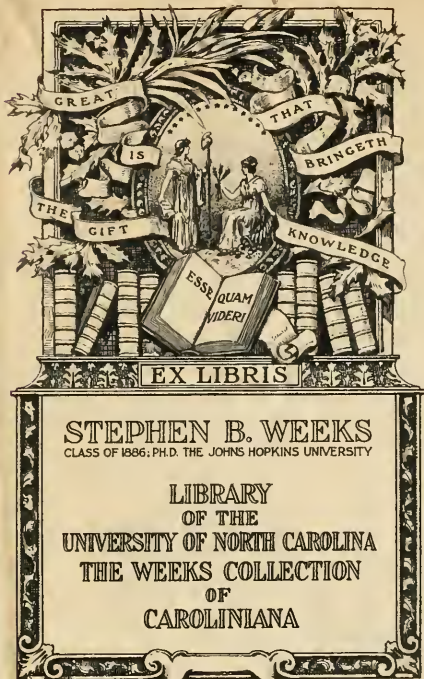


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ACTS

PASSED BY THE

CENTRAL ASSEMBLY

OF THE

STATE OF NORTH-CAROLINA,

AT THE

SESSION OF 1827-28.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY
• Printers to the State.

.....
1828.



LAWS OF NORTH CAROLINA,

Enacted by a General Assembly, begun and held at Raleigh on the nineteenth day of November, in the year of our Lord one thousand eight hundred and twenty-seven, and in the fifty-second year of the Independence of the said State.

JAMES IREDELL, ESQUIRE, GOVERNOR.

CHAPTER I.

An act concerning the Public Treasury.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Treasurer shall be annually elected, and the election shall be made as early in each session as can be conveniently done; before entering into office, and within fifteen days after his election, he shall take and subscribe the oath herein after prescribed, before some justice of the peace; he shall give duplicate bonds to the Governor, with securities, to be approved by the Governor and the Speakers of the two Houses of the General Assembly, in the penalty of two hundred and fifty thousand dollars, payable to the Governor for the time being and his successors in office, with condition, that he will faithfully account for all monies and other things which shall come to his hands in virtue of his office, and perform all other duties required by law, or which may hereafter be required by law, of the Treasurer of this State; and the said Treasurer shall execute duplicates of said bond, which shall be endorsed "approved," and signed by the Governor and Speakers of the two Houses; and one duplicate shall be delivered by the Governor to the Comptroller, and the other to the Secretary of State, for safe keeping; and the certificate of the Treasurer's qualification shall be delivered to the Comptroller and filed with the bonds: *Provided*, that the election of Treasurer shall not take place until after the committee of Finance shall have made their report on the state of the Treasury.

II. *And be it further enacted*, That suit may be brought on either of said bonds, to the use of the State, and judgment entered in the same manner, and under the same rules and regulations as have been, or shall be prescribed for entering judgment against the several sheriffs of this State.

III. *And be it further enacted*, That it shall be the duty of the Treasurer, in books provided for that purpose at the public expense, to state and keep an account of all money received by him for public taxes and impositions, and otherwise, and paid in pursuance of public dues, acts and votes of the General Assembly in such a manner that the nett produce of the whole revenue, as well as of every branch thereof, and the amount of disbursement, in discharge of the several demands, may distinctly appear; which said accounts shall at all times be liable to the inspection and examination of the General Assembly.

Treasurer to be elected annually.

To take an oath.

To give duplicate bonds.

Duplicates to be deliver'd to Compt'r & Secretary of State for safe keeping.

Certificate of Treas'r's qualification to be filed with the bonds.

Suit may be brought on either of said bonds.

Treasurer to keep an acc't of money received for taxes, &c. which accounts are to be liable to the inspection of the Legislature.

1827

If the Treasurer fail to give bond and security, the Governor is to communicate the same to the Legislature.

IV. *Be it further enacted,* That if the person elected Treasurer shall fail to give bond and security within the time mentioned by this act, it shall be the duty of the Governor to communicate the same to the General Assembly, who shall proceed to elect some other person.

If there be not 15 days between the election of Treasurer and the rise of the General Assembly, then the bonds required by this act shall be given to the Governor within fifteen days after such election, and be by him endorsed "a proved;" and if any person elected Treasurer shall fail to give such bond within the time prescribed, and the Legislature should not then be in session, it shall be the duty of the Governor to call the Council of State, and proceed to appoint some other person Treasurer; and the person so appointed shall give bonds and security within fifteen days, to be approved by the Governor: *Provided,* that in no case shall any person appointed Treasurer either by the General Assembly or the Governor and Council, enter into office before giving bonds, and taking and subscribing an oath of office, as required by this act.

V. *Be it further enacted,* That if at any time, there shall not be fifteen days between the election of Treasurer and the rise of the General Assembly, then the bonds required by this act shall be given to the Governor within fifteen days after such election, and be by him endorsed "a proved;" and if any person elected Treasurer shall fail to give such bond within the time prescribed, and the Legislature should not then be in session, it shall be the duty of the Governor to call the Council of State, and proceed to appoint some other person Treasurer; and the person so appointed shall give bonds and security within fifteen days, to be approved by the Governor: *Provided,* that in no case shall any person appointed Treasurer either by the General Assembly or the Governor and Council, enter into office before giving bonds, and taking and subscribing an oath of office, as required by this act.

In case of a vacancy during the recess of Legislature, the Gov'r is to fill the same.

VI. *Be it further enacted,* That in case of a vacancy in the office of Treasurer, by death, resignation, disability or otherwise, during the recess of the General Assembly, then it shall and may be lawful for the Governor, and he is hereby empowered and required, with advice of his Council, to appoint some other suitable person to the office of Treasurer; which person so appointed shall have all the powers, authorities and emoluments hereby granted, subject to the same rules, regulations and penalties herein directed; which office he shall hold until the end of the succeeding session of the Legislature, and no longer.

Sheriffs &c. to settle their accounts in July Aug. & Sept.

Comp'r to report sums due by sh'ffs, &c. to Treas'r, who is to raise accounts against such persons.

Where sh'ffs, &c. fail to settle by 1st Oct. the Treas'r is to take judgment for the sums due.

In cases of delinquency of sh'ffs, &c. the

VII. *Be it further enacted,* That all sheriffs and receivers of public monies shall settle their public accounts, or cause them to be settled, with the Comptroller of this State; the whole of which settlements, except those which now are or may hereafter be excepted by law, shall be made in the months of July, August and September in each and every year; and it shall be the duty of the Comptroller, on forming any such settlement, forthwith to report the sums or amount due from such accountant to the Treasurer of the State, setting forth in such report (if a sheriff's account) the nett amount of each species of public tax; and the Treasurer shall raise an account against each and every of such persons, and debit them accordingly. In case any such person shall fail to appear, fully pay up and finally settle for the sums so reported against him or them on or before the first day of October in each year, it shall then be the indispensable duty of the Treasurer, and he is hereby required to take judgment without delay for the several sums or balances due the State agreeably to such reports; to which sum, in case the delinquent be a sheriff, shall be added his commissions, which shall be considered as absolutely forfeited to the State; and it is hereby declared, that in

all cases of a delinquency of sheriffs, clerks of courts, collectors of imposts, vendue masters, and others accountable for public monies, the Comptroller's report shall be held and deemed sufficient testimony for the court and jury to found their verdict on.

Compt's rep't
sufficient tes-
timony to found
verdict on.

VIII. *Be it further enacted*, That in all cases of failure of a sheriff to settle his account within the time by law required, and to take the oaths prescribed by law, it shall be the duty of the Comptroller, and he is hereby directed to report immediately on the same, allowing neither commissions nor insolvents, but adding to the account the sum of four hundred dollars as the supposed amount of such delinquent's receipts from tavern keepers and persons failing to give in their lists of taxable property.

Where sh'ffs
fail to settle &
take the ne-
cessary oath,
the Comptrol-
ler is to report
on the same.

IX. *Be it further enacted*, That the public Treasurer shall not discharge any grant of the Assembly, or warrant of the Governor, hereafter to be issued, unless in the said grant and warrant it shall particularly express the cause and service for which the same was issued.

Treas'r not to
discharge any
grant or war-
rant, unless
they express
the cause for
which they
were issued.

X. *And be it further enacted*, That the Public Treasurer, in consideration of his office, shall be entitled to and receive the salary of fifteen hundred dollars per annum in full consideration of all services incident to his office; and the Treasurer is hereby required to take and subscribe the following oath: "I swear that according to the best of my abilities and judgment, I will execute impartially the office of Public Treasurer, in all things according to the law, and account for public taxes, and that I will not directly or indirectly apply the public money to any other use than by law directed: So help me God."

Treasurer's
salary.

Oath.

XI. *Be it further enacted*, That the Treasurer shall form an accurate statement of the Treasury, which shall be laid before the General Assembly of each year, and be published, and bound up with the laws of each session; in which statement shall be specified the nett produce of the several branches of revenue, the several allowances for insolvencies and the arrears of any sheriffs or county treasurers; all allowances or drafts made by the General Assembly, and warrants issued by the Governor shall be severally enumerated, briefly setting forth in whose favor they were made or drawn, and on what account.

Treasurer to
form a state-
ment of the
Trea'y, which
is to be laid be-
fore the legis-
lature and pub-
lished and
bound up with
the laws.

XII. *Be it further enacted*, That it shall be the duty of the Treasurer and Comptroller of this State, to have monthly settlements of all accounts of public monies which by law they are required to keep, and once in each month to balance said accounts, and ascertain the amount of public money in the possession of the Treasurer; which said amount shall immediately thereafter be deposited by the Treasurer in the banks of this State.

Treasurer and
Comptrol'r to
have monthly
settlements.

XIII. *Be it further enacted*, That for all deposits of public money made by the Treasurer in the banks of this State, the cashier thereof shall give duplicate certificates of deposite, one to the Comptroller, which he shall file and safely keep in his office, and the other to the Treasurer; and which certificates shall be given by the cashier at the time the deposite shall be made by the Treasurer.

Cashiers of
banks to give
duplicate cer-
tificates for
deposits of
public money.

Treasurer to check for money, and may keep in his office an amount sufficient to pay members and officers of the legislature XIV *Be it further enacted,* That the Treasurer shall from time to time, as the public interest may require it, check for the public monies deposited in the Banks as aforesaid; and the amount for which he shall so draw, he shall account with the Comptroller in their monthly settlements; but the Treasurer may check for, and keep in his office during the session of the Legislature, an amount of money sufficient to pay the members and officers of the two Houses.

If the solvency of any bank be suspected, the public money is to be withdrawn therefrom. XV. *Be it further enacted,* That if at any time the Treasurer shall suspect the solvency of any of the Banks in which public monies are deposited, it shall be his duty to communicate the same to the Governor; and if, upon an examination of the subject the Governor shall consider that the public interest requires the public money to be withdrawn from the Bank, it shall be the duty of the Treasurer immediately to remove or cause to be removed the deposits in the said Bank.

The books & accounts of the Treasurer and Comptrol'r to be subject to the inspection of the committee of Finance. XVI. *Be it further enacted,* That the books and accounts of the Treasurer and Comptroller shall be subject to the inspection and examination of the Committee of Finance of the Legislature during each session of the Legislature; and it shall be the duty of the said committee carefully to examine at each session the exact condition and statement of the deposits made in the said Banks by the Treasurer, and ascertain the amount of funds of the State at the time of the report of the Treasurer to the Legislature; and they shall report thereon at each session.

If the Treas'r fail to account for the public money, judgment is to be obtained ag'st him and his securities. XVII. *Be it further enacted,* That if at any time hereafter it shall appear, from the accounts kept between the Comptroller and Treasurer, or it shall appear in any other way, that the Treasurer has not accounted for and paid over the public monies of this State as directed by law, it shall and may be lawful for the State to move for and obtain judgment against the said Treasurer and his securities, or any of them, in any court of record in this State, first giving to the persons against whom such motion shall be made at least five days notice of the time and place, when and where such motion will be made; and upon such judgment execution shall issue as in other cases.

If the Treas'r die indebted to the State, or, being so indebted, become insolvent, the claim of the State to have priority. XVIII. *Be it further enacted,* That if any person appointed Treasurer shall die indebted to the State, or being so indebted, shall become insolvent, any debt which he may owe to the State shall be first satisfied; and the priority hereby established, shall be deemed to extend to cases in which such debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which his estate or effects shall be attached as of an absconding, concealed or absent debtor.

Clerk's salary XIX. *Be it further enacted,* That the Treasurer be allowed the sum of five hundred dollars as a salary to a clerk or clerks as he may think proper to employ in the office, to be paid out of the Public Treasury in half yearly payments, on warrants to be drawn by the Governor.

XX. *Be it further enacted,* That the Treasurer shall, in all

Payments made to him, grant two receipts of the same tenor and date; one of which receipts shall be filed in the Comptroller's office, and the other shall be endorsed by the Comptroller and continued with the person who has made the payment; without which endorsement of the Comptroller, no receipt said to be given by the Treasurer shall be operative.

Receipts how to be given.

XXI. *Be it further enacted*, That the receipt and expenditures of the Literary Fund and the Fund for Internal Improvement, shall be, in all cases, passed through the Comptroller's office, be examined by him and entered on his books, in like manner as all other receipts and expenditures.

Of Literary & Internal Improvement funds.

XXII. *Be it further enacted*, That in all cases where judgments have been, or shall be obtained against delinquent sheriffs and others in arrears to the State, and where it shall so happen that the principal and his securities do not all reside in the same county, it shall and may be lawful for the clerks of the courts, on application of the Treasurer, to issue executions from time to time to any one of the counties in which either of the parties resides, or in which their property may be found; any law, custom or usage to the contrary notwithstanding.

Executions how to issue, where principal and securities reside in different counties.

XXIII. *And be it further enacted*, That on the first day of November, in each and every year, it shall be the duty of the Public Treasurer and Comptroller for the time being, to certify and deliver to the Public Printer, to be by him published for one month, a list containing the names of all the revenue officers of the State, who shall on that day have failed to account for the public taxes and other monies due by them for the last year, and which by law are made payable into the Treasury on the first of October preceding, stating in such list the sum due from each officer respectively for that year; and that they shall consider their indispensable duty to do yearly.

List of delinquent revenue officers to be published.

XXIV. *Be it further enacted*, That the Sheriffs of the several counties of this State, shall in future be allowed the sum of three dollars for every day they may be necessarily engaged in making their settlements with the Treasurer, and shall also be allowed the sum of one dollar and fifty cents for every thirty miles of the estimated distance of going and returning home by the most usual road from their places of residence to the seat of government, to be paid by the Treasurer; and if any sheriff shall fail to pay the whole amount of the taxes due from him to the State, at the time he makes such settlement, he shall not be entitled to any pay for mileage, nor to the three dollars a day allowed for his detention in making the settlement.

Sheriffs allowed for mileage and expenses in settling their accounts.

On what condition to forfeit this allowance.

XXV. *Be it further enacted*, That the Public Treasurer of this State shall have full power and authority to move for judgment against any person or persons, acting as agents for the State, who are indebted to the State by or on account of such agency, in any court of record of this State, in the same manner and under the same rules and regulations which are prescribed in cases of delinquent Sheriffs; and the said courts shall respectively render

Directs how the Treasurer may move for judgment ag't persons acting as agents for the State.

judgment and award execution, though the amount thereof may be within the jurisdiction of a justice of the peace.

Repealing
clause.

XXVI. *And be it further enacted,* That so much of an act of Assembly, passed in the year one thousand eight hundred and twenty four, entitled "An act directing the erection of a Treasury Office, authorising the Treasurer to employ an assistant clerk, directing improvements in the office of Secretary of State, and fixing the hours of business to be observed by the heads of departments," as directs the Treasurer, from time to time, as occasion, in his judgment, may require, to employ an assistant clerk in his office, be, and the same is hereby repealed.

CHAPTER II.

An act making the endorsers of bills, bonds and promissory notes surety for the same.

Endorsers lia-
ble as surety.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when any bill, bond, or promissory note, made negotiable by the act passed in the year one thousand seven hundred and sixty-two, entitled "An act for the more easy recovery of money due upon promissory notes, and to render such notes negotiable," and by the act passed in the year one thousand seven hundred and eighty six, entitled "An act to make the securities therein named negotiable," shall be endorsed after the first day of July next, such endorsement, unless it be otherwise plainly expressed therein, shall render said endorser or endorsers liable as surety or sureties to any holder of such bill, bond or promissory note: *Provided,* that nothing herein contained, shall, in any respect, apply to bills of exchange, inland or foreign.

CHAPTER III.

An act to change the time of holding the Supreme Court of this State.

Court to be
held on the 1st
Monday in
June and Dec.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That after the close of the present term of the Supreme Court, the said court shall be held on the first Monday of June and the first Monday of December, annually.

CHAPTER IV.

An act to prohibit vice and immorality at, and in the vicinity of the University, and for other purposes.

Sale of liquor,
&c. prohibited
at Chapel Hill
or within two
miles 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 it shall be unlawful for any merchant, shop-keeper or other person at Chapel Hill, or within two miles thereof, to sell to any student of the University, goods, wares, merchandise, spirituous liquors or wine, without the consent of the Faculty of the University, or some one of the professors thereof, given in writing; and if any contract for the sale of such articles shall be made, it is hereby declared to be null and void, and no recovery shall be had therefor.

II. *And be it further enacted*, That any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, ^{Penalty,} and may be indicted and punished therefor in the Superior Court of Orange county.

CHAPTER V.

An act to incorporate the Occacock Navigation Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Sneed, Moses Jarvis, Samuel Simpson, Sylvester Brown, John M. Roberts, John W. Guion and John F. Burgwin, of Newbern; Hardy Bryan, Nathan Bush and Kisten M^dDaniel, of Trenton; Blount Coleman, John C. Washington and Nathan G. Blount, of Kinston; Richard Washington and Arnold Borden, of Waynesborough, Wayne county; William Williams, (Clerk,) Wyatt Moye and Charles H. Harper, of Snow Hill; David Thomson, James Frelick and Bythan Bryant, of Smithfield; John G. Blount, Richard Grist and William Ellison, of Washington; Spencer D. Cotton, David Barnes and Joseph R. Lloyd, of Tarborough; John Norcott, Archibald Parker, Ivey Foreman and Benjamin Ashley Atkinson, of Greenville; Elisha B. Smith, David Clark and Andrew Joiner, of Halifax; James Morgan, Benjamin Wynns, Isaac Pipkin and Joseph G. Rea, of Murfreesborough; William M. Clark, Simmons J. Baker and Samuel Hyman, of Williamston; Joseph B. G. Roulhac, Elisha A. Rhodes and James Bryan, of Windsor; Thomas Cox, John S. Bryan and Thomas B. Haughton, of Plymouth; Joseph B. Skinner, George W. Barney and John Cox, of Edenton; William Martin, Isaac N. Lamb and Exum Newby, of Elizabeth City, be, and they are hereby appointed commissioners for receiving subscriptions for a capital stock, divided into shares of one hundred dollars each, for the purpose of improving the navigation of the Swash in Pamptico Sound, near Occacock Inlet; and the commissioners of each of said towns, they and any one, or more of them, shall, at the said towns respectively, on the tenth day of April next, open books, and cause the same to be kept open thirty days, to receive subscriptions of shares in said stock. Each subscriber shall pay down at the time of subscription ten dollars on each share, and shall subscribe a written agreement to pay ninety dollars on each share subscribed, to such person, at such time, and in such proportions, as the President and Directors of the Occacock Navigation Company shall require. On the first Monday of June next, a meeting shall take place, at the town of Washington, of the subscribers, either in person or by their proxies, constituted in writing, attested by a justice of the peace; which general meeting shall continue, from day to day, as long as may be deemed necessary; and to which general meeting, the commissioners shall make return of the subscriptions received by virtue hereof; and if upon the return of the commissioners to the general meeting aforesaid, it shall appear that more than one thousand shares have been subscribed, that then the subscribers

Commissioners for receiving subscriptions for stock

Each subscriber to pay ten dollars at the time of subscribing, and 90 at such periods as shall be required. General meeting to be held on first Monday of June; at which the commission's are to make return of the subscriptions received. In what manner the sum

ber of shares is to be reduced. attending in person or by proxy, shall reduce the number of shares subscribed to one thousand, by striking off from those who have subscribed the largest number of shares, so many shares as may tend to produce as great equality in subscription as may be; and should this process not be effectual, then by striking off shares by lot; and if from said returns, it shall appear that more than two hundred shares shall have been subscribed, and not more than one thousand shares; or when the shares subscribed shall be reduced to one thousand shares, then the subscribers, their successors and assigns, shall be, and they are hereby created and made a corporation and body politic, by the name and style of "the Occacock Navigation Company," and shall so continue, subject to the conditions hereinafter prescribed, for the term of fifty years; and by that name and style shall be, and are hereby declared able and capable to have, purchase, receive and enjoy to themselves, and their successors, such monies, boats, vessels, tackle, machinery, and other articles, goods and chattels whatever, which may be proper for the purposes of their creation; to sell and dispose of the same; to sue and be sued; to implead and be impleaded, defend and be defended in courts of record or other places whatever; to have a common seal; and to ordain, establish and put in operation such bye-laws, ordinances and regulations as may be expedient for the government of said corporation, and the management of its concerns.

