76			63 92						473 32	473 32
Carteret,	Isaac Baxter,	155 04		360 32	12 02	4 70		24 44	37 60					504 68	504 68
Camden,	Isaac Lamb,	178 80		326 54	28 20	9 40		62 64						1370 15	1370 15
Casswell,	George Williamson,	514 01	4 67	600 30	49 82			97 76		28 30				724 61	724 61
Chowan,	James R. Bent,	943 71	25 10	389 00	16 00			84 61	131 60	28 20				1425 41	1425 41
H. D. Bridges,	H. D. Bridges,	589 54	8 01	537 75	34 51	9 40		798 06		28 30	14 10			2097 73	2097 73
John Black,	John Black,	436 87	271 57	334 58	5 17	9 40		798 06		28 30	14 10			288 00	288 00
Columbus,	Joshua Williamson,	114 17	3 97	133 31	7 99			23 56						740 03	740 03
Cabarrus,	James A. Means,	337 53		240 04	24 91	4 70		53 64	73 20	14 10				924 40	924 40
Duplin,	John E. Husey,	372 08		372 08	42 72			11 28	56 40					879 82	879 82
Davidson,	James Wiseman,	456 42		337 31	23 85	4 70		52 64	18 80	14 10				1923 70	1923 70
Edgecomb,	Spencer L. Hart,	959 60	26 92	718 16	61 10			139 12	18 80					1115 13	1115 13
Franklin,	Presley C. Person,	468 59	2 94	508 36	45 12			63 93						1943 40	1943 40
Guilford,	William Armfield,	640 37	2 93	440 86				33 72						693 26	693 26
Gates,	Wm. W. Hildreth,	992 23		349 21	15 08			127 84						1952 20	1952 20
Granville,	Nathaniel Roberts,	759 97	23 03	984 57	37 34			26 93	18 80					1037 04	1037 04
Greene,	Henry S. Taylor,	378 03	1 41	375 80	18 33	4 70		148 23	56 40	28 20	14 10			431 63	431 63
Halifax,	Mark H. Pettaway,	1081 19		916 32	46 06			80 08						1037 04	1037 04
Jesse Deane,	Jesse Deane,	571 55	31 53	598 04	15 04			31 95	61 10					1907 30	1907 30
Hyde,	Henry Gibbs,	153 01		187 44	3 76	4 70		56 40						754 70	754 70
Haywood,	James McKee,	93 18		44 101 00	13 22			56 40						652 16	652 16
Iredell,	Abraham Simonton,	126 09	2 77	825 47	55 56			16 92	94					1694 92	1694 92
Jones,	Leander Hatch,	334 89	2 77	825 47	55 56			16 92	94					657 72	657 72
Johnston,	A. S. Ballenger,	536 64	17 18	427 77	30 01	4 70		163 56	56 40	30 30	141 10			2408 92	2408 92
Lincoln,	Jacob Forney,	806 57	8 85	333 63	3 76			38 84						888 22	888 22
Lenoir,	Joseph Loftin,	334 04		310 40	7 72			56 40						771 88	771 88
Montgomery,	Daniel McNeill,	292 62	6 14	266 02	5 64			56 40						2324 59	2324 59
Mecklenburg,	Abraham Forrest,	733 89	54 94	608 83	23 50			144 76	73 20	14 10				792 43	792 43
Martin,	Samuel McCumb,	292 51		303 81				56 40						786 53	786 53
New-Hamover,	Edward Griffin,	574 47	280 40	574 47	2 93	9 40		1154 38		28 20	14 10			1503 45	1503 45
Nash,	Gabriel Holmes, jr.	547 14		591 98	48 68			67 68	112 80	14 10				750 89	750 89
Northampton,	S. W. Vick,	885 16		750 63	189 73	14 10		67 68	131 60	14 10				1720 78	1720 78
Onslow,	Brice Fournell,	394 57	2 70	321 67	28 20			24 44	55 40	14 10				850 70	850 70
Orange,	Thomas B. Watts,	1041 50	66 50	490 32	53 11			33 84	18 80	28 20	14 10			1093 61	1093 61
Person,	John Barrett,	235 56		400 32	53 11			56 40						623 66	623 66
Pasquotank,	William Gregory,	243 42	15 67	304 19	44 65	9 40		88 48	73 20	28 20				560 92	560 92
Pitt,	James Sheppard,	654 77	11 48	334 95	17 66			56 40						641 78	641 78
Perquimans,	Stephen Elliott,	371 54	13 13	305 13	13 69	14 10		56 40						1292 58	1292 58
Rowan,	Samuel Jones,	285 24	65 89	68 76	28 27			56 40						1020 95	1020 95
Randolph,	Isaac Lane,	462 63	4 56	293 16	15 09			56 40						1185 40	1185 40
Rockingham,	John Odecal,	455 40	15 48	386 54	13 10			56 40						1091 10	1091 10
Rutherford,	Duncan McAlpin,	372 53	2 69	300 62	4 70	4 70		16 92	18 80	14 10				330 37	330 37
Sampson,	Alex. Nicholson,	505 38	2 23	308 13	6 23			56 40						560 72	560 72
Stokes,	William Carson,	496 32	12 93	418 49	47 47	18 80		56 40		28 20				360 72	360 72
Surry,	John Crumpler,	306 91		388 22				16 92						641 78	641 78
Tyrrell,	John Wright,	472 59	2 03	368 85	30 79	4 70		16 92						1328 58	1328 58
Wake,	C. L. Banner,	596 04	96 02	389 82	9 76			56 40						1020 95	1020 95
Wayne,	Henry Alexander,	135 09		145 80	9 76			16 92						1020 95	1020 95
Washington,	Joseph Garrett,	179 59	49 12	177 85	2 82			151 54						1020 95	1020 95
Wilkes,	Peter Dowell,	311 94	14 94	346 58	81 03			37 60						1020 95	1020 95
Watauga,	Turner Pullen,	877 18	167 83	906 15	71 44			238 58		56 40				1020 95	1020 95
Wayne,	Wm. C. Clinton,	678 94		706 70	31 62	18 80		56 40						1020 95	1020 95
Wayne,	William Raiford,	532 57	6 53	355 21	17 86			56 40						1020 95	1020 95
		36657 04	1573 18	36140 36	1594 26	183 30	6618 54	3357 30	374 40	354 30	216 30	470		66539 15	65479 82