Title of the company.

Terms of incorporation.

Stockholders to fix the time and place of meeting.

Election of Directors.

Proviso.

Directors to fill vacancies. Election of President.

Duties of Directors.

II. *And be it further enacted,* That it shall be lawful for the stockholders so incorporated, at their general meeting aforesaid, or for a majority of such of them as may attend either in person or by proxy, to declare at what place and on what day the general meeting of the stockholders shall next be had; and for the well ordering of the affairs of said corporation, they shall elect five Directors, to remain in office until the next general meeting; and thereafter every year, on the day and at the place which may from time to time be appointed by the stockholders for that purpose, those attending in person or by proxy shall elect five Directors, to remain in office until the day of the annual meeting in the succeeding year: *Provided,* that if at any time it happen that an election of Directors shall not be made at the regular day, the Directors last appointed shall continue in office until an election shall regularly be had; and the said Directors shall have power to fill up any vacancy that may happen in their body; to elect one of their own body as President from time to time; to appoint such officers and servants as they think proper, and at their pleasure remove; to require payment from time to time of the sums due on the shares subscribed for, in such instalments as they may deem expedient; to vest the monies received in bank stock or otherwise, so as to render the same productive; to cause the said monies to be faithfully expended in improving the navigation over the shoals in Pamptico Sound, near Occacock Inlet, either by the actual employment of laborers, boats, machines, camels, anchors and other means, or by making contracts with any person or persons to effect the same, and to open books to

receive new subscriptions for stock, upon such terms as they may deem reasonable, so that the whole number of shares shall never exceed two thousand, of one hundred dollars each; to make dividends from time to time of the profits of their capital; and generally to do any matter or thing, which it may be lawful for the corporation to do, and which a majority of the stockholders, who may attend in general meeting in person or by proxy, shall or may authorise them to do.

III. *Be it further enacted*, That it shall be lawful for any person or persons, bodies politic or corporate, to subscribe for shares in the stock of said company; that at all meetings, each stockholder shall be allowed one vote for every share of stock not exceeding ten; one for every two shares over ten, and not exceeding twenty; one for every three shares over twenty, and not exceeding thirty-two; one for every four shares over thirty-two, and not exceeding forty-eight; and one for every five shares over forty-eight. Every stockholder may vote by proxy, constituted as aforesaid. Shares shall be transferable, as the stockholders or the President and Directors shall direct, and may be forfeited and sold for non-compliance with the bye-laws of the company, by order of the President and Directors. The President and Directors shall be entitled to recover on the subscriptions before the commissioners, the sums required from time to time to be paid on each share, in an action on the case before a court or any magistrate having cognizance of the sum demanded, with interest from the time when payment ought to be made; and a publication in any newspaper of these requirements of the President and Directors, shall be a sufficient notice to each subscriber. The commissioners shall, each and every of them, immediately upon the appointment of a President and Directors, pay over to them, or their agent for such purpose authorised, all such sums of money as they, or any of them, may have, or ought to have received; and any one failing in this respect shall be liable to pay the said President and Directors double the sum aforesaid, to be recovered in an action of debt before any jurisdiction having cognizance thereof.

Individuals & bodies corporate may subscribe for shares.

The manner in which stockholders are to vote.

Shares transferable, and may be forfeited for non-compliance with the bye-laws.

President and Directors entitled to recover the sums due on shares.

Publication in any newspaper sufficient notice.

Commissioners to pay over all monies received by them.

Penalty for failing to do so.

IV. *Be it further enacted*, That it shall be lawful for a majority of the stockholders who may assemble in general meeting, either in person or by proxy, to declare whether any, and if any, what compensation shall be paid to the President or any other officer or servant of the said corporation; to examine the doings of the President and Directors, and other officers and servants of the corporation; to adjust, state and settle their accounts; and to exercise all the powers, which may be proper for correcting delinquency, preventing misapplication and waste, and keeping within the line of their duty all who directly or indirectly may be entrusted with the management of their affairs or engaged in their service.

Stockholders to fix the compensation to be paid to the officers, to examine their proceedings, settle their accounts, &c.

V. *Be it further enacted*, That the said company, their agents, servants or contractors shall have power and authority, by any vessels, machines, laborers or other means, to work upon any of

Company authorised to use the means ne-

cessary to make a channel through the shoals of Pamptico Sound. to the shoals in Pamptico Sound, in order to remove, make or deepen a channel through the same; to fix anchors, to procure, employ and use camels or any other means useful and proper for carrying vessels safely and easily through and over the said shoals; and when they shall, by their labors and exertions, have so removed the said shoals, or made or deepened a channel through the same, or furnished and kept in use the means of safe and easy transportation, by camels or otherwise, so that vessels drawing seven feet two inches of water, can pass and repass over the said shoals to and from sea over Occacock Inlet, the said company shall have power to demand and collect a toll on all vessels, (other than public vessels of the United States,) passing the same through the channel by them made or deepened, or over the shoals, by the means by them furnished, at the following rates: that is to say, on vessels whose burthen shall not exceed eighty five tons, for every inch of their draft of water above seven feet, seventy-five cents; between eighty-five and ninety five tons inclusive, for every inch above the same draft, one dollar; between ninety-five and one hundred and ten tons inclusive, for every inch above the same draft, one dollar and thirty cents; between one hundred and ten and one hundred and twenty five tons inclusive, for every inch above the same draft, one dollar and fifty cents; between one hundred and twenty-five and one hundred and fifty tons inclusive, for every inch above the same draft, one dollar and seventy-five cents; above one hundred and fifty tons, for every inch above the same draft, two dollars; for which toll the master and owner of said vessel shall be liable; and such vessel shall be detained by the authorised servant of said company until such toll is paid.

Rates of toll.

Consequences of failing to improve navigation in four years.

VI. *And be it further enacted*, That unless said company shall, within four years from the passage of this act, improve and deepen the navigation aforesaid, or furnish the means of safe and easy transportation, so that vessels drawing eight feet water can safely pass, in consequence of their exertions and means, over the said shoals to and from sea as aforesaid, all the privileges and rights hereby granted to the said company shall cease and determine, save only the right to dispose of the property they may hold, and to sue for and collect monies due them; and saving also to persons having causes of action against said company, the right to sue for the same.

Assent of congress to be obtained before toll shall be demanded.

VII. *Be it further enacted*, That so much of this act as gives authority to demand and receive toll, shall not take effect until the assent of the Congress of the United States is obtained there-to; and the Governor of the State is hereby requested to take measures immediately for obtaining said assent.

B'd of Intern'l Imp't to examine shoals and report to the next Assembly.

Conditions of

VIII. *And be it further enacted*, That it shall be the duty of the Board for Internal Improvement to cause the said shoals to be examined, in order to ascertain the probable expense of improving the navigation through and over the same, and make report thereof to the next General Assembly; and that the State may, should the next General Assembly so resolve, subscribe a part or

the whole of the shares, remaining unsubscribed, of the amount to which, by the previous provisions of this act, the capital stock of the company is permitted to be extended, upon paying and securing to be paid, upon each of such shares, what the several subscribers may have paid, and what said subscribers are liable to pay on each share by them subscribed.

which State to subscribe for shares.

IX. *And be it further enacted,* That no tax or imposition of any sort shall ever be laid during the continuance of this charter, on the capital stock of the company or the shares therein.

Capital stock exempt from tax.

X. *And be it further enacted,* That if hereafter it should be deemed expedient by the General Assembly that the navigation, as improved by this act, shall be wholly exempted from tolls, the State shall have a right to purchase from the said company a relinquishment of this charter, and of all claims under it, upon such terms as may be agreed upon by the agents of said State and the stockholders other than the State; and if at any time such relinquishment should be required by the State, the subscribers aforesaid shall not require of the State more than such a price as will be sufficient to reimburse the sums actually paid upon their shares, and give them, with the dividends received, or to which they are entitled, an annual profit of twenty per cent. on the sums so paid, and also an extinguishment of all claims upon them because of their liabilities.

Conditions on which State may hereafter purchase a relinquishment of charter.

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

When to take effect.

CHAPTER VI.

An act concerning the entry of lands now covered by the waters of any of the lakes of this State.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any entry-taker to receive any entry or entries of lands now covered by the waters of any of the lakes of this State.

Entry-takers prohibited from receiving entries.

II. *And be it further enacted* That every entry made, and every grant issued, contrary to the intent and meaning of this act, shall be void.

Such entries to be void.

III. *And be it further enacted,* That if hereafter any of the lands covered by the waters of a lake shall be gained therefrom by the recession, draining or diminution of such waters, such lands shall be, and remain the property of the State, and not be liable to entry or grant until special provision shall be made therefor by law.

Reclaimed land to be the property of the State.

CHAPTER VII.

An act directing what construction shall be given to contingent executory limitations.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That every contingent limitation in any deed or will, made to depend upon the dying of any person with ut heirs or heirs of the body, or without issue, or issue of the body, or without chil-

What construction to be given to limitation.

Proviso.

dren, or offspring, or decendant, or other relative, shall be held and interpreted a limitation to take effect when such person shall die, not having such heir or issue, or child, or offspring, or decendant, or other relative, (as the case may be.) living at the time of his death, or born to him within ten months thereafter, unless the intention of such limitation be otherwise, and expressly and plainly declared in the face of the deed or will creating it: *Provided, and be it further enacted*, that the rule of construction contained in this act, shall not extend to any deed or will made and executed before the fifteenth of January next.

CHAPTER VIII.

An act to compel the County Trustee of each county to report the expenditures of the county in the prosecution and punishment of insolvent offenders.

County trustees to make their reports from Jan. 1, 1827, to Jan. 1, 1828.

In what manner to make reports.

To whom to be delivered.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of each and every county trustee in this State, to make out a report of the sums paid by them for the prosecution and punishment of insolvent offenders in their respective counties, from the first of January, 1827, to the 1st of January, 1828, and to distinguish in said report, the sums paid in the prosecution, from those paid in the punishment of said offenders; and also the different crimes, in the prosecution and punishment of which said expenditures may have been made.

II. *And be it further enacted*, That it shall be the duty of the said trustees to deliver said reports to the sheriffs of their respective counties, before their settlement with the comptroller, directed to the Governor of the State, and it shall be the duty of said sheriffs to deliver the same accordingly; any law, usage or custom to the contrary notwithstanding.

CHAPTER IX.

An act to increase the penalty of the official bonds of the Clerks of the several Courts of Record in this State, and to provide for the safe keeping of said bonds.

Amount in which bond is to be made.

Be 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 May next, all bonds which shall be given by any of the Clerks of the Superior Courts of Law, Clerks and Masters in Equity, and such of the Clerks of the Courts of Pleas and Quarter Sessions, where the trial by jury shall obtain, for the safe keeping of the records and faithful discharge of the duties of said Clerks, shall be made in the penal sum of ten thousand dollars.

Judges' & justices' duties in taking bond.

II. *And be it further enacted*, That it shall be the duty of the Judges of the Superior Courts of Law and Courts of Equity, to cause all bonds taken by them according to the provisions of this act, to be acknowledged or proven before them, and to endorse thereon a certificate of such acknowledgment or probate; and it shall be the duty of the Justices of the Courts of Pleas and Quarter Sessions, to cause all bonds taken before them, according to the provisions of this act, to be acknowledged or proven in open

Court, and to endorse thereon a certificate of such acknowledgment or probate, which certificate shall be signed by the justice who presides in Court at the time such acknowledgment or proof is made; and all bonds so taken, proved and certified, shall be deposited in the following offices, viz: bonds of the Clerks of the Superior Courts of Law shall be deposited in the office of the Clerks of the County Courts of Pleas and Quarter Sessions, and the bonds of the Clerks and Masters in Equity, and Clerks of the County Courts of Pleas and Quarter Sessions, shall be deposited in the Office of the Superior Courts of Law of the respective counties.

Bonds where to be deposited.

III. *Be it further enacted*, That the Clerks in whose offices said bonds shall be deposited, shall cause the same to be immediately registered in the Register's office of the respective counties, and on the destruction or loss of the original, a certified copy of said bonds shall be received in evidence.

Clerks to cause the bonds to be registered.

IV. *And be it further enacted by the authority of the same*, That it shall be the duty of the Clerks of the respective Courts aforesaid, safely to keep the bonds deposited in their offices under the same rules and regulations, as are now provided by law for the safe keeping of the records of their respective Courts; any law or usage to the contrary notwithstanding.

Clerks to safely keep bonds deposited in their offices.

V. *And be it further enacted*, That no Clerk of any County or Superior Court, or Clerk and Master in Equity in this State, shall enter on the duties of his office before he enters into and delivers over to the person authorised to receive the same, the bond required by this act, under the penalty of two thousand dollars, to be recovered before any jurisdiction having cognizance; one half to the use of the person who shall sue for the same, and the other half to the use of the wardens of the poor of the county in which suit shall be brought, and a recovery had.

Clerk to give bond before entering on the duties of his office.

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

Repealing clause.

CHAPTER X.

An act to allow the right of challenge to the State in certain cases.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all criminal cases of a capital nature, the prosecuting officer in behalf of the State shall have the right of challenging peremptorily four jurors: *Provided*, the said officer make his election to challenge before the juror is tendered to the prisoner; any law to the contrary notwithstanding.

In all criminal cases of a capital nature.

Proviso.

CHAPTER XI.

An act to reduce the number of petty musters to two in a 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 so much of an act, passed in the year one thousand eight hundred and six, chapter seven hundred and eight, entitled "An

Repealing clause.

act to review the militia laws of this State relative to infantry,²² as provides that every captain shall muster his company at least once in three months, be, and the same is hereby repealed.

Companies to muster once in 6 months. II. *Be it further enacted*, That every captain, or commanding officer of a company, shall at least once in six months muster, train, and exercise his company, under the same rules, regulations and restrictions as are already provided by the existing acts.

CHAPTER XII.

An act concerning the State Bank of North-Carolina.

Speaker of the Senate authorised to exercise the powers heretofore exercised by the Treasurer in meetings of the stockholders, &c. How long to continue in force. *Be 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 Speaker of the Senate be, and he is hereby authorised and directed to exercise and perform all the duties and powers, in the meetings of the Stockholders, and in the Board of Directors of the State Bank of North-Carolina, heretofore exercised and performed by the Treasurer of the State.

II. *Be it further enacted*, That this act shall take effect from and after the ratification thereof and shall continue in force until the rise of the Legislature, and no longer.

CHAPTER XIII.

An act to make provision for widows when they dissent from the wills of their husbands.

Widow entitled to 1 years provision out of her husband's estate, in the same manner as if he had died 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 whenever any testator shall hereafter die, leaving his widow him surviving, and said widow shall dissent from the will of her husband, said widow shall be entitled to, and shall recover out of the estate of her husband, one year's provision in the same manner that she would have done, if her husband had died intestate; any law, usage or custom to the contrary notwithstanding.

CHAPTER XIV.

An act to limit the appointment of Solicitor General and Solicitors to four years.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any appointment of Solicitor General or Solicitor, hereafter to be made by the joint ballot of both Houses, shall be and continue for four years only from and after the first day of the session wherein the same may be made, and no longer; and that the appointments already made shall continue for four years from the first day of the present session, and no longer.

CHAPTER XV.

An act to subject bail to costs.

Be 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, whenever a scire facias shall issue against any person as the bail of any other person, and said bail shall not, at or before the term of the Court at

which said bail is bound to appear, or ought to plead, be discharged from his liability as bail, by the death, or surrender of his principal, or otherwise; then, and in that case, the bail shall be liable for all the costs that may accrue on said scire facias: notwithstanding said bail may be afterwards discharged from any liability as such, by the death or surrender of the principal.

CHAPTER XVI.

An act concerning the appointment of a keeper of the State House, and for the preservation of the Statue 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 Secretary of State, Treasurer and Comptroller, be, and they are hereby authorised and required annually to appoint some discreet and suitable person to take charge of the State House during the recess of the Legislature, whose duty it shall be to take into possession and safely keep the keys; to keep the doors locked, except when he may think proper to open them for the accommodation of visitors, or for the purpose of airing the apartments, and to take the necessary measures for the preservation of the furniture and fixtures belonging to the State House; to cause the statue of Washington to be cleansed, and the State House scoured, whenever their situation may require it; to superintend such repairs to be made to the State House and public square, from time to time, as may be necessary for the preservation of the same, and which may be resolved upon and directed by the Secretary of State, Treasurer, and Comptroller; and to have the leaves and other trash that may accumulate on the public square, removed at least once a year.

Secretary of State, Treasurer and Comptroller to appoint a keeper of the State House. His duty.

II. *Be it further enacted,* That the keeper of the State House shall receive, as compensation for his services, the sum of seventy-five dollars per annum; which sum the Treasurer is hereby authorised to pay, and which he shall be allowed in the settlement of his public accounts.

His salary.

III. *Be it further enacted,* That if repairs should be required for the preservation of the State House and public square, the Treasurer shall advance to the keeper of the State House such sums as may be necessary to accomplish the same.

Treasurer to advance money for repairs.

IV. *Be it further enacted,* That before the keeper of the State House enter upon the duties of his appointment, he shall enter into bond, with good and sufficient security, payable to the Governor, for the sum of five hundred dollars, conditioned for the faithful performance of the duties of his appointment; which bond shall be deposited in the office of Secretary of State.

Keeper to give bond and security.

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

When to take effect.

CHAPTER XVII.

An act to erect an arsenal on the south west of the Public Square, on which the Capitol stands.

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

Adjutant General to contract for the building of an arsenal.

Dimensions, &c.

Expense not to exceed \$200 dollars.

Adj. Gen'l to superintend the erection & draw on the Treas'r for the said sum.

That Beverly Daniel, Adjutant General of this State, be, and he is hereby authorised and empowered to contract for the building of an arsenal, of good and substantial brick or stone, for the reception of the arms belonging to this State, on the south west corner of the public square on which the capitol stands, of the following dimensions: that is to say, forty-five feet long, twenty-five feet wide, two stories high, the lower story ten feet pitch in the clear, the upper story eight feet in the clear, to be hard plastered all the inside except the under part of the upper floor: *Provided, however,* that all the expense of erecting said building shall not exceed the sum of two thousand two hundred dollars.

II: *Be it further enacted,* That should the said Beverly Daniel, Adjutant General as aforesaid, succeed in making a contract for the sum above specified; then and in that case he shall take measures to have the said Arsenal immediately erected, and he is hereby authorised and required to superintend the erection of the same according to contract, and to draw on the Public Treasurer for the said sum of two thousand two hundred dollars; and the said Public Treasurer is hereby required to advance said amount, for which he shall be allowed in the settlement of his public accounts.

CHAPTER XVIII.

An act to amend an act, passed in the year one thousand seven hundred and fifteen, entitled "An act to appoint public registers, and to direct the method to be observed in conveying lands, goods and chattels, and for preventing fraudulent deeds and mortgages."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That where any conveyance of lands in this State, or power of attorney for the conveyance of the same; or any bill of sale for slaves; or power of attorney for selling the same, may have been heretofore or shall be hereafter executed by any person or persons residing in any of the United States other than this State, or in any of the Territories of the United States, or in the District of Columbia, which shall be personally acknowledged by the person or persons executing the same, or proved by a subscribing witness thereto, before some one of the judges of supreme jurisdiction, or before some one of the judges of the Superior Courts of Law; or Circuit Courts of Law of superior jurisdiction, within said State, Territory or District; and an attestation of such acknowledgment or probate shall be endorsed or affixed to said deed, bill of sale or power of attorney by the said judge, and a certificate of the Governor of said State or Territory; or where the said deed is made in the District of Columbia, a certificate of the Secretary of State of the United States shall be annexed to said deed, bill of sale, power of attorney, that the judge before whom said acknowledgment or probate was taken, was at the time of taking the same one of the judges of the Courts of supreme jurisdiction or one of the judges of the Superior Courts of Law or Circuit Courts of Law of superior jurisdiction within said State or Territory, or within the District of Columbia, such

Conditions on which deeds, bills of sale, &c. executed in other states or territories, shall be registered in this state.

deed, bill of sale or power of attorney being exhibited in the Court of Pleas and Quarter Sessions of the county where such lands lie, or in which the purchaser of such slave or slaves may reside, or the person empowered to sell such slaves may reside, or to one of the judges of the Supreme Court or of the Superior Courts of this State, shall be ordered to be registered with the certificates thereto annexed; and such deeds, bills of sale or power of attorney, with the certificates thereto annexed, having been registered pursuant to such order in the county where such lands lie, or in which the purchaser of such slave or slaves may reside, or in which the person empowered to sell such slaves shall reside, shall be valid in law to convey, or to empower to convey, all the estate and title which such person or persons may or shall have in any such lands or slaves, thereby conveyed and authorised to be conveyed, and shall be received in evidence in any Court of Law or Equity within this State without further proof thereof.

Such instruments, when registered, to be valid

II. *And be it further enacted*, That where any of the parties making such conveyance of lands, or power of attorney for the conveyance of land as aforesaid, may be a feme covert, the private examination of such feme covert touching her voluntary assent to the execution of said deed or power of attorney in like manner, as the probate and acknowledgment thereof are directed in the preceding section, being in like manner endorsed thereon, and affixed thereto, and accompanied by the same certificate of the Governor or Secretary of State, as the case may be, shall, on being exhibited to one of the judges of this State, or to the Court of Pleas and Quarter Sessions of the county where the land is situate, be ordered to be registered, and shall have the same effect as if made before said judge or Court in person.

Manner of proceeding if any of the parties be a feme covert.

III. *And be it further enacted*, That every power of attorney made in any of the United States other than in this State, or in any of the Territories thereof, or in the District of Columbia, proved or acknowledged in the manner set forth in the first section, accompanied by the certificate therein required, may, on being exhibited to any of the judges of this State, or in a Court of Pleas and Quarter Sessions in this State, be ordered to be registered.

Conditions on which powers of attorney, made in other states or territories, are to be registered.

CHAPTER XIX.

An act giving the Superior Courts of Law exclusive jurisdiction in all cases of Divorce.

WHEREAS the numerous applications for divorce and alimony, annually presented to the General Assembly, consume a considerable portion of time in their examination, and consequently retard the investigation of more important subjects of legislation; and whereas such applications might be adjudicated by other tribunals with much less expenditure to the State, and more impartial justice to individuals: 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,

Sup'r C'ts to have sole and original jurisdiction. Authorised to divorce.

That the Superior Courts of Law shall have sole and original jurisdiction in all cases of application for divorce; and the said Courts are hereby authorised and empowered to divorce from bed and board, and from the bonds of matrimony, whenever they may be satisfied, upon due evidence presented, of the justice of such application; any law, usage or custom to the contrary notwithstanding.

Rules to which applications are subject.

II. *And be it further enacted*, That all applications for other causes than those specified in the act of one thousand eight hundred and fourteen, entitled "An act concerning divorce and alimony," shall be subject to the rules and regulations provided in said act for the cases therein mentioned.

Appeal may be made to the Supreme Court.

III. *Be it further enacted*, That in every case of an application for a divorce, and a final judgment thereon by a Superior Court, it shall be lawful for the party against whom such judgment is rendered, to appeal therefrom to the Supreme Court, whose duty it shall be, according to the facts ascertained in the Superior Court, to make such decree thereon as shall be just.

Appeal may be granted in certain cases without bond or security.

IV. *And be it further enacted*, That when an appeal shall be prayed from the judgment of the Superior Court, it shall be lawful to grant such appeal without bond or security, if the situation of the party appellant shall render it necessary, for the purposes of justice, that an appeal should be thus prosecuted.

Offending party not to marry again.

V. *And be it further enacted*, That no defendant or party offending, who shall be divorced from the bonds of matrimony, under the provisions of any act of the General Assembly of this State, shall ever be permitted to marry again; and if he or she shall offend against the true intent and meaning of this act, he or she shall be guilty of all the pains and penalties which are now inflicted by law upon persons guilty of bigamy.

Penalty.

CHAPTER XX.

An act making it the duty of Sheriffs, Coroners and Constables to serve all notices required to be given in proceedings at law or in equity.

Sheriff to serve notices.

Be 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 sheriff of every county in this State, by himself or his lawful deputy, to serve all notices that may be tendered or delivered to him, or that are or may be required to be given in any cause, motion or proceeding, either at law or in equity, as well for commencing as for proceeding in the same, until the same shall be ended; and in case the sheriff in any county in this State in which such notice is to be served, shall be a party or interested in the proceeding as aforesaid, that then it shall be the duty of the coroner of the county, for which said sheriff was appointed, to serve all such notices that are to him tendered or delivered.

In case the sheriff be interested, coroner to serve notice.

Constables' duty.

II. *Be it further enacted*, That it shall be the duty of all constables, in each and every county in this State, within their respective counties, or upon any bay, river, or creek adjoining their counties, to serve all notices that shall be to them tendered or de-

livered, which are or may be required by law to be given for commencing or prosecuting any cause before any justice of the peace out of court.

III. *Be it further enacted*, That the said officers shall serve the same by delivering a true copy thereof to the person to whom the same shall be delivered, if he be found in his county, or by leaving a copy thereof at the usual place of abode of such person, if in his county; and shall certify on the notice the time when said notice was served, or copy left at the place of abode; and such return shall be evidence of the service of the said notice as may be therein stated; and the said officers respectively shall deliver the said notice, with his return thereon, to the party, his attorney, or agent, at whose instance said notice issued, upon demand of the same.

Manner of serving notice.

IV. *Be it further enacted*, That any sheriff or coroner, neglecting to execute and return such notice, or making a false return thereon, shall be subject to the same action and penalties as for neglecting to serve or falsely returning process directed to him from the Superior Courts of Law of this State; to be prosecuted, recovered and applied as actions and penalties are directed to be prosecuted, recovered and applied for neglecting to serve or falsely returning process issued from the Superior Courts of this State; and any constable neglecting or refusing to execute and return such notices, or making a false return thereon, shall be subject to the same action and penalties, as for refusing or neglecting to serve, or falsely returning process or precepts directed to them from a justice of the peace out of court; to be prosecuted, recovered and applied as actions and penalties are directed to be prosecuted, recovered and applied, for refusing or neglecting to serve or falsely returning process or precepts issued from a justice of the Peace out of court.

Penalty.

V. *And be it further enacted*, That for executing every such notice, the said officers shall be entitled to the same fee as is allowed by law to a sheriff for serving a subpoena for a witness.

Fee.

VI. *And be it further enacted*, That nothing herein contained shall prevent any person from giving notice, and proving the same as heretofore directed.

Nothing to prevent notice as heretofore.

CHAPTER XXI.

An act to amend the second section of an act, passed in the year one thousand eight hundred and one, so far as regards salvage.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever, in any of the cases specified in the several sections of the act, entitled "an act to amend an act, entitled 'an act concerning wrecks, passed in the year one thousand eight hundred and one,'" a dispute shall arise touching the amount of the reward to be paid the persons employed in preserving a vessel, or its cargo, it shall be lawful for the owner of the goods or merchant interested, or their agent, to choose one indifferent person, and the commissioners or salvors to choose one other, who shall

In cases of dispute, arbitrators to be chosen.

If the arbitrators disagree, they may appoint an umpire; & if the adjustment be unsatisfactory, the award to be returned to Sup^r Court. Comm^r of wrecks to retain the am^t awarded by the referees.

adjust the same; and the said arbitrators, should they disagree, may appoint an umpire to adjust the same; that if such adjustment shall be unsatisfactory to either party, he shall declare his dissent; that thereupon the said award shall be returned to the next Superior Court of the county where the same was made; and it shall be competent for said court to cause the same to be re-examined, and to pronounce such judgment thereon as said court shall deem just; and that in the mean time, it shall be the duty of the commissioner of wrecks to retain in his hands, in order to satisfy said judgment, the amount awarded by the referees, or their umpire.

CHAPTER XXII:

An act in addition to the acts relative to weights and measures.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the several Courts of Pleas and Quarter Sessions within this State, which have not provided sealed weights, measures, stamps and brands, directed to be provided by the act of one thousand seven hundred and forty-one, entitled "an act for regulating weights and measures," forthwith to provide the same at the charge of their respective counties.

II. *And be it further enacted,* That after the said courts shall have complied with the foregoing requisition, then all the enactments heretofore made in relation to a standard keeper, and the causing of weights and measures to be examined, sealed, stamped, branded and tried, shall apply in the several counties of this State, and be enforced according to the weights and measures, which may be thus provided.

III. *And be it further enacted,* That the standard keepers of the several counties of this State shall hereafter keep the weights and measures, herein directed to be provided, at the court-houses of their respective counties.

CHAPTER XXIII.

An act prescribing upon what evidence the Public Treasurer shall receive the purchase money for vacant and unappropriated lands.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Public Treasurer of this State shall be, and he is hereby authorised and empowered to receive the purchase money for vacant and unappropriated lands in this State, upon a certificate of the Secretary of State, setting forth the number and date of the entry, and quantity of acres found by the surveyor to be vacant, being filed in his office; and it shall be the duty of the Secretary, on the warrants issued by entry takers' and surveyors' returns thereon being filed in his office, to make out a certificate accordingly.

II. *Be it further enacted,* That in all cases, where any enterer of vacant land shall be desirous of paying the purchase money for the same previous to having it surveyed, it shall be the duty

of the Treasurer to receive the same on the entry taker's certificate, as heretofore prescribed by law. survey in certain cases.

III. *Be it further enacted*, That this act shall be in force from and after its ratification; and that all laws and clauses of laws coming within the meaning and purview of the same, be, and they are hereby repealed. When to take effect. Repealing clause.

CHAPTER XXIV.

An act for the relief of persons who have made entries of land with entry-takers, or who have had lands surveyed by surveyors, who have not renewed their bonds agreeable to law.

Be 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 entries of land regularly made in the books of any entry-taker within this State, and all surveys regularly made by any surveyor within this State, who have not renewed their bonds agreeable to law, shall be as good and available in law and equity, as if the entry-taker, with whom the said entries were made, or the surveyor, who made the survey or surveys, had renewed his bond for the faithful performance of his duty as entry-taker or surveyor, agreeable to law; any law to the contrary notwithstanding: *Provided*, that this act shall not be so construed as to make good any entry made with any entry-taker or surveyor so failing, after the County Court shall have appointed a surveyor in consequence of such failure. Entries & surveys to be valid altho' the entry-taker or surveyor has not renewed his bond. Proviso.

CHAPTER XXV.

An Act to amend an act, passed in the year eighteen hundred and twenty-four, entitled, "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 Mountain turnpike road."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the subscribers to the stock of said company for opening that part of said road lying within the limits of this State, from the line of this State on the top of said mountain to the eleven mile tree, on Deep Creek, above Abraham Wiggins', instead of paying up their subscription in money, as now required by said act, be, and they are hereby authorised to discharge the same by labor, in making and constructing said road; and in making of which, the following shall be the conditions, to wit: The said road shall be cut out and cleared of all trees and stumps, at least twenty feet in width, and all side diggings to be at least twelve feet wide, and leaving the road at such places lower at the hill side than in the centre; all causeways to be twelve feet wide, and bridges, where necessary, at least fourteen feet wide, to be made of good, solid and durable timber, with hand-railing on each side; and the said road, when made, shall in no part exceed more in its elevation than one foot in eight: *And provided further*, that the Treasurer of this State shall not be called on for any part of the subscription authorised and directed to be subscribed by this State, until the said road is completed in the manner prescribed by this act, and shall have been Subscribers authorised to pay their subscription by labor. Conditions. Proviso.

received by the Commissioners appointed by the above recited act, so as to authorise the said company to erect their toll-gates; then and in that case the said sum of two thousand dollars shall be paid over to the commissioners of said road, or to some person specially appointed as an agent for the State, and by them or him to be paid to the different stockholders in proportion to the stock each may hold.

CHAPTER XXVI.

An act to amend an act, passed in the year one thousand eight hundred and twenty, entitled "An act to amend an act, entitled 'An act laying duties on sales at auction of merchandise.'"

In case of removal or death of commissioners to appoint other auctioneers

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any auctioneer for the towns of Wilmington and Newbern shall die, remove from said towns, or resign his appointment as auctioneer, it shall be lawful for the commissioners of said town to supply any vacancy, occurring as aforesaid, by a new appointment, which shall continue in force until the next annual appointment of auctioneers.

Auctioneers so appointed, to give the usual bond.

II. *And be it further enacted,* That it shall be the duty of the commissioners to take from the auctioneer so appointed, the usual bond, and to return the same to the Court of Pleas and Quarter Sessions which shall be held next after such appointment for the counties of New-Hanover and Craven.

When to take effect.

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

CHAPTER XXVII.

An act to amend an act, passed in the year one thousand eight hundred and twenty-six, entitled "An act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians."

Treasurer directed to pay surveyor, chain-bearers, &c.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Treasurer be, and he is hereby directed to pay to the surveyor, chain bearers, and other persons employed in surveying the Cherokee lands, the sums respectively due to them, as certified by the commissioners appointed under the act of one thousand eight hundred and twenty-six, entitled "an act prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians."

Repealing clause.

II. *Be it further enacted,* That so much of the above recited act, as directs the sale of the Cherokee lands at Waynesville, in Haywood county, be, and the same is hereby repealed.

CHAPTER XXVIII.

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

Preamble.

WHEREAS certain inconveniencies at this time exist in relation to the payment into the Treasury of purchase money for vacant lands;

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

Carolina, and it is hereby enacted by the authority of the same, That time shall be allowed, until the first day of January, eight hundred and twenty-eight, for the payment of purchase money into the Treasury, for the entry of lands, made in the year eighteen hundred and twenty-five; and such entries, for payment therefor, within the said time, shall be as good and valid, as if the said payment had been made before the fifteenth of December, one thousand eight hundred and twenty seven; any law or usage to the contrary notwithstanding.

Until the 1st Jan. 1828, allowed for the payment of purchase money.

CHAPTER XXIX.

An act to regulate the payment of the salary of the Public Printer, Treasurer and Clerk of the Treasury Department, and to prescribe the manner in which printing shall hereafter be done for the Departments of this State, and for the preservation of the public buildings.

Be 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 salary of nine hundred dollars, now allowed by law to the Public Printer of this State, shall be paid semi-annually in advance, upon his giving bond and security, payable to the Governor for the time being, and his successors in office, in the sum of two thousand dollars; which bond and security shall be approved of by the Governor, and by him so endorsed on the said bond; and which shall be conditioned that the said Public Printer shall do and perform the duties of Public Printer as they have been heretofore, or shall hereafter be prescribed by law, and which bond shall be filed with the Comptroller and by him safely kept.

Printer's salary, how to be paid.

Of printer's bond.

II. *Be it further enacted,* That the printing for the Legislature of each session hereafter, which is not now required by law to be done by the Public Printer for his salary, shall be done by the Public Printer, upon the order of either House; and for which he shall be paid a reasonable compensation, to be adjudged of, and allowed by the Governor, Secretary of State, Treasurer and Comptroller, who are hereby constituted a board for that purpose; and who, upon the allowance made for the services aforesaid, shall give a certificate for the amount, stating therein the several charges, and upon which the Treasurer shall pay the amount to the Public Printer.

Further regulating the printing for the Legislature.

Board for paying upon the printer's accounts.

III. *Be it further enacted,* That the Governor, Treasurer, Comptroller, and the Adjutant General of this State, are hereby authorised to have printed, for their several offices, such blanks, and other necessary printing, as may be suitable and proper to enable them to discharge the duties required of them by law; and the amount for which printing shall be reasonable and just, to be adjudged of and allowed by the Board aforesaid.

Public offices authorised to have printing done.

IV. *And be it further enacted,* That the salary of fifteen hundred dollars, now allowed by law to the Public Treasurer of this State, and the salary of five hundred dollars, allowed to the Clerk in the Treasury Department, shall hereafter be received and paid semi-annually.

Of the Treasurer's & his clerk's salaries.

V. *And be it further enacted,* That it shall and may be lawful for the Board aforesaid, at any time, when, in their opinion, the

Repairs to the public buildg

ings, &c. au-
thorised.

public interest shall require it, to employ persons to do and make such repairs to the public buildings and property as may be necessary to prevent their decay or injury for the want of repair; for which service a reasonable and just price shall be given, to be adjudged of and allowed by the said Board, and which shall be paid by the Treasurer, upon their certificate, containing a statement of the work and the prices for it which may be allowed.

Secretary to
purchase sta-
tionary.

VI. *And be it further enacted*, That the Secretary of State shall hereafter annually purchase, upon the best terms upon which the same can be procured, suitable stationary for the Executive Office and Departments, and for the use of the Legislature; a reasonable sum to purchase which shall be advanced by the Treasurer to the Secretary; the account for which, containing the quantity bought and the price, shall be adjudged of and allowed by the aforesaid Board, and filed with the Comptroller.

CHAPTER XXX.

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

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

Time for re-
gistering ex-
tend'd to with-
in 2 years after
the passage of
this act.

That all grants of land in this State, all deeds of mesne conveyance, powers of attorney, under which any lands, tenements or hereditaments have been, or may be conveyed, and all other powers of attorney, which are required to be proven and registered by any former act of the State; all bills of sale, deeds of gift already proved, all deeds of conveyance which are required to be proven, or which may hereafter be proven, shall and may, within two years after the passage of this act, be admitted to registration under the same rules, regulations and restrictions as heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift, shall be as good and valid as if they had been proven and registered within the time heretofore allowed by law; any law to the contrary notwithstanding: *Provided*, that nothing herein contained shall be construed to extend to mortgages or to deeds of conveyance in trust.

Proviso.

CHAPTER XXXI.

An act to amend an act, passed in the year one thousand eight hundred and twenty-three, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians."

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

Where the go-
ve'r suspects
the validity of
a title, he is to
employ coun-
sel in behalf
of the purcha-
ser from the
State.

That whenever the Governor for the time being shall have reason to believe that the title set up by any Indian (or person claiming under any Indian) to a reservation under the treaties of one thousand eight hundred and seventeen, and one thousand eight hundred and nineteen, is not a good and valid title, where the land so claimed has been sold under the authority of the State, and the purchaser has been sued, or shall be sued for the same, it shall be his duty to employ counsel to appear in behalf of such

purchaser from the State, to defend the title conveyed by the State; any law to the contrary notwithstanding.

CHAPTER XXXII.

An act to continue in force an act, passed at the last session of the General Assembly, entitled "an act to revive and continue in force an act, passed in the year one thousand eight hundred and twenty-four, to alter and amend an act for the relief of such persons as became purchasers of the Cherokee lands, sold under the authority of this State."

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

That the above recited act be, and the same is hereby continued in force until the next meeting of the General Assembly of this State; and that this act shall be in force from and after the ratification thereof. Continued in force till next Assembly.

CHAPTER XXXIII.

An act relative to the sales of the estates of infants.

WHEREAS doubts are entertained whether it is competent for any judicial authority in this State to direct sale to be made by guardians, of the real or personal estates of their infant wards, except in the cases specified in the acts of Assembly, passed in the year one thousand seven hundred and sixty-two, and in the year one thousand seven hundred and eighty nine; and whereas the best interests of infants sometimes demand that such sales should be made in cases to which the enactments of those acts do not extend; 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 it shall and may be lawful, on application of the guardian of any infant by bill or petition to a Court of Equity, setting forth facts, which, if true, shew that the interests of the infant would be materially and essentially promoted by the sale of any part of such infant's estate, real or personal, for the said Court to cause the truth of such facts to be ascertained, and thereupon to decree that a sale be made by such person, in such way, and on such terms, as the Court, in its wisdom, shall adjudge. Upon application of guardian, court may direct the sale of infant's estate, if infant's interest require it.

II. *And be it further enacted,* That no sale, made under a decree as aforesaid, shall be valid until the same shall be subsequently ratified by the Court ordering the sale; that no conveyance of title shall be made until the said Court shall order such conveyance; that the person to make the title, shall be designated by the Court; and that the proceeds of the sale shall be exclusively applied and secured to such purposes, and on such trusts, as the Court, when it ratifies the sale, shall specify and direct: *Provided always, and it is hereby enacted,* that whenever, in consequence of a sale as aforesaid, the personal or real estate of the infant is saved from demands to which, in the first instance, it might be liable, it shall be the duty of the Court to declare and set apart a portion of said personal estate, or real estate thus saved, of equal value to the real and personal estate sold as pro- Terms on which sale to be valid. Providg.

erty purchased by such sale; and in all instances of sale under this act, whereby real is substituted by personal, or personal by real property, the beneficial interest in the property acquired, shall be enjoyed, alienated, devised and bequeathed, and shall descend and be distributed as by law the property sold might and would have been, had it not been sold, until a valid disposition, according to the character thus impressed upon it, shall be made thereof by the equitable owner.

CHAPTER XXXIV.

An act to appropriate six thousand two hundred and thirty-two dollars for the purpose of improving the navigation of the Cape-Fear river below the town of Wilmington, 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 sum of six thousand two hundred and thirty-two dollars be appropriated out of the fund set apart for internal improvement, to the improvement of the navigation of the Cape-Fear river below the town of Wilmington, and to the payment and discharge of the debts which have been contracted in the prosecution of the public works on said river below the town of Wilmington.

Appropriation.

To be paid out of the fund for internal imp't.

Board of Int'l Imp't to contract for the completion of the work.

Board to take bond.

If contractor fail to complete work, Board to make another contract. Former contractor held liable.

II *Be it further enacted,* That the money appropriated by this act shall be paid out of the money set apart for internal improvement, as soon as the same may be available in the hands of the Treasurer; and it shall be the duty of the Board of Internal Improvement to contract, if they can, with some person or persons to complete the improvement of the navigation, as heretofore contemplated, for the aforesaid sum, with the use of the dredging machine, if such contract shall be made, and the said Board shall take bond, with ample security, payable to the Governor and his successors, for the faithful performance of the same; and if the contractor should fail to complete said improvement agreeable to his contract, then and in that case the Board shall contract, if they can, with some other person to finish the work; and the former contractor and his securities shall be held liable to pay such sum of money as will be necessary to complete said navigation.

CHAPTER XXXV.

An act respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee nation.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a commissioner be appointed by the Governor of the State, whose duty it shall be, at some time before the next session of the General Assembly, to meet at some convenient place in the county of Haywood, and inquire into the titles of certain tracts of land claimed by individuals of the Cherokee nation of Indians, under certain provisions made in the treaties concluded between the United States and the said nation, in the year one thousand eight hundred and seventeen, and one thousand eight

Commissioner to be appointed by the Governor to inquire into Indian titles to land.

hundred and nineteen; and that said commissioner be, and he is hereby authorised to contract with any of the said Indians, or with any agent or agents duly authorised by them, for the purchase of the tract or tracts to which the said commissioners shall believe the said Indians, or any of them, shall have a good and valid title, under the provisions of the said treaties, such contract to be made subject to the further ratification of the General Assembly.

Commissioner authorised to contract with Indians.

II. *Be it further enacted*, That it shall be the duty of the said commissioner to ascertain the fact, if practicable, whether the said Indians, or any of them, have sold their titles to individuals, and report the same to the next General Assembly.

Comm'r to ascertain whether Ind'ns have sold their titles to individuals.

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

To report his proceedings to the next Assembly.

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

Compensation

CHAPTER XXXVI.

An act prescribing the manner in which staves, heading and shingles shall hereafter be counted.

WHEREAS the present custom of counting staves, heading and shingles in some counties of this State, operates as a serious grievance to such persons as carry those articles to market where the custom prevails; 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 from and after the passage of this act, in the counting of staves, heading and shingles, whether by a regularly appointed inspector, or between the seller and purchaser, ten hundred shall be considered a thousand, and not twelve hundred, as is now the custom; the said custom, any law or usage to the contrary notwithstanding.

Ten hundred to be considered a thousand.

II. *And be it further enacted*, That if any person or persons shall disregard the provisions of this act, he, she or they shall be subject to a penalty of fifty dollars, to be recovered before any jurisdiction having cognizance thereof.

Penalty.

CHAPTER XXXVII.

An act to cede to the United States a point of Marsh on the south side of Neuse river, for the purpose of erecting thereon a light house.

WHEREAS the United States, in Congress assembled, have passed an act, authorising the erection of a light house upon a point of marsh on the south side of Neuse river, and have, by deed, bearing date the twelfth of May one thousand eight hundred and twenty-seven, and which has been duly proven and registered in the proper

Preamble.

office of Craven county, purchased of Joseph Nelson a small tract of land, hereinafter mentioned, for the purpose aforesaid; now, therefore,

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

Describes the
land ceded.

That all that piece or parcel of land, situate, lying and being in the county of Craven, beginning on the extreme point of marsh on the south side of Neuse river, running along the edge of the marsh on the sound side south sixty-five degrees, east forty poles, thence across the marsh south fifty-five, west sixty-eight poles to Neuse river, thence along the various courses of the river to the first station, containing by estimation eight acres, be ceded and vested in the United States of America; and the said United States shall and may have and exercise sole and exclusive jurisdiction over the said territory and every part thereof, so long as they shall choose to hold and occupy it for the purposes herein specified: *Provided*, that nothing herein contained shall be construed to prevent the proper officers of this State from executing any process, civil or criminal, within the limits of said territory.

Proviso.

CHAPTER XXXVIII.

An act concerning the tax to be paid by persons peddling on certain waters.

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

Articles taxed

Waters specified.

Amount of tax

Proviso.

That any person who shall peddle goods, wares or merchandise, not the growth or manufacture of this State, except vegetables or other provisions of the produce of the United States, on the south side of Albemarle Sound, and the waters emptying therein, (Roanoke and Cashie excepted,) shall pay to the sheriff of each and every county in which he may so peddle, the sum of five dollars annually, as a tax to the State; to be levied, collected and accounted for as other public taxes: *Provided, however*, that nothing in this act contained shall be construed to extend to persons peddling on the land; but only to those who may peddle on the waters south of those aforesaid.

Repealing
clause.

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

CHAPTER XXXIX.

An act for the relief of Clerks of Courts and Clerks and Masters in Equity.

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

Clerks exempted from the penalties of the act of 1823, relative to agriculture, &c.

Granted a further time to

That no Clerk of any of the County Courts, Superior Courts of Law, Clerk and Master in Equity, or Clerk of the Supreme Court, in this State, shall be subjected to the penalties prescribed by an act, passed in the year one thousand eight hundred and twenty-three, entitled "An act to amend and extend the provisions of an act to promote agriculture and family domestic manufactures within this State," who shall account for, and pay into the Treasury, on or before the first day of March next, all such

monies as, by the provisions of the before recited act, he was bound to have paid on or before the first day of December, in the present year; any law to the contrary notwithstanding.

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

pay the monies required by said act.

When to take effect.

CHAPTER XL.

An act to amend an act, passed in the year one thousand seven hundred and seventy-seven, entitled "An act to establish Courts of Law, and regulate the proceedings therein."

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

That any person surrendered to the sheriff after the return Court, or who shall be committed to the custody of the sheriff upon a surrender in Court, shall have liberty, at any time before final judgment rendered against him, her, or them, to give other bail; and it is hereby declared to be the duty of said sheriff to take the same, and return the bail bond to the succeeding Court; and in case the sheriff shall fail or neglect to take such bail, or the bail returned be held insufficient, on exceptions taken and allowed the same term to which such bail bond shall be returned, the sheriff having due notice thereof, he shall be deemed and taken as special bail.

Case in which person arrested may give other bail.

Duty of Sheriff.

Consequence of failure.

CHAPTER XLI.

An act supplementary to the acts relative to the power of Courts of Equity in cases of partition.

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

That whenever a Court of Equity shall order the sale of real estate belonging to joint tenants, tenants in common, or tenants in coparcenary, the Court, at their discretion, may direct such sale to be made on the premises, or at any place within the county where such estate is situated: *Provided always,* that when the order of sale shall contain no such direction, sales shall be made at the places as prescribed by the existing laws.

CHAPTER XLII.

An act to continue in force an act, passed in the year one thousand eight hundred and twenty-three, entitled "An act directing a geological and mineralogical survey to be made of the State of North-Carolina."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act, the title of which is above recited, be, and the same is hereby continued in full force for one year from and after the passage of this act.

CHAPTER XLIII.

An act prescribing the duty of the Committee of Finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Committee of Finance appointed by each succeeding annual General Assembly, in entering upon

their duty of the Finances of the State, to ascertain the full amount of money in the Treasury Department by counting the money, and report the amount to each branch of the General Assembly.

CHAPTER XLIV.

An act supplementary to the several acts now in force for the relief of insolvent debtors.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,
 That whenever any debtor shall file a schedule of his or her effects, in pursuance of the several acts of Assembly passed for the relief of insolvent debtors, all debts and demands due to such debtor, and set forth and described in said schedule, shall vest in the sheriff of the county where such schedule may be filed; and such sheriff is hereby authorised and required to sue for and collect the same in his own name; and the monies so collected shall be distributed among the creditors of said debtor, under the regulations, rules and restrictions now prescribed by law; any law or usage to the contrary notwithstanding.

Whenever a debtor files a schedule, all debts due to him shall vest in the sheriff.

Sheriff to collect the same.

Monies so collected to be distributed among the creditors.

CHAPTER XLV.

An act supplemental to an act, passed at the present session of the General Assembly, entitled "an act to alter an act, entitled 'an act to amend the fourth section of an act, passed in the year one thousand eight hundred and four.'"

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,
 That the provisions of the above recited act be, and they are hereby declared to continue in force to the end of the present session of the General Assembly of this State; any law to the contrary notwithstanding.

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

CHAPTER XLVI.

An act to amend the different acts of the General Assembly concerning Dower:

Be 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, a jury, summoned for the purpose of assigning dower to a widow, shall not be restricted to assign the same in every separate and distinct tract of land, of which her husband may die seized and possessed; but may allot to her her proportion of the whole in one or more tracts, having a due regard to the interest of the heirs, as well as the rights of the widow.

Jury not restricted to assign dower in every separate tract of land.

CHAPTER XLVII.

An act to extend the provisions of an act, passed in the year one thousand eight hundred and twenty-two, entitled "An act granting further time to perfect titles to lands within this State."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,
 That the provisions of the above recited act shall be extended to the first day of January, one thousand eight hundred and twenty-nine; any law, usage or custom to the contrary notwithstanding.

CHAPTER XLVIII.

An act to provide more effectually for the representation of the stock of the State,
held in the State Bank of North-Carolina.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,
That the Governor, Secretary and Comptroller, for the time being, be, and they are hereby authorised, annually, to appoint a suitable person, not a stockholder, to attend the annual meetings of the stockholders of said bank, and give the vote of the State in the appointment of directors, and represent the interest of the State in said annual meetings, and all other general meetings of the stockholders of said bank; any law or usage to the contrary notwithstanding.

Read three times and ratified in General }
Assembly, the 7th day of Jan. 1828. }

THOS. SETTLE, S. H. C.
B. YANCY, S. S.

A true copy.

WM. HILL, *Secretary.*



PRIVATE ACTS.

CHAPTER XLIX.

An act to incorporate the Nashville Male and Female Academies.

Be 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 Boddie, John H. Drake, sen. Henry Blount, James S. Battle, Amos J. Battle, Nicholas J. Drake, Isaac Williard, jr. Archibald Lamon, John Ricks, Isaac Sessums, James N. Mann, Samuel W. W. Vick, Bartholomew F. Moore, Edwin D. Whitehead, Bennet Bunn, Doctor John H. Drake, Jesse H. Drake, William Willis Boddie, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known by the name and style of "The Trustees of the Nashville Male and Female Academies," and by that name may have perpetual succession; and shall be able and capable in law to acquire, hold and possess any lands and tenements, goods, chattels and money that may be purchased by them, or may be given or granted 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 the gift; may sue and be sued, plead and be impleaded in any Court of Law or Equity in this State; shall have power to appoint other and more trustees to fill the place of those who may die, remove, resign, or become incapable of acting; and establish such laws and regulations for the government of said institutions, 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 other acts and things as are incident to, and usually exercised by bodies politic and corporate.

II. *And be it further enacted, That five of said trustees shall be a number sufficient to form a quorum and transact business.*

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: Provided nevertheless, that the repealing of said acts shall not divest the corporation of any property already acquired, under its corporate capacity; but that all the possessions of said institutions, heretofore acquired, by virtue of any capacity to possess, hold or enjoy property, be, and the same are hereby vested in the corporation created under this act.*

CHAPTER L.

An act to incorporate the Cotton Plant Steam Boat Company, 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 Duncan Thompson, of the town of Fayetteville, and such other persons as he may hereafter associate with him, shall be, and are hereby created, constituted and declared to be a body corporate and politic in fact and in name, by the name of the "Cotton Plant Steam Boat Company;" and by that name, he and they, and their successors, may and shall have a perpetual succession, and shall be in law capable of suing and being sued, answering and being answered, defending and being defended, in all Courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure.

II. *And be it further enacted, That the capital stock of said company shall consist of thirty thousand dollars, divided into shares of one hundred dollars each.*

III. *And be it further enacted*, That the said company shall and may, in addition to steam boat "Cotton Plant," and her tow boats, now employed on Cape Fear river, build one or more steam boats, with their necessary tow boats, to be employed in the same navigation, and shall be capable in law of holding land in the towns of Fayetteville and Wilmington, and on said river, for the erection of wharves and warehouses requisite for the landing and storing of articles conveyed in said boat.

IV. *And be it further enacted*, That the said company shall have power and authority from time to time to make all necessary rules, regulations and bye-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and laws of this State, or of the United States, providing therein for the appointment of the officers and managers of said company, the disposition and transfer and mode of representation of stock, the establishing the rates of freight, and all other matters necessary to carry into effect the objects of their incorporation.

V. *Be it further enacted*, That this act shall be in force from and after the first day of January, one thousand eight hundred and twenty-eight, and shall continue in force twenty-one years, and no longer.

CHAPTER LI.

An act to incorporate the town of Lexington, in the county of Davidson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the citizens resident in the town of Lexington, in the county of Davidson, on the first Thursday in February next, and on the first Thursday in each and every year thereafter, to elect five persons to act as commissioners of said town for the term of one year from the time of said election: *Provided*, that no one shall be deemed eligible to the appointment of commissioner, unless he has resided in said town for six months immediately preceding his election, nor unless he is, at the time of his election, and has been, for six months previous thereto, seized and possessed, in fee simple, of at least one lot or part of a lot within the limits of said town; nor shall any one be entitled to vote for such commissioners unless he has attained the age of twenty-one years, has paid public tax, and has been a resident of said town for six months immediately preceding the day of election.

II. *And be it further enacted*, That it shall and may be lawful for any one, or more justices of the peace, residing in said town, to hold the election for commissioners, and to determine who, and what persons are duly elected.

III. *Be it further enacted*, That the commissioners elected by virtue of this act, or a majority of them, shall have power to appoint a magistrate of police, a town treasurer and constable; and also have power to pass and adopt all such bye-laws, rules and regulations, as they, or a majority of them, may deem necessary, for the good order and government of said town: *Provided* the same shall not be inconsistent with the constitution and laws of this State, or of the United States.

IV. *Be it further enacted*, That said commissioners, or a majority of them, should they deem it necessary, are hereby authorised and empowered, annually, on or before the tenth of March, in each and every year, to lay a tax, not exceeding twenty five cents, on all taxable polls residing in said town, and a tax, not exceeding ten cents, on every hundred dollars worth of town property within the limits of the same; which tax, when collected, shall be ap-

plied to the improvement and repair of the streets of said town, and to such other purposes as said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

V. *Be it further enacted*, That it shall be the duty of the town constable, when required by said commissioners, or a majority of them, to collect from each individual the amount of tax imposed on him, or his property, by said commissioners, and shall, immediately on the receipt thereof, or within days, pay the same over to the town treasurer, who shall hold the same subject to the order of said commissioners, or a majority of them; and for the purpose of enabling the town constable effectually to collect said tax, he is hereby authorised and empowered to have, use and exercise all lawful ways and means, which are usually had, used and exercised by the several sheriffs in this State in the collection of the public revenue, whether it be by distress, warrant or otherwise.

VI. *Be it further enacted*, That it shall be the duty of each person residing in said town, to deliver to the magistrate of police, on or before the first day of March, in each and every year, a statement, on oath, of the number of taxable polls for which he or she, by virtue of this act, is bound to pay town tax; and also the statement of the value of all town property, which he or she may own within the limits of said town; and any person failing to give the statement as above required, shall incur a forfeiture of five dollars, to be recovered in the name of said commissioners, by warrant before any justice of the peace in and for the county of Davidson; to be applied by said commissioners in the same manner which the taxes herein before mentioned are directed to be applied.

VII. *Be it further enacted*, That it shall and may be lawful for said commissioners, or a majority of them, to appoint a patrol, which shall consist of all white males of said town, between the age of twenty-one and fifty years; which patrol, when so appointed, the said commissioners, or a majority of them, are hereby authorised and empowered to divide into as many companies as they may think proper, and to compel each company, by turns, to patrol said town, at such time and as often as they, or a majority of them, may think necessary.

VIII. *Be it further enacted*, That if any person appointed patrol as above, shall refuse to act, he shall forfeit and pay the sum of five dollars; which said fine may be recovered before any justice of the peace of said county, in the name of the commissioners, and be applied by them to the use of said town.

IX. *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 LIII.

An act to incorporate the Henrietta Steam Boat Company, 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 Horatio G. Nelson, and Benjamin Rush, of the town of Fayetteville, and Doyle O. Hanlon, of the town of Wilmington, and such other persons as they may hereafter associate with them, shall be, and are hereby created, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the Henrietta Steam Boat Company; and by that name they and their successors may and shall have a perpetual succession, and shall be in law capable of suing and being sued, answering and being answered, defending and being

defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure.

II. *And be it further enacted*, That the capital stock of said company shall consist of thirteen thousand dollars, divided into shares of one hundred dollars each.

III. *And be it further enacted*, That the said company shall and may, in addition to the steam boat Henrietta and her tow boats now employed on Cape Fear river, build one or more steam boats, with their necessary tow boats, to be employed in the same navigation, and shall be capable in law of holding land in the towns of Fayetteville and Wilmington, and on said river, for the erection of wharves and warehouses requisite for the landing and storage of articles conveyed in said boats.

IV. *And be it further enacted*, That the said company shall have power and authority, from time to time, to make all necessary rules, regulations and bye-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and laws of this State, or of the United States, providing therein for the appointment of the officers and managers of said company, the disposition and transfer and mode of representation of stock, the establishing the rates of freight, and all other matters necessary to carry into effect the objects of their incorporation.

V. *Be it further enacted*, That this act shall be in force from and after the passage thereof, and shall continue in force for twenty-one years, and no longer.

CHAPTER LIII.

An act to authorise the commissioners therein named to purchase a site for a new Court House in the county of Bladen, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William H. Beatty, Isaac Wright, Thomas Smith, James Smith and David Lloyd, be, and they are hereby appointed commissioners, with authority to purchase (provided the Court of Pleas and Quarter Sessions of the county of Bladen shall so direct them) a suitable site, within the limits of the town of Elizabeth, whereon to erect a new Court House, together with as much ground adjoining thereto, or one or more lots, as they may think necessary for the public use and convenience; for which they shall take a good and sufficient title in fee simple, executed to themselves as commissioners, for the benefit of the county.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorised and empowered, (should it be deemed necessary by the Court of Pleas and Quarter Sessions of the county of Bladen,) to expose to public sale, at such time and upon such terms, first advertising the same for one month, as to them may seem most advisable, the Court House, and lot on which it stands, in the town of Elizabeth; the proceeds of said sale to be paid over by the said commissioners to the Treasurer of Public Buildings of said county, for the use of the county.

III. *And be it further enacted*. That the said commissioners, or a majority of them, are hereby authorised and empowered to execute to the purchaser or purchasers of the said lot and Court House, a good and sufficient title in fee simple, upon the said purchaser or purchasers first complying with the terms of the sale, as agreed upon and established by the said commissioners.

IV. *And be it further enacted*, That such expenses as may be incurred in carrying into effect the provisions of this act, be paid out of the county funds, as the Court of Pleas and Quarter Sessions of said county may direct.

CHAPTER LIV.

An act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That each and every person whatever, owning or using a seine for the purpose of catching fish in the waters between Black Walnut Point, at the mouth of Chowan river, and the mouth of Roanoke, or 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 be recovered in any court of record by any person who shall first sue for the same, one half for the use of the informer, and the other half for the poor of the county, and shall be further liable to an 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.

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 LV.

An act to establish Oak Forest Pleasant Grove Academy, in the county of Wake.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William B. Dunn, Jesse Powell, John Ligon, Jeremiah Dunn, Burrel Perry, Dempsey Powell, Cyrus Whitaker, William P. Ferral and William Roles, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of "the Trustees of Wake Forest Pleasant Grove Academy, in the county of Wake," and by that name shall have perpetual succession and a common seal, and shall be vested with all the powers and authorities which are usually given to the trustees of other academies, established by the laws of this State.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to supply all vacancies that may occur in their body, from death, resignation, removal or otherwise.

CHAPTER LVI.

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

Be 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 for the county of Sampson which shall be holden after the first day of April next, a majority of the justices of the county being present, the justices of the said court are hereby required to arrange themselves into convenient classes, of five persons in each, for the purpose of holding the said court respectively in such manner as is directed by this act.

II. *And be it further enacted*, That it shall be the duty of the first class of justices, or a majority of them, arranged as aforesaid, to hold the first term of the said court under this act, in the county aforesaid; and the second class 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 to give notice to each of said justices of the time when, under this act, they may be required to hold their courts respectively.

III. *And be it further enacted*, That the justices appointed under this act to hold the said County Courts, shall be competent to do and perform any matter or thing, and exercise all the power and authority, which, by the existing laws of this 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. *And be it further enacted*, That if it should so happen that three of the five justices appointed under this act to hold the said court as aforesaid, shall 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 justice 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 this State.

VI. *And be it further enacted*, That the docket shall be taken up on Monday of each jury term, and pursued on regularly till concluded; and the said court, immediately before its adjournment, shall cause the minutes of that term to be read, and rectify any errors in the same.

VII. *Be it further enacted*, That at May term, in each and every year, when a majority of the justices are present, to elect a sheriff: if, after said election, any justice shall openly object to the bonds taken from the sheriff so elected, he may order the clerk to enter his protest in the following words: "I, A. B. do protest against the bonds of C. D. elected sheriff of Sampson county for this year, which bonds I deem insufficient;" and such protest so entered, shall free him from all liability from the acceptance of said bonds.

VIII. *And be it further enacted*, That the said justices so arranged, according to the provisions of this act, shall receive from the clerk, at the close of each term, a certificate of attendance, which will entitle them to receive the same pay per day as jurors are now by law allowed, to be settled under the same restrictions.

IX. *And be it further enacted*, That the justices who may hold the court of February term, shall, at said term, lay the county tax, and the clerk of the said court shall post the same in some conspicuous part of the court room; and the said clerk shall also hand the same to the justices who shall

hold the Court, when by law the sheriff is to be chosen; and if a majority of the justices composing said court do not approve of the tax, they may amend the same.

X. *And be it further enacted*, That it shall be the duty of the Sheriff of Sampson county to post up in the Court House at each February term a list of the unlisted property of the preceding year.

XI. *And be it further enacted*, That on every appointment of constable under the existing law, the justices shall take bond and security from the constable appointed for the due and faithful discharge of his duties.

XII. *And be it further enacted*, That no allowance shall in any case be made for extra services by the Court of Pleas and Quarter Sessions, unless a majority of the justices be present; any law, usage or custom to the contrary notwithstanding.

CHAPTER LVII.

An act to establish and regulate a turnpike road in 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 William M. Davidson, John M. Henson, John Wikle, Kedder Boon, William Maudy, Joshua Allison and John M. Chambers, or any four of them, be, and they are hereby appointed commissioners for receiving subscriptions to the amount of three thousand dollars, for the purpose of laying out and making a turnpike road from William M. Davidson's, on Jonathan's creek, in Haywood county, through the Cataloocha mountains, to the Tennessee line; which subscriptions shall be received by said commissioners, or any four of them, until the first day of April next, or until the aforesaid sum of three thousand dollars shall have been subscribed, at which time the subscribers shall meet at Waynesville, and organize the company; and shall from thenceforth, they, their heirs and assigns, be, and they are hereby declared to be incorporated into a company, by the name of "the Cataloochy Turnpike Company;" and may, as such, sue and be sued, plead and be impleaded, have perpetual succession and a common seal, and all other corporate rights necessary for the objects of the company.

II. *Be it enacted*, That upon the organization of the company, as heretofore directed, the stockholders shall proceed to elect a President and four Directors out of their own body, to whom the management of the affairs of the company shall be entrusted until the first Monday in January then next ensuing; at which time, and annually thereafter, there shall be a new election in like manner.

III. *Be it enacted*, That the capital stock of the company shall be divided into shares, of twenty dollars each; and in the election of officers, each stockholder shall be entitled to one vote for every share of stock he may own.

IV. *Be it enacted*, That the President and Directors, elected annually as aforesaid, shall have power to mark out the line of road; to make contracts for clearing out the same; to appoint toll gatherers, a treasurer and clerk; and to make all such bye-laws for the proper regulation of the company, as they may deem necessary, not inconsistent with the constitution and laws of this State.

V. *Be it enacted*, That each President and Director shall, before entering upon the duties of his office, take an oath before some justice of the

peace, which shall be recorded in the books of the company, that in designating the line of road, he will lay it off on the best ground the intervening country will afford, and in all things appertaining to his appointment, discharge his duty to the best of his knowledge and ability.

VI. *Be it enacted,* That the road, when marked out by the President and Directors, shall be opened and improved agreeably to the following specifications, to wit: Sixteen feet in width, clear of all stumps and runners or other obstructions, except when side cutting may be necessary, and in such cases twelve feet in width; bridges to be constructed where they may be necessary, ten feet in width, and the inclination no where to exceed one foot perpendicular to eight feet horizontal, and recourse shall be had to this steepness as seldom as possible.

VII. *Be it further enacted,* That whenever, in the course of two years, the President and Directors, appointed in pursuance of this act, shall make it appear to the satisfaction of the Superior Court of Haywood county that the road is completed agreeably to the specifications contained in the sixth section of this act, an entry thereof shall be made upon the records of said court; and from thenceforth the said company, as a consideration for making and keeping in repair said road, shall be entitled to demand and receive the following tolls for the term of twenty years, to wit: From each traveller on horseback, twelve and a half cents; loose horses and mules, six and a fourth cents each; beef cattle, six and a fourth cents each; hogs and sheep, one cent each; road waggons and pleasure carriages, one dollar each; and on all vehicles of any other description, fifty cents each.

VIII. *And be it further enacted,* That should the trust confided in this company be abused, by neglecting to keep the road in repair, the Superior Court of Haywood shall have power, upon the finding of the fact by a jury, to suspend the right of the company to receive tolls for a term not exceeding three months; and upon two successive findings by a jury of this fact in the same year, to declare their charter vacated.

CHAPTER LVIII.

An act to explain and amend the several acts of Assembly concerning the poor house in the county of Beaufort.

WHEREAS doubts are entertained whether by the act of Assembly, passed in eighteen hundred and eighteen, chapter 104, entitled "An act to authorise the wardens of the poor to build a poor house in the county of Beaufort, and to regulate the same, and for other purposes," the wardens of the poor were authorised to purchase and hold lands as a body politic and corporate, and whether the said act was not repealed by the act of Assembly, eighteen hundred and twenty-six, entitled "An act to amend an act, passed in the year eighteen hundred and eighteen, entitled 'An act to authorise the wardens of the poor to build a poor house in the county of Beaufort, to regulate the keeping of the same, and for other purposes:'"

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 is hereby declared to be the intent and meaning of said acts that the wardens of the poor for the county of Beaufort are and were authorised and empowered by the said acts to purchase real estate for the purposes mentioned in said act of Assembly, passed in the year one thousand eight hundred and eighteen, and to hold the same in perpetual succession.

II. *And be it further enacted*, That the wardens of the poor aforesaid, and their successors in office, be, and they are hereby created a body politic and corporate, by the name of "the Wardens of the Poor for the county of Beaufort," for all the purposes mentioned in the act of Assembly, passed in the year one thousand eight hundred and eighteen aforesaid; and that they shall and may have, hold and maintain on their lands a poor house.

CHAPTER LIX.

An act to incorporate St. John's Lodge, in the county of Lenoir.

Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members of St. John's Lodge, in Kinston, Lenoir county, No. 96, and their successors, are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of "St. John's Lodge, No. 96;" and by that name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such bye-laws and regulations for their own government as shall not be inconsistent with the constitution and laws of the State or of the United States.

CHAPTER LX.

An act to authorise the securities of Edward Griffin, late sheriff of Martin county, to collect the arrearages of taxes for 1825 and 1826.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Gabriel L. Stewart, Alfred M. Slade, and Benjamin F. Slade, securities for Edward Griffin, late sheriff of the county of Martin for the years 1825 and 1826, be, and they are hereby authorised to collect the arrearages of taxes due for the years 1825 and 1826, according to the rules and regulations now in force for the collection of taxes by sheriffs in office: *Provided*, that said securities shall not collect any part of said arrears, unless they be compelled by law to pay money for said Griffin, and then collect only so much as will indemnify them for the money they may pay: *and provided further*, that no collection of taxes shall be made under this act from the estates of persons who have died since the said taxes were due, or from such persons as have moved from the county, or will make oath they have paid said taxes and lost their receipts.

II. *And be it further enacted*, That the said securities shall, at the next December Court, held for the aforesaid county of Martin, make a return, on oath, to James L. G. Baker, Lawrence Cherry and Samuel Hyman, of all monies by them received under this act, who shall take an account of the same, and apply it to the use aforesaid, and no other.

CHAPTER LXI.

An act to alter the name of John M. Williams, of Edgecomb county, and to legitimate him.

Be 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, John M. Williams, of Edgecomb county, an illegitimate son of Willie Griffin, shall be known and called by the name of John M. Griffin; and by that name may sue and be sued, plead and be impleaded and receive and take property by descent or distribution.

II. *Be it further enacted*, That the said John M. Williams be, and he

herely declared legitima e. and capable in law to take and inherit property as heir to the aforesaid Willie Griffin, in as full and ample a manner as if he had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER LXII.

An act to alter the dividing line between the first and second regiments of the militia of Guilford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That the dividing line between the first and second regiments of the militia of Guilford county, shall run along the Great Western Road leading from Hillsborough to Salem, commencing on the east of Greensborough where the present regimental line leaves said road, and running thence along said road, through Greensborough, to the place where the present regimental line comes to said road west of Greensborough; and all that part of said road which lies between the regimental line heretofore established and the line hereby established, shall belong to the first regiment of Guilford militia; and that all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

CHAPTER LXIII.

An act to appoint a Committee of Finance for the county of Surry.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That Samuel Spicer, Matthew M. Hughes and Meshac Franklin, be, and they are hereby appointed a Committee of Finance for the county of Surry, 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 and county trustee, and all other receivers of monies belonging to said county; and the said committee is hereby authorised and empowered to call on all such receivers of monies belonging to the county of Surry, 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 said Committee of Finance to make a full investigation of all the financial concerns of the county from the year one thousand eight hundred and fifteen, 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, sheriffs, county trustee, or any other person indebted, 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 five 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 five hundred dollars, to be recovered of such persons 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, shall, previous 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 Surry, 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 said committee, to institute a suit or suits 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 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 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 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 accounts.

VII. *And be it further enacted*, That 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 or otherwise, 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 LXIV.

An act to incorporate the North-Carolina Institution for the instruction of Deaf and Dumb.

WHEREAS certain individuals in this State have associated themselves together, under the name of the North Carolina Institution for the instruction of deaf and dumb, for the purpose of establishing an asylum for the reception and instruction of such unfortunate persons in this State as may belong to that description; and they being desirous that this Legislature should extend to them the powers and privileges of a body corporate and politic: therefore,

Be it enacted by the General Assembly of the State of North-Carolina,

and it is hereby enacted by the authority of the same, That the present and future members of the North-Carolina Institution for the instruction of deaf and dumb, be, and they are hereby constituted a body politic and corporate, by the name and style of "The North-Carolina Institution for the instruction of deaf and dumb;" and by that name shall have perpetual succession and a common seal; may acquire, hold and possess, sell and transfer estate, real and personal; may sue and be sued, plead and be impleaded, answer and be answered, and generally do, exercise and perform all the powers and privileges usually exercised and performed by bodies politic and corporate in this State.

II *Be it further enacted*, That power is hereby granted to the members of the Institution aforesaid to make and establish such bye-laws and regulations for their government, and that of their officers and agents, as they may deem necessary and proper, the same being not inconsistent with the constitution and laws of this State, or of the United States.

CHAPTER LXV.

An act to compel inspectors of fish, naval stores, lumber, and all other kinds of produce, to work on roads and perform military duty, so far as regards 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 passing of this act, all inspectors of fish, naval stores, lumber, and all other kinds of produce, shall be compelled to work on roads and perform military duty, so far as regards the county of Carteret, any law, usage or custom to the contrary notwithstanding; *Provided nevertheless*, that the inspectors shall not be compelled to perform the duties above mentioned, when they are actually employed as inspectors.

CHAPTER LXVI.

An act prescribing the time for the sale of land and slaves within 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 all sales of land, by the sheriff of Ashe county, in pursuance of executions issued from the courts of this State, shall hereafter be made on the Mondays of the weeks in which the County and Superior Courts for said county are held; and for want of bidders on said days, on Tuesdays of said week, and at no other time.

II. *Be it further enacted*, That sales of lands on Monday or Tuesday of the week of any County Court in said county, by virtue of executions issued from the immediately preceding term of said court, shall be good and valid in law.

III. *And be it further enacted*, That the sales of slaves by the sheriffs, constables or other officers of Ashe county, made according to the existing regulations for such sales, and on Mondays or Tuesdays of the week in which the Superior Courts for said county are held, shall be legal and valid; any law to the contrary notwithstanding.

CHAPTER LXVII.

An act empowering the commissioners of the town of Halifax to sell to Lemuel Long a certain strip of land of the commons of said town.

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

sioners of the town of Halifax are hereby authorised and empowered to sell and convey to Lemuel Long, in fee simple, all that strip of land of the town commons, lying between the lot number one hundred and thirty and the western boundary line of said town, or any part thereof that was contained in Marast's enclosure: *Provided*, that the said Lemuel Long pay to the said commissioners, for the said strip of land, a price at the same rate for which the lot number one hundred and thirty was sold to Gavin Hogg, Esq. the original purchaser.

II. *And be it further enacted*, That this act is hereby declared to be in full force after the passage of the same.

CHAPTER LXVIII.

An act to establish a Poor House in the county of Pasquotank.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the wardens of the poor for the county of Pasquotank, at the first court which may be held in that county after the first day of August next, to make application to the Court of Pleas and Quarter Sessions for said county, and it is hereby made the duty of the said court, a majority of the acting justices being present on the bench, to lay a tax not exceeding twenty cents on every poll, and ten cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes, for the purpose of purchasing a suitable site, and erecting necessary buildings for the reception of the poor of said county; which tax shall be collected and accounted for, with the wardens of the poor of said county, under the same rules, regulations and restrictions as are now prescribed by law, for the collection of the poor taxes; and which tax shall be continued from year to year, until a sufficient sum shall be raised to accomplish the object of this act.

II. *And be it further enacted*, That the justices of the said court shall, at the first Court of Pleas and Quarter Sessions which shall be holden in said county after the first day of August next, appoint five commissioners, who shall have full power and authority to purchase a tract of land, in the county aforesaid, not exceeding two hundred acres, and take a good and sufficient title in fee simple to the wardens of the poor of the county of Pasquotank, and their successors in office, for the use of the poor of said county; and it shall be the duty of the wardens of the poor of said county, as soon as a sufficient sum shall be raised for that purpose, to erect, under the inspection of the commissioners aforesaid, or a majority of them, suitable buildings on the aforesaid tract of land, for the reception of the poor of said county; under which denomination shall be comprehended all such poor persons of either sex as shall be adjudged by the wardens incapable from infancy, old age, or infirmity to procure subsistence for themselves; and the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated, and provided with suitable diet, clothing and fuel, and to enforce such regulations as may be established from time to time for the well ordering and governing of said poor; which regulations the said wardens are hereby empowered to make; and the overseer shall be allowed for his services for each year such sums as the wardens shall deem adequate for his services, to be paid out of the taxes paid for the support of the poor of said county.

III. *And be it further enacted*, That the said overseer shall keep at mo

derate labor, either in the cultivation of the lands, purchased as aforesaid, or in the performance of such mechanical operations, according to the ability of said pauper, all such of the poor under his direction as shall be capable of labor, and shall keep a regular account of his receipts and disbursements, and the profits arising from the labor of said poor, which he shall annually return on oath to the wardens of the poor of said county.

IV. *And be it further enacted* That the said wardens of the poor shall annually, at the first Court of Pleas and Quarter Sessions which shall be holden after the first day of August, in each and every year, return to the said court an account current of their receipts and disbursements, including therein an accurate account of the nett proceeds arising from the labor of the poor under their care, the amount of taxes laid for the support of the establishment, and the expense of building and repairing said poor house; and it shall be the duty of the clerk to file said account in his office, and to set up a copy thereof in some conspicuous part of the court room; any law or usage to the contrary notwithstanding.

CHAPTER LXIX.

An act to alter the place of holding 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 the Hunting Quarter and Cedar Island companies of infantry shall hold their battalion musters at Jack Styron's old field, in the Hunting Quarter district, Carteret county; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXX.

An act to keep open the Tuckasegee river, the Tennessee river, and their tributary streams, in 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 all persons having dams, or that may hereafter erect dams upon the Tuckasegee river, in the county of Haywood, from the mouth thereof up to the main forks above the mouth of Caney Fork, and upon the Tennessee River, from the mouth of Sugar Town Fork to the Georgia line, and upon the Catugajj creek, from the mouth thereof up to captain John Moore's mill dam, shall be required so to construct their dams, that one fourth of the whole width of the said rivers and one third of the whole width of said creek shall be kept open and free for the passage of fish from and after the first day of April next, under the penalty of ten dollars for every day such obstruction shall be continued, to be recovered by any person suing for the same, before any jurisdiction having cognizance thereof, one half to the use of the person suing for the same, and the other half to the poor of said county.

CHAPTER LXXI.

An act to secure to Sarah Tilley, of Wilkes county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That Sarah Tilley, of Wilkes county, wife of Edmund Tilley, be, and she is hereby entitled to hold, possess, and enjoy, in her sole right, any estate, either real or personal, which she may hereafter acquire, by industry, purchase, gift or

otherwise, in as full and ample a manner as if she had never been married to her said husband; and she is hereby authorised to prosecute or defend any suit, in her own name, in any court within this State, in the same manner as if she had never been married to the same Edmund Tilley; any law to the contrary notwithstanding.

CHAPTER LXXII.

An act to compel the County Court of Nash county 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 justices of the peace of the county of Nash are hereby required, at the first Court which shall be held for said county after the first day of May next, and annually thereafter, a majority of the justices being present, to appoint three persons of skill and probity, to act as a Committee of Finance, whose duty it shall be to examine all the records, papers and documents which have relation to any county monies in the offices of the Clerks of the Superior and County Courts, and of the Clerk and Master in Equity, and to audit and settle all accounts between the said county and the sheriff, county trustee, or any other officer or commissioner who may have heretofore held money belonging to the county aforesaid; and the said committee are hereby authorised and empowered to call on each of the said Clerks, at their offices, to lay before them for inspection, such records, documents and papers, as aforesaid; to call on said sheriffs, county trustees or other officers, or commissioners, to meet them at the Court House of the county aforesaid, to audit and settle their respective accounts, at some designated time.

II. *And be it further enacted,* That it shall be the duty of said committee to make a full investigation of all the financial concerns of said county of Nash, from the first day of May, one thousand eight hundred and twenty-five, to the first day of May, one thousand eight hundred and twenty-eight, and make a similar investigation annually thereafter, and make a return to the Courts held in said month, setting forth a full and fair statement of their investigation, designating therein all monies due from the county aforesaid to individuals, as well as those sums due by individuals to the county; and each member of said committee shall receive an allowance not exceeding one dollar and fifty cents per day, for each day they may be necessarily engaged on said committee; which allowance the County Courts of said county are hereby authorised and required to make, a majority being present, to be paid out of the county fund.

III. *Be it further enacted,* That if said clerk, sheriff, county trustee or other officer, who may hold any county money, shall fail, neglect or refuse duly to account for the same, the Committee of Finance shall give such person ten days previous notice, in writing, of the time at which they shall attend to make such settlement; and every officer receiving notice as aforesaid, and failing to attend and make such settlement as is required by this act, shall forfeit and pay the sum of five hundred dollars, to be recovered before any jurisdiction having cognizance thereof; which said suit shall be brought in the name of the chairman of the Court, and shall be prosecuted at the expense of the county, unless the County Court shall release said officer from his forfeiture; which said Court is hereby authorised to do.

IV. *Be it further enacted,* That every person appointed by the authority of this act a member of the Committee of Finance aforesaid, shall, previous

to his entering upon the duties of his appointment, take the following oath, viz. I, A. B. do solemnly swear, or affirm, (as the case may be,) that I will faithfully discharge the duties imposed on me by law, as a member of the Committee of Finance for my county, 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.

V. *And be it further enacted*, That it shall hereafter be the duty of the several clerks, sheriff, county trustee and all other officers and commissioners who may have claims or demand on the county aforesaid, to deliver the same to the said Committee of Finance, for their examination and inspection, whose duty it shall be to make out two fair and correct statements of each settlement by them made, by virtue of their appointment; one of which, after being submitted to, and passed upon by the Court, shall be filed with the Clerk of the County Court, and the other kept by the committee for their own use.

VI. *Be it further enacted*, That it shall be the duty of the clerks of said County Court to furnish said committee with a statement of all sums allowed by the County Court to individuals, setting forth the several amounts, and to whom made.

CHAPTER LXXIII.

An act prescribing the time at which county Trustees for the county of Randolph shall be elected and make their settlement.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions for the county of Randolph, a majority being present, shall elect a trustee for said county at the first Court which shall happen after the first day of May, in each and every year; which county trustee, when so elected; shall give bond and security, and perform all the duties required of county trustees under existing laws, (except as to making his annual settlements,) which shall hereafter be made and returned to the first Court that shall be held in said county after the first day of May in each year; any law to the contrary notwithstanding.

CHAPTER LXXIV.

An act to establish a turnpike road 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 the road beginning at the dividing line between North Carolina and Tennessee, at Allen's chartered turnpike road, thence by Barnard's station along Allen's new road round the River Hill, thence up the French Broad river to the mouth of Big Ivey, thence by Barnard Hickam's and the route now travelled to Betent Baird's, be, and the same is hereby established as a turnpike road.

II *Be it further enacted*, That Col. Robert Williamson, William Brittain, Esq. Israel Beard and James Allen, be, and they are hereby appointed commissioners to erect a gate, and to receive the following tolls, to wit: For every waggon and team, seventy five cents; for every pleasure carriage, seventy-five cents; for every gig, dearborn, sulky or cart, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every horse and mule without a rider, six and a quarter cents; for every head of beef cattle, three cents; for each head of stock cattle, two cents; for each head of sheep or hogs, one cent; animals for exhibition, two dollars; the United States Mail to pass free.

III. *Be it further enacted*, That the said commissioners are hereby authorised and required to employ from time to time, and for such periods of time as they may think proper, some suitable person as gate keeper on said turnpike road, whose duty it shall be to account to the said commissioners for the tolls by him received on the said road, under such rules and regulations as shall be prescribed by said commissioners.

IV. *Be it further enacted*, That the said commissioners be, and they are hereby authorised to alter and repair said road, and construct all necessary bridges; and for those purposes shall hire hands from time to time, to be paid out of the tolls arising from said turnpike road; and that it shall be the duty of the said commissioners, or a majority of them, to view said road four times in each and every year; and when in their judgment the said road shall be out of repair, they shall direct the gate to be thrown open, and no tolls collected until the same shall be put in a proper state of repair: *Provided*, that nothing contained in this act shall be construed to exonerate the persons liable by law to keep the said road in repair, from the penalties now prescribed for omissions of duty.

V. *Be it further enacted*, That no commissioner by this act appointed, shall become a contractor under this act, under the penalty of two hundred dollars for each and every offence, and forever barred of being a commissioner on said turnpike road.

VI. *And be it further enacted*, That the commissioners shall have power to appoint a treasurer, who shall enter into bond of one thousand dollars for the faithful performance of his duty and duly accounting for monies received for, and on account of said turnpike road, which he is hereby required to do at all times when directed by said commissioners; and who shall receive, as compensation for his services, such sum as said commissioners shall think proper to allow, not exceeding two per cent. on the amount of toll received.

VII. *Be it further enacted*, That the commissioners appointed under this act shall receive, each, while attending to the duties herein required, one dollar per day, for each day that they shall actually be employed.

VIII. *Be it further enacted*, That should any person or persons break through or pass round the gate by this act to be erected, to elude or evade the payment of the above tolls, he shall be subject to a penalty of five dollars, to be recovered by warrant before any justice of the peace of the county of Buncombe.

IX. *Be it further enacted*, That should any of the commissioners herein named refuse to act, or should any vacancies occur by death, resignation, removal or otherwise, that in either case it shall be competent for the Superior Court of the county of Buncombe to appoint some suitable person or persons to supply such vacancy or vacancies.

X. *Be it further enacted*, That said commissioners, after paying the necessary expense, shall appropriate the whole amount of money from said tolls to the reparation and improvement of said road.

XI. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the Buncombe Turnpike Company from erecting a gate at any point on the said road between the mouth of Ivey and the River Hill, and collecting thereat the tolls to which they may be regularly entitled under their charter, or in any other respect to affect the privileges and immunities which have been granted to the said corporation, or in any wise af-

fect any privileges to which James Allen may be legally entitled under the act of eighteen hundred and nineteen, chapter one hundred and tenth.

XII. *And be it further enacted*, That this act shall take effect from and immediately after its passage, and continue in force for twelve years; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXV.

An act to incorporate the Elizabeth City Marine Insurance Company.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all such persons as shall hereafter be stockholders of the said company, shall be, and they are hereby declared to be a body corporate and politic, in fact and in name, by the name and style of "the Elizabeth City Marine Insurance Company;" and by the said name, they and their successors shall and may have perpetual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and by the same be capable of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions hereinafter mentioned.

II. *And be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, and to be divided into shares of fifty dollars each, payable in such instalments as the President and Directors shall direct.

III. *And be it further enacted*, That the corporation hereby created, shall have power and authority to make insurance upon vessels, goods, wares and merchandize, freight, bottomry, respondentia interest, and all other marine risks for such term or terms of time, within the limitation of this act, and for such premium or consideration as may be agreed on between the said corporation and the person or persons agreeing with them for such insurance; they may also lend money on bottomry and respondentia.

IV. *And be it further enacted*, That the stock and affairs of said corporation shall be managed by nine Directors, who shall be stockholders and residents within this State, and after the first election hereinafter provided for, shall be elected on the second Monday in January in each and every year, at such time of the day, and at such place in the town of Elizabeth City, as the Board of Directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of the time and place of such annual election shall be published for the space of one week preceding the same in a public newspaper printed in the said town; and every such election shall be held under the inspection of three or more stockholders in the said company not being Directors, to be previously appointed for that purpose by the Board of Directors, and shall be made by ballot by a plurality of the votes of the stockholders present, allowing one vote for every share; and stockholders not present may vote by proxy, such proxy being granted directly to the person representing them at such election.

V. *And be it further enacted*, That John M'Morine, John C. Eringhaus, Lemuel C. Moore, Horatio N. Williams, Jordan A. Wright, Matthew Cluff, Isaiah Fearing, Benjamin Sutton and John Williams shall be a Board of Di-

rectors until the second Monday in January, one thousand eight hundred and twenty nine; and that it shall be their duty, on the third Monday in January, one thousand eight hundred and twenty eight, to open books, and public notice shall be given by the said Directors of the time and place of the opening of said books in the newspaper printed in said town, and the Directors chosen at such meeting or at such annual elections, shall, as soon as may be after every election, choose out of their own body one person to be President, who shall preside until the next annual election thereafter, or until another President is chosen; and in case of the death or resignation of the President or any Director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the Board of Directors; and in case of the absence of the President, the Board shall have power to appoint a President *pro tempore*, who shall have and exercise such powers and functions as the bye-laws of said corporation may provide: *Provided*, that the Directors first elected, shall hold their offices until the second Monday in January next ensuing said first election.

VI. *And be it further enacted*, That the President and Directors of said company, at any future time or times, shall be authorised to open books to receive subscriptions for any part of the shares of the stock of said company not subscribed at the opening of the books in January next, at such time and at such place and on such terms as they may think proper, either as to advance price, or as to time of payment.

VII. *And be it further enacted*, That in case it shall at any time happen, that an election of Directors shall not be made on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the bye-laws of said corporation, not inconsistent with this act.

VIII. *And be it further enacted*, That the stock of said corporation shall be transferable and assignable.

IX. *And be it further enacted*, That five of the Directors of said corporation shall form a Board, and be competent to transact the business of the corporation; and they shall have full power and authority to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the transfer of shares; and touching the duties and conduct of their officers and servants, and the election of Directors, and all other matters whatsoever, which may appertain to the business of marine insurance; and shall also have power to appoint a Secretary and so many clerks and servants for carrying on said business, as to them shall seem meet, and to establish and fix such salaries and allowances to them, and also to the President, as to the said Board shall appear proper: *Provided always*, that such bye-laws, rules and regulations shall not be repugnant to the constitution and laws of this State or of the United States, or any provisions of this act.

X. *And be it further enacted*, That all policies of insurance and other contracts, which are authorised by this act, which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the President, or such other officer as shall be designated for that purpose by the bye-laws of said corporation, and attested by the Secretary; and being so signed, executed and attested, shall

be binding and obligatory upon the said corporation according to the tenor, intent and meaning of this act, and of such policies and contracts; and the assured may thereupon, in case of loss arising, maintain an action on the case against said corporation; and all such policies and contracts may be so made, signed, executed and attested, and the business of the said corporation may be otherwise conducted and carried on, without the presence of a Board of Directors, by the President and a Director, or by a committee to be appointed for such purposes; and the acts of such President and Directors, or of such committee, if done under and in conformity to the bye-laws of said corporation, shall be binding and obligatory on it to all intents and purposes.

XI. *And be it further enacted*, That it shall be the duty of the President and Directors, on the first Mondays of January and July, in each and every year, to make a dividend of so much of the profits of the corporation as to them or a majority of them shall appear advisable; and in case of any loss or losses, whereby the capital stock of said corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

XII. *And be it further enacted*, That before the said corporation shall assume any risk in pursuance of this act, not less than fifteen thousand dollars of the capital stock shall be paid in, or shall have been secured to be paid, either in the stocks of the United States or in the stock of any incorporated bank of this State, or upon bond, or upon mortgage upon unincumbered real estate in this State.

XIII. *And be it further enacted*, That the said corporation shall hold no real estate except such as may be requisite for the convenient transaction of its business, or such as may be *bona fide* mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which it shall have obtained for such debts.

XIV. *And be it further enacted*, That this act shall be in force immediately from and after the ratification thereof, and shall continue in force for and during twenty one years next ensuing.

XV. *And be it further enacted*, That it shall not be lawful for said corporation to emit or issue any note or notes, bonds or bills of credit, or to discount any note, bond or bill, or to receive any money on deposit, or to carry on any banking business whatever.

CHAPTER LXXVI.

An act supplemental to an act for the improvement of the navigation of Perquimons river, above Newby's Bridge, passed in one thousand eight hundred and twenty-five, and for other purposes.

WHEREAS it is found impracticable to raise subscriptions, either in money or labor, sufficient to effect the object of said act: 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 named in said act, be, and they are hereby authorised and empowered to raise, by way of lottery, the sum of twenty-five thousand dollars; which money, or so much thereof as may be raised, shall be applied to the improvement of the navigation of Perquimons river, according to the true intent and meaning of said act.

II. *Be it further enacted*, That said commissioners are authorised to sell, upon such terms as they, or a majority of them, may deem expedient, to one or more persons, the privilege of raising, by way of lottery, the money aforesaid.

III. *Be it further enacted*, That the said commissioners, before they receive any part of the money which may be so raised by lottery, shall enter into bond in twice the sum which may be so raised as aforesaid, payable to the chairman of the County Court of Gates, or to the chairman of the County Court of Perquimons; which bond must be approved by the justices of the Court of Pleas and Quarter Sessions of Gates or Perquimons, and be void on condition that said commissioners do well and truly apply the sums raised as aforesaid according to the true intent and meaning of this act.

IV. *And be it further enacted by the authority aforesaid*, That from and after the first day of February next, no person sojourning or residing in this State shall, on any pretence whatever, vend or sell within the jurisdiction of the same, any ticket or tickets in any lottery which has been, or may hereafter be authorised by authority of other States of the United States, under the penalty of five thousand dollars, to be sued for and recovered before any jurisdiction having cognizance thereof, one half to the use of the informer or person suing for the same, and the other half to the use of the State of North-Carolina.

CHAPTER LXXVII.

An act to authorise the Court of Pleas and Quarter Sessions of the county of Rowan to appoint a committee of Finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Pleas and Quarter Sessions of the county of Rowan, at the term of said Court at which the sheriff is by law to be elected in each and every year, a majority of the justices being present, if they deem it expedient, to appoint a committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the Clerks of the Superior and County Courts, Clerk and Master in Equity, and in possession of the Sheriff, County Trustee, and of all officers and other persons who have heretofore held or may hereafter hold money belonging to the said county of Rowan; and it shall be the duty of the said committee of Finance so appointed, to make a full investigation of all the financial concerns of said county from the beginning of the year one thousand eight hundred and twenty up to the time of appointing said committee, and afterwards during their financial year, and of such succeeding committees to investigate all the financial concerns of the said county for such time as they may be respectively appointed; and if any committee shall fail to perform the duties assigned them, any committee that shall be subsequently appointed, are hereby empowered to perform the same; and it shall be their duty to return to said court, a full, fair and perfect statement of their proceedings, designating thereon all balances of monies due from the county to individuals, as well as those due from any person whatever to the county.

II. *Be it further enacted*, That the said committee are hereby authorised and empowered to require each and every of the officers and persons aforesaid, to lay before them the records, documents and papers respectively as aforesaid for their inspection. It shall be the duty of all committees appointed

under this act, and they are hereby authorised to give ten days previous notice by a writing signed by a majority of them to all persons as aforesaid, who are liable to account for monies as aforesaid, to appear before them at some given time at the Court House in said county, then and there to render a just and true account of what sums of monies they may have or may have had in their hands which belong to said county; and they shall also specify in said notice, such records, documents and papers as they may think proper to be produced before them at the same time and place; and if any of the said officers shall fail or refuse to state and account, or come to a settlement with said committee upon notice being given as aforesaid, he or they shall be liable to a penalty of fifty pounds, to be recovered by action of debt in the name of the Chairman of the Court to the county in any Court having jurisdiction thereof.

III. *And be it further enacted*, That if any officer or other person as aforesaid, shall fail to comply with what is required by the said notice, it shall be the duty of the said committees, and they are hereby empowered to notify said officers and other persons as aforesaid in the manner before mentioned, from time to time, until said officers and persons as aforesaid shall comply with the requisitions of said notice, under the like penalty for every such failure, to be recovered as aforesaid.

IV. *And be it further enacted*, That every person appointed by the authority of this act a member of the committee of Finance aforesaid, shall, previous to his entering on the duties of his appointment, take the following oath, which it shall be the duty of the Court of Pleas and Quarter Sessions for said county to administer: "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 for the county of Rowan, in all business that may come before me, without doing injustice to the said county or to individuals, to the best of my knowledge and ability: so help me God."

V. *And be it further enacted*, That if any person, who shall be appointed by said justices a member of the committee of Finance for said county, shall refuse or neglect to serve, or do his duty as a member thereof, he shall be liable to pay a penalty of fifty dollars for his refusal or neglect as aforesaid, to be recovered by action of debt before the Court of Pleas and Quarter Sessions for said county, for the use of said county, to be sued for in the name of the County Trustee of said county for the time being, or his successors in office, by any person who will sue for the same, with costs of suit: *Provided*, that no person shall be compelled to serve as a member of said committee for a longer time than three years.

VI. *And be it further enacted*, That the Court of Pleas and Quarter Sessions for Rowan county shall have power to direct, and shall direct that each member of said committee be paid a sum not exceeding two dollars per diem, as a compensation for each and every day that the said committee shall be necessarily employed in making such investigation and settlement, to be paid by the County Trustee of said county for the time being; and all allowance shall be made upon proof to the satisfaction of said Court by said committees of the number of days that they were employed in the duties prescribed by this act.

VII. *Be it further enacted*, That it shall be the duty of the committee of Finance appointed under this act, and they are hereby empowered to institute suits for the recovery of all monies found to be due to the said coun-

ty from any persons liable to account as aforesaid; which said suit or suits shall be brought in the name of the county trustee of said county for the time being, except in cases where the county trustee is to be sued; then such suit shall be brought in the name of the committee of Finance for the county of Rowan who are in office at the time the suit is brought; which said committee or county trustee, as the case may be, shall recover the same, with costs of suit, to the use of the county of Rowan; and in case the said committee or county trustee shall fail or be cast in said suit, the cost of the same shall be paid by the said county; and in case any person or persons, sued by said committee or county trustee, shall have judgment rendered in their favor, he or they shall recover their costs, to be paid by said county.

VIII. *And be it further enacted,* That in case any vacancy in any committee, appointed by the said justices as aforesaid, shall be occasioned by the death, removal, incapacity or inability of any one or two members appointed to serve on said committee, then it shall be the duty of the next Court of Pleas and Quarter Sessions for said county that shall be holden after such vacancy happens as aforesaid, and the said court, seven justices being present in court, is hereby authorised to appoint some person or persons to fill such vacancy; which said person or persons so appointed shall have the same powers, and subject to the same penalties in case of refusal or neglect to serve and do their duty, as those appointed by said justices as aforesaid.

CHAPTER LXXVIII.

An act for the better regulation of the Court of Pleas and Quarter Sessions in the county of Robeson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Robeson county be, and they are hereby authorised, should they deem it expedient, a majority of the acting Justices being present, at the first term of said Court after the first day of May next, and annually thereafter, to elect from among themselves three discreet persons to hold the Courts of said county, who shall receive a compensation for their services, the sum of one dollar per day, for each day they attend, so that the same shall not exceed the three first days of each term, and the same rate of mileage that jurors attending the Superior Court are now entitled to; which allowance shall be paid to the said special justices by the county trustee, in the same manner that other county claims are settled; and for meeting the expenses thereof, the Court of Pleas and Quarter Sessions shall, if necessary, lay a tax on polls and other taxable property in said county, sufficient to meet the same; which justices so holding the Court shall have full power to do and perform all the duties of other County Courts in this State, and under the same regulations, and shall also have full power to do all acts which by the now existing law requires the presence of seven justices: *Provided however,* that nothing herein contained shall prevent the other justices of the peace from acting as heretofore.

II. *And be it further enacted,* That if at any time the justices thus elected, or any of them, be unable or fail to attend, such vacancies may be supplied by other justices, under the same pay and regulations for each day they may so serve as the special justices of said Court.

III. *And be it further enacted,* That all appeals from the judgment of a justice out of Court on plain notes of hand, open and liquidated accounts,

and also from appeals where the action is founded on assumpsit before a justice of the peace, shall be taken up to the special Court aforesaid, under the same rules and regulations as the same are now taken to the Superior Court in said county. And the said Court shall have power, and they are hereby required to cause the sheriff to summon, of the by-standers as talis jurors, twelve freeholders to try the issues made between the parties; which jurors shall serve without pay or compensation, and under the same regulations and rules as other talis jurors in this State; which appeals shall stand for trial at the first or return term of the Court, unless the same be regularly continued: *Provided however*, that nothing herein contained shall prevent the right of appeal from the special to the Superior Court.

IV. *And be it further enacted*, That this act shall be in force from and after the first day of May next.

CHAPTER LXXXIX.

An act to compel the County Courts of Gates to appoint a Committee of Finance.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the peace for the county of Gates, at the first Court which may be holden after the first day of March next, and annually thereafter, a majority of the justices being present, to appoint three persons of skill and probity, to act as a Committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the Superior and County Courts, clerk and master in Equity, sheriffs, county trustee, and all officers or commissioners who have heretofore held money belonging to the county aforesaid; and the said committee are hereby authorised and empowered to call on each and every of the officers and commissioners aforesaid, to lay before them the records, documents and papers respectively as aforesaid, for their inspection.

II. *And be it further enacted*, That it shall be the duty of the said Committee of Finance to make a full investigation of all the financial concerns of the said county from year to year; and that they shall return to the Court a full, fair and perfect statement thereof, designating therein all balances or monies due by the county aforesaid to individuals as well as those due by delinquents to the county.

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

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

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

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

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

VIII. *And be it further enacted*, That it shall hereafter be the duty of the several clerks, sheriffs, county trustee, and all other officers and commissioners who may have claims or demands on the county aforesaid, to deliver the same to the said Committee of Finance, for their examination and inspection, whose duty it shall be to make out two fair and correct statements of each settlement by them made in virtue of their appointment, one of which, after being submitted to and passed upon by the Court, shall be filed by the clerk of the County Court, and the other to be kept by the committee for their own use.

IX. *And be it further enacted*, That no claim against the county aforesaid, shall be allowed unless it be according to the provisions, and under the directions of this act; any law, usage or custom to the contrary notwithstanding.

X. *And be it further enacted*, That the Committee of Finance for Gates county, appointed under the provisions of this act, shall be authorised and required to extend their examination and inspection of all the documents and papers embraced by the provisions of this act, as far back as the year one thousand eight hundred and fifteen, under the same rules and regulations as are prescribed by this act.

CHAPTER LXXX

An act to provide for the payment of Jurors of the county of Nash.

WHEREAS in the construction of an act of the General Assembly of the

State of North Carolina, passed in the year one thousand eight hundred and twenty-five, entitled "An act to provide for the payment of jurors of the the county of Nash," doubts have been entertained as to the true intent and meaning of said act: wherefore, for the purpose of removing said doubts,

Be 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 Nash shall, and they are hereby directed, required and enjoined, at the first Court which shall be holden for said county after the first day of May next, and annually thereafter, to lay a tax on the polls and other 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 trustee of said county, for the purposes herein specified, under the same rules, regulations and restrictions as other county taxes.

III. *Be it further enacted,* That in addition to the fund so raised, a tax of two dollars in addition to the tax already imposed by law, is hereby laid on every suit hereafter brought to the Court of Pleas and Quarter Sessions or to the Superior Court, or Court of Equity of Nash County in which a jury shall be required; which tax shall be collected by the clerks of said courts, and accounted for to the county trustee as other taxes on law proceedings are required to be collected and accounted for.

IV. *And be it further enacted,* That all jurors, (talisman excepted,) who shall serve in any of the Superior or County Courts of said county, shall be entitled to receive, for every day's service, the sum of eighty cents, and the sum of two cents for every mile travelling to and from said court.

V. *And be it further enacted,* That all jurors as aforesaid, who shall serve as aforesaid, 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; for which the clerk shall be allowed ten cents, to be included in the certificate; 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.

VI. *And be it further enacted,* That should the justices of the peace, as before directed, fail to lay a tax providing for the payment of jurors as aforesaid, the jurors shall be entitled to prove their tickets notwithstanding; which shall be received in payment for county taxes.

VII. *And be it further enacted,* That jury tickets or certificates for services, rendered agreeably to this act, shall at all times be received in payment for county taxes.

VIII. *And be it further enacted,* That the aforesaid act, passed in the year one thousand eight hundred and twenty-five, be, and the same is hereby repealed, so far as regards providing for payment of jurors who shall serve in any of the aforesaid courts, after the first day of February, in the year one thousand eight hundred and twenty-eight; but shall stand unrepealed, and remain in full force for all purposes necessary to provide means to execute the provisions of said act in the payment of jurors who shall be entitled under that act, to receive compensation for services rendered in the year one thousand eight hundred and twenty-seven, agreeably to the provisions of said act.

IX. And be it further enacted, That jury tickets or certificates, for services rendered agreeably to the aforesaid act, passed in the year one thousand eight hundred and twenty-five, shall be received in payment for county taxes.

CHAPTER LXXXI.

An act to authorise the wardens of the poor for the county of Mecklenburg to purchase a tract of land, and erect thereon such buildings as will be suitable for the comfortable accommodation of the poor of said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor for the county of Mecklenburg are hereby authorised and empowered to purchase a tract of land in said county, not to exceed one hundred acres, and take a deed in the name of the chairman and his successors in office; which deed shall be filed in the clerk's office in said county for safe keeping.

II. Be it further enacted, That it shall be the duty of the County Court, as soon as practicable after the passing of this act, to appoint three commissioners, unconnected with the board, to contract with some suitable person to build one or more houses on said land suitable for the accommodation of the poor of said county; and the wardens are hereby instructed to pay all expenses incurred in erecting said buildings out of any money in their hands as wardens of the poor; which money shall be paid on a warrant drawn by the commissioners for that purpose.

III. Be it further enacted, That when the said buildings are completed, the commissioners shall advise the wardens thereof, who shall, as soon as practicable thereafter, cause all the paupers in said county to be removed to the poor house, except such of them as, from bodily affliction or otherwise, may be in such situation as to render it inexpedient to remove them; in which case the wardens may exercise a sound discretion in making such provision for them as they may think proper.

IV. Be it further enacted, That the aforesaid wardens shall make all necessary arrangements for the comfortable support of the poor of said county, by employing a superintendent at a reasonable salary, or otherwise, as in their discretion may seem best and most economical; they shall also furnish all necessary furniture and implements of husbandry, together with such other tools as may be found necessary for the vocations of such of the poor as may be able to work.

V. Be it further enacted, That it shall be the duty of the superintendent of the poor of said county to cause such of the poor as may be able, to perform reasonable labor; the proceed of which shall be appropriated towards their support; and the board of wardens shall furnish the poor committed to their care, with medical aid when necessary; they shall also endeavor to have divine service performed at the poor house as often as in their power.

VI. Be it further enacted, That the said board of wardens shall, and they are hereby authorised to make all such rules, regulations and bye-laws as they, or a majority of them, may deem necessary, for the good government of said poor house.

VII. Be it further enacted, That the wardens of the poor of said county are hereby authorised and required to take from the said superintendent a bond of one thousand dollars for the faithful performance of his duty as

such, and for duly accounting for all monies and property belonging to said wardens, which may, by virtue of his office, be placed in his hands.

VIII. *Be it further enacted*, That it shall be the duty of the wardens of the poor of said county to prepare a written estimate of the probable expense of the buildings hereby required to be erected and submit the same to the County Court to be held for said county on the fourth Monday of May next; and the said court is hereby required, a majority of the justices being present, to impose such a tax as is sufficient to defray said expenses.

CHAPTER LXXXII.

An act to authorise the treasurer of public buildings for the county of Craven to convey certain property to the trustees of the Newbern Academy, and to receive from said trustees, and hold in trust for said county, certain property.

WHEREAS it has been contemplated by the Court of Pleas and Quarter Sessions in and for the county of Craven to exchange part of a lot in the town of Newbern, known in the plan of said town by the number two hundred and forty-eight, with the trustees of the Newbern Academy for a part of a lot in said town, the property of said trustees, known in the plan of said town by number two hundred and forty nine; and whereas the lot known by the number two hundred and forty-eight, was in the year of our Lord one thousand seven hundred and fifty conveyed to John Stankey, Edward Griffith and Jeremiah Vail, as commissioners of public buildings, in trust for the public; and whereas the said John Stankey, Edward Griffith and Jeremiah Vail are dead, and there is no person to execute a conveyance: therefore, to carry into effect said contemplated exchange,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the treasurer of public buildings for the county of Craven be, and he is hereby authorised and empowered to convey, and by deed executed by him to give a good and sufficient title to the trustees of the Newbern Academy of that part of the lot in the town of Newbern, known in the plan of said town by number two hundred and forty-eight, as was contemplated to be exchanged as aforesaid; and that the said treasurer of public buildings be, and he is hereby authorised and empowered to receive and take in trust for the county of Craven, such part of the lot in the town of Newbern, known in the plan of said town by number two hundred and forty-nine, as the trustees of the Newbern Academy may, in execution of the said contemplated exchange, convey to him, and that the said treasurer of public buildings and his successors in office hold the same in trust for the county of Craven; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXXIII.

An act to authorise Frederick Jones, of Lenoir county, to erect a bridge across Neuse river

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Frederick Jones to erect a bridge across Neuse river, opposite his plantation, below Kingston, at or near the same place where his old bridge now stands, and the main road crosses said river; and when the said bridge shall be completed, it shall be lawful for the proprietor thereof to erect a toll gate thereon, or on some part of the road.

II. *Be it further enacted*, That one or more of the arches of said

bridge, in the deepest part or middle of the river, shall be at least forty feet wide, and sufficiently high for the free passage of boats and rafts under said bridge at high water.

III. *And be it further enacted.* That the rates of toll shall be as follows, viz. on all waggons for passing said bridge, sixty cents each, and all four wheeled carriages of pleasure, fifty cents; on all two wheeled carriages of pleasure, twenty five cents; on all carts, twenty-five cents; on a man and horse, five cents; on every loose horse, five cents; on every head of cattle, two cents; and on hogs and sheep, one cent each; and that no toll be levied on foot passengers.

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

CHAPTER LXXXIV.

An act to legitimate Duncan Melvin and others, of the county of Bladen.

Be 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, Duncan Melvin, David T. Melvin, Andrew Melvin, Samuel Melvin, Joshua Melvin, Joseph Melvin, Jane Melvin, Ann Melvin and Sarah Melvin, illegitimate children of John Melvin and Mary Turner; and James Melvin, Jonathan Melvin, Robert Melvin, Elizabeth Melvin, Catran Melvin, Demaris Melvin and Rosanna Jane Melvin, illegitimate children of the said John Melvin and Keziah Suggs, be, and they are hereby legitimated and declared capable in law to take and hold property, either by descent or distribution, in as full and ample a manner as if they had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER LXXXV.

An act to authorise Isaac T. Avery to establish a turnpike road in the county of Burke.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same. That William M. Gimpsey, Joshua Young and William English, be, and they are hereby appointed commissioners to view and lay off a road on the best ground the intervening country will afford for a turnpike road, along the line of the Yellow Mountain road, leading from George Rowan's, in Burke county, to the Tennessee line.

II. *Be it further enacted.* That the road so laid off be vested for twenty-five years in Isaac T. Avery, of Burke county, on the following conditions: First, that the said Isaac T. Avery shall open and make said road sixteen feet wide, clear of obstructions, (except where side cutting may be necessary,) in which case the road shall be twelve feet wide; secondly, that the said Isaac T. Avery shall construct all necessary bridges at least twelve feet wide; the declivities of said road shall not exceed one foot perpendicular to eight horizontal, and recurrence shall be had to this steepness as seldom as possible.

III. *Be it further enacted.* That upon the said Isaac T. Avery making it appear to the satisfaction of said commissioners, or their successors, that the said road is fully completed agreeably to the second section of this act, then

the said Isaac T. Avery 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, three cents per head; for stock cattle, two cents per head; for road waggons, seventy-five cents each; for four wheel pleasure carriages, seventy-five cents each; for carriages and vehicles of every other description, twenty-five cents each: *Provided*, that such of the citizens of Burke county as heretofore have assisted in opening and keeping in repair the road from the foot of the south side of Linville ridge to George Rowan's, or as may hereafter be assigned to work on said road, shall in no wise be liable to the said tolls; *and provided further*, that all persons who heretofore made contributions in money for opening said road from Linville to George Rowan's, shall be permitted to pass over the turnpike road aforesaid free of toll, until this toll shall amount to the sum respectively subscribed by each such person; after which they shall become liable to pay toll as all other persons: *Provided further*, that the United States' mail, sheriff and constables of said county, in the discharge of their official duties, shall also pass free of charges.

IV. *Be it further enacted*, That the first County Court after said road is completed, shall appoint five commissioners, three of whom shall have power to act, and two of whom shall reside on the said road, none of them being related to, or connected with the said Isaac T. Avery, whose duty it shall be, upon complaint or information made to any of them, that the said road is out of repair, to review said road; and if it is not in good repair, to order the gate to be thrown open; after which time, if the gate keeper shall receive any toll until the said road be repaired and put in good and lawful order, the said Isaac T. Avery shall forfeit and pay, for every offence, ten dollars, to be recovered by warrant before any justice of the peace of said county; to be applied one half thereof to the use of said county, and the other to the use of the person suing for the same; and the said Isaac T. Avery shall pay said commissioners one dollar each, for every day they may be employed in viewing said road, on complaint or information to them; which must always be on oath.

V. *And be it further enacted*, That if the said Isaac T. Avery shall not complete the said road in the manner heretofore prescribed, within two years from and after the passage of this act, the privileges hereby granted to the said Isaac T. Avery shall cease and determine.

CHAPTER LXXXVI.

An act to secure to Susannah Suddath, of Caswell county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Susannah Suddath, of the county of Caswell, wife of James Suddath, be, and she is hereby entitled to hold, possess and enjoy in her sole right all such estate, either real and personal, as she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her husband James Suddath herein named, free and clear from the claims of her said husband, or any of his creditors; and she shall have full power and authority to prosecute and defend any suits, either in law or equity, in her own name, in the same manner as if

she had never been married to her said husband; any law to the contrary notwithstanding.

CHAPTER LXXXVII.

An act to prevent the falling of timber in, or obstructing the run of Carraway creek, in Randolph county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person or persons shall fall timber in, or otherwise obstruct the run of Carraway creek, in Randolph county, between where the road from Isaac Farlow's to Hoover's mill crosses the same to the mouth of said creek, he, she or they shall forfeit and pay for each and every offence the sum of ten dollars, to be recovered by warrant before any justice of the peace of said county, one half to the use of the informer, and the other half to the use of the poor of said county: *Provided,* that nothing herein contained shall be so construed as to prevent owners of land from erecting water fences, or building mills thereon; nor shall any person incur the penalty herein prescribed, who shall fall timber in, or otherwise obstruct the run of said creek, in clearing and improving his, her or their lands, provided he, she or they shall remove the same within ten days.

CHAPTER LXXXVIII.

An act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac Powell and John White, of the county of Columbus, and John Lloyd and William Jones, of Bladen, be, and they are hereby appointed commissioners, with power to employ such artist, chain carriers and attendants as they may deem necessary, to enable them to run, ascertain and mark the boundary line between the counties of Bladen and Columbus, agreeably to the several acts of Assembly establishing the boundary line between said counties; and the line, after being so run and marked, shall be, and the same is hereby declared to be the dividing line between the said counties; and the said commissioners, within six months after running the said line, shall make out two plats thereof, and return one to each of the County Courts of Bladen and Columbus.

II. *And be it further enacted,* That the commissioners hereby appointed, for their trouble in superintending and running said line, shall be entitled to the sum of two dollars for each day they are employed in running said line; and the artist, chain carriers, and such other persons as they may necessarily employ, shall be entitled to receive for their services such sum per day as the commissioners aforesaid shall agree to give them, which shall be certified under the hands and seals of the commissioners; and upon their producing such certificates, the county trustee of each county shall pay one half the expenses.

CHAPTER LXXXIX.

An act concerning the town of Carthage, in the county of Moore.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That at the first Court of Pleas and Quarter Sessions for the county of Moore which shall happen after the first day of January next, the justices of said Court, a majority of them being present on the bench, shall proceed to appoint commissioners (the number to be determined on by said Court) for the town of Carthage, in

said county; and it shall be the duty of the said commissioners forthwith to offer at public sale, twenty days notice of such sale having been given at three or more public places in said county, all the public lots in said town, on such terms as said commissioners, or a majority of them, may deem most advisable; and they are hereby authorised to execute conveyances for the said lots to the purchaser or purchasers thereof, on the payment of the purchase money, or the securing the payment of the purchase money, as said commissioners may require.

II. *And be it further enacted*, That the said commissioners shall, if they deem it most advisable, lay off such portions of the streets of said town, at present occupied by individuals, and on which houses have been erected and improvements made, into convenient lots, and in manner as prescribed in the preceding section, proceed to sell said lots, and execute conveyances for the same; and the money arising from the sale of said lots shall be paid over by the commissioners aforesaid to the county trustee, to be applied to county purposes.

III. *And be it further enacted*, That if said commissioners shall determine not to lay off said streets into lots, it shall be their duty, or the duty of a majority of them, to advertise in the most public manner for all persons who have fenced up or otherwise obstructed the streets in said town, to remove such obstructions on or before a day certain, under the penalty hereinafter prescribed.

IV. *And be it further enacted*, That if said obstructions are not removed on or before the day appointed by said commissioners, the person or persons refusing to comply with the requisitions of this act, shall forfeit and pay the sum of five dollars, and five dollars for every month thereafter while the obstructions shall continue, to be recovered by warrant before any justice of the peace of said county; to be applied by said commissioners to the keeping said streets in repair.

V. *And be it further enacted*, That the said commissioners be, and they are hereby appointed a body politic and corporate, shall have perpetual succession and a common seal, and shall have power to sue or be sued, to plead or be impleaded, and to adopt such bye-laws and regulations (not inconsistent with the laws and constitution of this State) as may be necessary for the good government of said town.

VI. *And be it further enacted*, That whenever a vacancy or vacancies shall occur among said commissioners from any cause whatever, the Court of Pleas and Quarter Sessions are hereby authorised to supply such vacancy or vacancies.

CHAPTER XC.

An act authorising Thomas Brown, of the county of Haywood, to erect two gates, for one year, on the public road leading from Franklin down the Tennessee river.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for Thomas Brown, of the county of Haywood, to erect and keep up two gates on his own land, on the public road leading from Franklin down the Tennessee river, under the same rules, regulations and restrictions as have been or may hereafter be established, for erecting and keeping up any gate or gates across any of the public highways of this State: *Provided* the gates hereby authorised be erect-

or within six months from the passing of this act, and that he continue them, or either of them, one year only from the erection.

CHAPTER XCI.

An act to authorise the County Court of Hyde to order all deeds, bills of sale, division of lands and other instruments of writing that have been lost by fire, or otherwise destroyed in the Register's Office, to be registered anew, 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 all cases where any of the books belonging to the Register's office of the county of Hyde, wherein deeds, bills of sale, divisions of lands or other titles have been, or may hereafter be registered, shall have been lost by fire or otherwise destroyed, the person or persons claiming such title or titles, shall apply to the County Court, and the said Court shall order said deed, bill of sale or other instrument to be registered anew; and in all cases the former probate shall be evidence of title; which instrument, when so registered, shall be as valid in law as the former records had they never been burnt or destroyed.

II. *And be it further enacted, That the said Court is hereby authorised to employ some person or persons to transcribe, in well bound books, all the docketts belonging to the said Court, where the same may appear necessary; and the said docketts, when so transcribed, shall be as valid in law as the former records of said Court are now, or hereafter may be; any law, usage or custom to the contrary notwithstanding.*

CHAPTER XCII.

An act for the better regulation of the towns of Newbern and Wilmington.

WHEREAS it has been found necessary to the citizens of the towns of Newbern and Wilmington, owing to the difficulty of obtaining white labourers, to permit slaves, under certain regulations, to work out as day labourers in said towns; and whereas doubts are entertained as to the powers of the commissioners of said towns to authorise slaves to hire their time and work out as aforesaid:

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 and may be lawful for the commissioners of the said towns of Wilmington and Newbern to grant permission to such number of slaves, as in their discretion they may deem necessary, to work out in said towns; and every slave so permitted to hire his or her time, and to work out in said towns, shall receive and wear a badge as required by the several acts of Assembly heretofore passed for the regulation of said towns; and for every such badge the owner or master of such slave shall pay such sum or sums as the commissioners may by ordinance from time to time think proper to assess.

II. *And be it further enacted, That the badge issued as aforesaid, shall entitle the wearer thereof to hire his or her time; and it shall be lawful for any person to employ him or her within the limits of said towns, or on the rivers Neuse and Trent or Cape Fear, for any purpose connected with the shipping interest or commerce of said towns: Provided, that nothing herein contained shall be construed so as to permit said slaves to work on the land or to work at any employment except to work in boats owned on said river by white persons, and to assist in loading and unloading said boats.*

III. *And be it further enacted, That it shall be in the discretion of the*

commissioners aforesaid to increase or diminish, from time to time, the number and price of the badges to be issued under this act.

IV. *And be it further enacted*, That it shall not be lawful for the commissioners to issue any badge to any slave under this act, unless with the consent and approbation, expressed in writing, of the master or owner of such slave.

V. *And be it further enacted*, That no license granted, or badge issued by the commissioners aforesaid, to any slave, shall be deemed a permission to said slave to work out for more than one year. And it shall be the duty of the said commissioners, and they are hereby authorised, whenever it shall appear to them that any slave who may have received a badge under this act, has been guilty of misconduct, or is of bad character, to deprive him or her of his or her badge.

VI. *And be it further enacted*, That it shall be the duty of the town clerks to keep a record of the names of all such slaves as may, by virtue of this act, be permitted to work out; which record shall state the time when such permission was granted, and the names of the respective masters or owners of such slaves.

CHAPTER XCIII.

An act to incorporate Mount Moriah Lodge, established on the lands of Doctor James J. Philips, in the county of Edgecomb.

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

CHAPTER XCIV.

An act requiring the Public Register of Orange county to keep his office at the court house of said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the public register for the county of Orange shall for the future keep his office and the public records in the town of Hillsborough; and that he shall reside in said town, or keep some legally authorised deputy in said town to perform the duties of public register.

II. *Be it further enacted*, That in case the public register of said county shall fail to comply with the requisitions of this act, it shall be lawful for the Court of Pleas and Quarter Sessions of said county, upon motion, a majority of the justices of the peace of said county being present, and five days previous notice in writing being first given to the said register of said motion, and the causes and reasons of said motion being specified in said notice, to remove him from office, and appoint a successor.

CHAPTER XCV.

An act to incorporate the New Garden Library Society.

Be it enacted by the General Assembly of the State of North-Carolina, and

it is hereby enacted by the authority of the same, That the members of a society, lately established at New Garden, in the county of Guilford, for the purpose of aiding the progress of learning and science, be, and they are hereby incorporated into a body politic and corporate, by the name and style of the New Garden Library Society; and by that name may sue and be sued, plead and be impleaded, have succession and a common estate in such books, pamphlets and papers, or other property, as they may acquire, either by purchase, donation or otherwise.

II. *Be it further enacted,* That the members of a society, lately established in said county, at Nazareth, for the purpose of aiding the progress of learning and science, be, and they are hereby incorporated into a body politic and corporate, by the name and style of "the Nazareth Library Society;" and by that name may sue and be sued, plead and be impleaded, and have succession and a common estate in such books, pamphlets and papers, or other property, as they may acquire, either by purchase, donation or otherwise.

III. *Be it further enacted,* That the members of said societies, and their successors, shall have full power and authority to make all such rules, regulations and bye-laws, for the management and safe keeping of the books and other property of said societies, as they may from time to time think expedient, not inconsistent with the constitution and laws of this State, or of the United States.

CHAPTER XCVI.

An act to authorise the building a bridge across Neuse river, at the place therein mentioned, and for other purposes.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Wright C. Stanly, his heirs, executors, administrators or assigns to erect and build a good strong and substantial bridge across Neuse river, in the county of Craven, from the plantation situate on said river, belonging to said Wright C. Stanly, and known by the name of Spring Garden; which said bridge shall have one wide arch of thirty feet, for rafts and vessels to pass through, with a draw so constructed, as when drawn up, shall permit all vessels of every description free passage through the same; which gate or draw shall be drawn up when necessary by and at the expense of the said Wright C. Stanly, his heirs, executors, administrators or assigns; and after building and completing said bridge, it shall and may be lawful for the said Wright C. Stanly, his heirs, executors, administrators or assigns to keep a sufficient gate thereon, or at any other place in the road leading southwardly from said bridge, and within a mile of the same, and to take and receive from all persons passing over said bridge the following rates, that is to say: For every man and horse, fifteen cents; for every two wheel carriage, drawn by one or two horses or oxen, forty cents; for every four wheel carriage, drawn by two horses or oxen, eighty cents; for every four wheel carriage, drawn by more than two horses or oxen, one dollar; for every foot passenger, five cents; for every horse, not attached to any carriage or rode by any person, ten cents; for all calves or yearlings, hogs and sheep, two cents each; and for any other neat cattle, five cents each.

II. *Be it further enacted,* That it shall and may be lawful for the said Wright C. Stanly, his heirs, executors, administrators or assigns to make a road from the said bridge to the public road on the south side of Neuse river, and leading from Newbern to Washington; and also to make a road and

causeway from said bridge to the public road on the north side of Neuse river, and leading from Newbern to Greenville; from thence to the road leading from Newbern to Washington.

III. *And be it further enacted*, That when it shall be required, by way of petition, from the said Wright C. Stanly, his heirs, executors, administrators or assigns, the County Court of Craven shall appoint and order a jury of good and lawful men to lay off said road in the best direction, and assess such damages as they may think just and reasonable, according to an act of Assembly in such case made and provided.

IV. *And be it further enacted*, That when said bridge shall be built and erected as aforesaid, the said Wright C. Stanly, his heirs, executors, administrators and assigns, shall, during the continuance of this act, keep the same in good order, fit for passing over, and in case of any neglect, shall be subject to the same pains and penalties as other keepers of public ferries and bridges are liable to by the laws of this State.

V. *Be it further enacted*, That this act shall be in force fifty years after its passage, and no longer.

VI. *Be it further enacted*, That at any time after eight years from the day of the completion of the bridge aforesaid, the General Assembly of North-Carolina may, in any manner, alter the rates and toll permitted to be taken by the owner of said bridge: *Provided always*, that should no alteration be made by the Legislature as aforesaid, the said Wright C. Stanly, his heirs, executors, administrators or assigns may be entitled to demand and receive the rates now established.

CHAPTER XCVII.

An act to revive and continue in force certain acts of Assembly therein named.

Be it enacted by the General Assembly of the State of North-Carolina, and and it is hereby enacted by the authority of the same, That an act of Assembly, passed in the year 1804, entitled "an act to authorise Benjamin Jones, Thomas Harvey, Enoch Sawyer, and Frederick Sawyer, to cut a navigable canal, and make a road thereon, through the Great Dismal Swamp, from the Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh in Gates county, and to demand and receive toll thereon," (except so much of said act as requires a road to be made on the side of said canal;) also an act of the General Assembly, passed in the year one thousand eight hundred and eight, entitled "an act to amend an act, passed at Raleigh in the year one thousand eight hundred and four, entitled 'an act to authorise Benjamin Jones, Thomas Harvey, Enoch Sawyer and Frederick Sawyer, to cut a navigable canal, and make a road thereon, through the Great Dismal Swamp, from the Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh in Gates county, and to demand and receive toll thereon,'" be, and the same are hereby revived and in force for the period of ten years from and after the passage of this act, as fully, to all intents and purposes, as though the same had never ceased and determined by the limitation therein named; and that all the privileges and corporate rights conferred on the persons therein named, be, and they are hereby declared to be revived and vested in Samuel Proctor, Willie M'Pherson, in his own right and as guardian of the heirs of Hollaway Old, in proportion to the interest which they respectively acquired under said acts: *Provided nevertheless*, that the said proprietors shall not proceed to

collect the tolls authorised to be received and collected by said acts until the said Canal shall be completed in the manner therein prescribed.

II. *And be it further enacted*, That the said proprietors may erect one or more locks on said canal: *Provided* they should deem it necessary towards effectuating the object contemplated by the cutting of said canal: *Provided further*, that if the said corporation shall fail to complete the said canal and road within four years from and after the passage of this act, this act shall be void and of no effect.

CHAPTER XXVIII.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-six, appointing commissioners to lay off and cause to be opened a public road from Lincoln to Rutherfordton.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Col. John Roberts, Col. John Zimmerman and John Coulter, Esq. from Lincoln, and Lemuel Moor, William Slade, John Bradley, of Mountain Creek, and Lewis Kemp, from Rutherford county, or a majority of them, provided there be at least one from each county, be, and they are hereby appointed commissioners to examine a road laid out from Lincoln to Rutherfordton, agreeably to the provisions of an act, passed at the session of the General Assembly commencing December twenty-fifth, one thousand eight hundred and twenty-six, chapter fifty-sixth; and also the road leading by Luca's Ford; and also the road called the Flint Hill road; and that they report to the next Court of Pleas and Quarter Sessions to be held for the counties of Lincoln and Rutherford respectively next after the first day of February, one thousand eight hundred and twenty-eight, or at some succeeding Court in the course of said year, such changes as they may think proper to make in the road laid out by the commissioners appointed by the before recited act: *Provided however*, if they should, on examination, believe that the road laid out by the said commissioners, be not such as was contemplated by the before recited act, and that the same is a public grievance instead of a public benefit, that then, and in that case, they be required to examine the other roads, viz. by Luca's Ford and the Flint Hill road, and report to the respective County Courts of Lincoln and Rutherford which road shall be selected as the nearest and best route to and from the said places respectively, together with such alterations in the course of said road as they may think proper to make; and their report and decision shall be final, except as may be hereinafter directed.

II. *Be it further enacted*, That the said commissioners, before they proceed to execute the duties required of them by this act, shall, before some magistrate of their counties respectively, take an oath that they will do and perform the duties required of them faithfully, and without prejudice or partiality.

III. *And be it further enacted*, That if said commissioners should report that the road, laid off by the provisions of the act before referred to, should be preferred and retained, that then, and in that case, the County Courts respectively shall direct the sheriff to summon a jury of twelve men, who shall be sworn to perform their duty without fear, favor or affection, to assess the damages sustained by the persons over whose lands the said road may run, which shall be paid by the counties respectively.

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

CHAPTER XCIX.

An act to amend an act, passed in the year one thousand eight hundred and ten, 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, as relates to the Peedee and Yadkin rivers."

WHEREAS the provisions of the above recited act have heretofore been disregarded: 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 if any person or persons shall neglect or refuse to remove the obstructions in said river, required to be removed by the provisions of the above recited act, in addition to the penalty therein imposed, for so neglecting or refusing, he, she or they shall be further subject to an indictment in the Superior Court of Law, or of the Court of Pleas and Quarter Sessions of the county in which the said obstruction shall be erected; and it shall be the duty of the Judges of the Superior Courts and of the Solicitors of the several counties bounded by said river, or through which said river passes, to give this act in charge to the grand juries for said counties.

CHAPTER C.

An act for the better regulation of the town of Kenansville, in Duplin county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Hogan Hunter, Redmond L. Stanley, Elijah Crosby, Daniel C. Moore, Williams Cooper and Francis Williams, be, and they are hereby appointed commissioners for the town of Kenansville, in the county of Duplin; a majority of whom shall have power to adopt and enforce all bye-laws and regulations which may be necessary for the well ordering of the police of said town, not inconsistent with the laws and constitution of this State and of the United States; to fill such vacancies as may occur by death, resignation, removal or otherwise; and it shall be their duty, and they are hereby authorised and empowered to take necessary measures for the removal of waggons, carts, and all other encumbrances, from the public square of said town during the sittings of the Superior and County Courts and on days of general muster.

II. *Be it further enacted,* That each and every person, who shall violate the true intent and meaning of this act, shall forfeit and pay the sum of ten dollars for each and every offence, to be recovered by warrant before any justice of the peace in said county; the one half to the use of the person suing for the same—the other half to the use of the poor of said county.

CHAPTER CI.

An act to appoint Commissioners for the town of Ashville, in Buncombe 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, Philip Brittain, Samuel Davidson, James M. Smith, Thomas Foster and James Allen, be, and they are hereby appointed a Board of Commissioners for the purpose of making such alterations and amendments to the public square of the town of Ashville, in Buncombe county, and of removing such obstructions in the same, as they may deem necessary and proper to be made.

CHAPTER CII.

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty-six, entitled "an act to build a new Court House in the county of Surry, 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 so much of the above recited act as makes it obligatory on the commissioners to sell the old court house and part of the public square, be, and the same is hereby repealed.

II. *And be it further enacted,* That it shall be discretionary with the commissioners to sell the old court house agreeably to the above recited act, or build on some site adjacent thereto; any law to the contrary notwithstanding: *Provided nevertheless,* that should the County Court fail, at February and May Term ensuing, to point out a site, then, and in that case, it shall be the duty of the commissioners, or a majority of them, to select one agreeable to the provisions of this act, and proceed to build.

CHAPTER CIII.

An act to incorporate the North-Carolina Gold Mining Company.

WHEREAS certain individuals of this and other States have associated themselves together, under the name of the "North-Carolina Gold Mining Company," with intent to work the gold mines of North-Carolina on plans more skilful and extensive than heretofore practised in this State, and they having applied to this Legislature to constitute them a body politic and corporate: Therefore,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Kerr, John Beard, jr. H. W. Conner, James Legrand, W. Harris, and their present and future associates, be, and they are hereby constituted a body politic and corporate, by the name and style of "The North-Carolina Gold Mining Company;" and by that name shall have perpetual succession and a common seal, may acquire and hold, sell and transfer estate, real and personal, may sue and be sued, plead and be impleaded, and generally have, exercise and enjoy all the rights, powers and privileges usually exercised and enjoyed by bodies politic and corporate in this State.

II. *Be it further enacted,* That nothing in this act contained shall authorise the company to exercise any banking privileges, or to enter on and work any of the lands belonging to the State.

III. *Be it further enacted,* That this charter shall expire at the end of fifty years from the ratification of the same.

IV. *And be it further enacted by the authority aforesaid,* That power is hereby granted to the company aforesaid to make and establish such bye-laws and regulations for their own government as they may deem necessary and proper, the same being not inconsistent with the laws of the land.

CHAPTER CIV.

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

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions of the county of Caswell, a majority being present, are hereby authorised and empowered, if they deem it expedient, at the first term of said Court after the first day of May next, and an-

nually thereafter, to elect from among themselves four suitable persons to hold the several terms of the said Court, and discharge the duties thereof.

II. *Be it further enacted*, That the said persons chosen as aforesaid, or any three of them, shall be competent to exercise all the authority and power which, by the existing laws of the State, seven justices are authorised to do; and they shall, in all cases, be governed by the same rules, regulations and restrictions which govern the powers and proceedings of County Courts in this State; and the said County Court, at the term of appointing the persons aforesaid, shall provide for the payment of the persons so appointed, for their services, not exceeding the sum of two dollars each, for every day they may be employed in the discharge of the duties aforesaid; which service shall be certified by the Clerk of the said Court.

III. *Be it further enacted*, That if at any term of said Court, three of the persons appointed as aforesaid do not attend, and another justice or other justices hold the said Court, then; and in that case, the justice or justices so holding the Court, shall be entitled to the same compensation as if he or they were of the number directed to be chosen as aforesaid; the Clerk of said Court certifying the number of days said justice or justices were employed in the discharge of said duties.

IV. *Be it further enacted*, That for discharging the compensation authorised by this act, the justices of the said Court, a majority being present, are hereby authorised to lay a tax on each suit commenced in said Court, and prosecution wherein the defendant shall be convicted, sufficient to defray the expenses accruing under this act; or if it be deemed by said justices inexpedient to raise the whole sum by a tax on the suits and prosecutions as aforesaid, then said justices may supply the deficiency by a tax on the taxable property of said county; which taxes, when so levied, shall be collected and accounted for in the same manner, and under the same penalties as other public taxes are by law collected and accounted for.

CHAPTER CV.

An act to establish Columbia Academy, on the lands of Joseph John Pippin, 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 authority of the same, That Asa Jones, Allen Jones, Frederick Jones, Kenneth Hyman, Kenneth C. Staton, Bythel Staton and Joseph John Pippin, 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 Columbia Academy; and by that name shall have perpetual succession, and they, or a majority of them, by the name aforesaid, shall be able and capable in law to receive subscriptions and donations, possess all monies, goods and chattels, that shall be given for the use of said academy, and by gift, purchase and devise, take, possess and enjoy, to them or their successors, any lands, tenements and hereditaments in trust for the use of said academy, and apply the same according to the will of the donor, and dispose of the same, when not forbidden by the terms of the gift.

II. *And be it further enacted*, That the said trustees, or their successors in office, shall be able and capable in law to sue and be sued, plead and be impleaded in any court of law or equity within this State.

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

trustees and their successors, or a majority of them, shall have power and authority to make, ordain and establish all such bye-laws, rules and regulations for their own government, and for the regulation of said academy, as to them may seem necessary for the promotion of learning and good morals, and may do and perform all other acts and things as are incident to and usually exercised by bodies politic and corporate for the promotion of science, not inconsistent with the laws of the State or of the United States; and upon the death, resignation or refusal to act, or removal out of the State of any of the trustees aforesaid, or in the appointment of a tutor or tutors for said academy, the remaining trustees, or a majority of them, shall call a meeting of all the stockholders or persons interested in the establishment of said academy, who shall have power and authority to appoint a tutor or tutors, and to fill all such vacancies as may thereby be occasioned.

CHAPTER CVI.

An act concerning the committee of Finance of Montgomery county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever the committee of Finance of the county aforesaid shall, under the provisions of the acts passed in the years one thousand eight hundred and fifteen and one thousand eight hundred and twenty, concerning the committee of Finance, commence suit for the recovery of any monies due the county from any of the officers therein mentioned, no receipt or receipts for the payment of such monies shall be lawful or valid in favor of such delinquent officers, if obtained after the commencement of such suit, unless he pay up and settle all costs which may accrue in the prosecution of such suit.

II. *And be it further enacted by the authority aforesaid,* That the County Court of said county (five justices being present) shall allow the said committee of Finance annually such compensation as they may think reasonable, not exceeding two dollars per day each, for the time they may be engaged in the settlement of the public accounts.

III. *And be it further enacted,* That it shall not be lawful, in any settlements which the committee of Finance may make with the wardens of the poor or treasurer of the vestry, to make them any allowance whatever for their services; any law to the contrary notwithstanding.

CHAPTER CVII.

An act to amend an act, passed in the year one thousand eight hundred and twenty-five, entitled
 "an act for the better regulation of the town of Beaufort."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the commissioners of the town of Beaufort to appoint a town constable, whose duty it shall be to execute all processes which may be directed to him by the intendant of police, and likewise to obey and execute all orders which may be issued by the commissioners of said town.

II. *And be it further enacted,* That the person appointed as town constable aforesaid, shall be compelled to serve as such for the term of one year, under the penalty of twenty pounds for refusing to act; and upon such refusal, the intendant of police shall sue for the same before any jurisdiction having cognizance of the same, for the use and benefit of said town; and the

said constable shall have the same power and authority in collecting fines and forfeitures, suppressing vice and immorality, removing nuisances, inflicting punishments, and in all other things, for the good government of said town, so far as regards said town, as the constables appointed by the County Court.

III. *And be it further enacted*, That the commissioners of said town are hereby authorised to allow such fees to said constable for the services which he may perform, as they from time to time may think proper.

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

CHAPTER CVIII.

An act concerning the committee of Finance and receivers of public monies 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 county trustee, the treasurer for public buildings, the treasurer for the wardens of the poor, and all other persons who now are, or hereafter may be receivers of public monies for the county of Cumberland, are each of them hereby required annually to make out a detailed and specific account of all the monies received and paid away by each of them in their official capacity within the last fiscal year, and exhibit the same for examination to the committee of Finance in said county before the first day of February in each and every year.

II. *And be it further enacted*, That it shall be the duty of the committee of Finance to examine and pass upon the account so exhibited in the same manner as they are now by law authorised and required to do, and cause the same to be printed within ten days thereafter, one copy for each acting justice of the peace in said county.

III. *And be it further enacted*, That the accounts, when printed, shall be deposited in the office of the clerk of the County Court, and by him distributed among the justices of the peace in said county.

IV. *And be it further enacted*, That the costs for printing shall be considered as a county charge, and shall be paid by the county trustee in the same manner as other county charges are paid.

CHAPTER CIX.

An act for the better regulation of Courts of Pleas and Quarter Sessions for the county of Martin.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions for the county of Martin, may, and they are hereby authorised, at the first term of said Court after the first day of February next, and at the first term of said Court after the first day of February in each and every year thereafter, to elect from amongst themselves five fit persons to hold the said Court of said county, three of whom shall be a competent number to hold the said Court 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 law, 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 the State; and the said justices

so elected shall be entitled to receive, each, a sum not exceeding one dollar and fifty cents per day, which sum shall be fixed by a majority of the justices of said county, for their services during the time which 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, showing 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 expenses 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 this act, it shall be necessary that a majority of the acting justices of said county shall be present at the time; and that this act shall be in force from and after the first day of February next.

CHAPTER CX.

An act to alter the time of holding the Court of Pleas and Quarter Sessions 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 the Courts of