A STATEMENT

Of the Nett Amount of that Branch of the Revenue which is receivable by the Clerks of the County Courts, for licences issued to Retailers of Spirituous Liquors, by the small measure, for 1823-'24; from Auctioneers for duties on Sales at Auction for 1823-'24, and from the Banks of Newbern and Cape Fear, for the Tax for the year 1824, counting from the 30th June, 1823, to the 1st July, 1824.

Counties.	Clerks' Names.	Sum paid.	Counties.	Clerks' Names.	Sum paid.
Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
Anson,	Thomas Calloway,	24 24	Beaufort,	N. J. Oliver,	11 62
Ashe,	A. M. Foster,	68 68	Craven,	M. H. Lente,	64 34
Barnwell,			do.	J. S. Fowler,	11 31
Buncombe,			do.	John McIver,	11 31
Beaufort,	James Erwin,	20 20	do.	Edw. Wilkins,	417 78
Burke,	Alex. McDowell,	20 20	do.	H. W. Ayer,	20 32
Camden,			do.	Lewis Gowan,	31 61
Cartersville,	James G. Stanly,	88 88	do.	S. M. Nickels,	1 78
Carteret,	Gilbert Runnely,	56 56	do.	L. N. Blount,	3 68
Chowan,			do.	T. G. Britt,	16 65
Casswell,	Malachi S. Lewis,	72 72			692 10
Chowan,	Paul A. Haralson,	70 70			6296 6966
Clatsop,	Henry Willis,	48 48			6642 6642
Cumberland,	Thomas Ragland,	44 44			13338 13338
Columbus,	John Armstrong,	164 164			
Cabarrus,	Daniel Coleman,	24 24			
Duplin,	James Pearson,	48 48			
Davidson,	David McIver,	72 72			
Edgecomb,	Michael Hearn,	48 48			
Franklin,	Smith Patterson,	36 36			
Guilford,	John Hanner,	64 64			
Gates,	John Sumner,	26 26			
Granville,	Stephen K. Sneed,	68 68			
Greene,	William Williams,	28 28			
Halifax,	Richard Epps,	88 88			
Hartford,	Lewis M. Cowper,	72 72			
Hyde,	John B. Jasper,	32 32			
Haywood,	Robert Love,	28 28			
Iredell,	Robert Simonton,	38 38			
Jones,	Robt. Komegash,	28 28			
Johnston,	Ransom Sanders,	34 34			
Lincoln,	Vardry McBea,	88 88			
Lenoir,	Dallam Caswell,	32 32			
Montgomery,	Cornelius Dowd,	20 20			
Mecklenburg,	John B. Martin,	40 40			
Martin,	Isaac Alexander,	32 32			
New-Hamover,	Henry B. Hunter,	88 88			
Nash,	Thomas F. Davis,	352 352			
Northampton,	Henry Bond,	28 28			
Onslow,	John W. Harrison,	84 84			
Orange,	Banister Lester,	100 100			
Person,	John Taylor,	32 32			
Pasquotank,	Charles Dickens,	64 64			
Pitt,	George Evans,	80 80			
Perquimans,	John Wood,	20 20			
Rowan,	John Giles,	64 64			
Randolph,	James Harner,	40 40			
Rockingham,	Robt. Galloway,	88 88			
Rutherford,					
Sampson,	M. D. Crawford,	82 82			
Stokes,	Isaac Catron,	103 103			
Surry,	James Holmes,	28 28			
Tyrrell,	Joseph Williams,	20 20			
Washington,	Matthew R. Moore,	144 144			
Wilkes,	W. B. Hodges,	30 30			
Watauga,	Stevens Downing,	40 40			
Wayne,	Robert Martin,	24 24			
	Benjamin S. King,	112 112			
	Casswell Drake,	20 20			
	Philip Hoots,	3367 3367			

The foregoing statement is formed on returns filed in the Comptroller's Office of North-Carolina, the first day of November, one thousand eight hundred and twenty-four.

John Coulter Esquire, late Sheriff, accounted for part of the Tax, (viz \$48 of the Store, \$18 of the Pedlar, and \$112 of the Negro Trader Tax.)

William Hunt, Esquire, late Clerk of Caswell, accounted for eight dollars of the Tax.

12 dollars of the Tax was accounted for by the Executor of James Wood, late Clerk of Tyrrell.

JO. HAWKINS, Comptroller.











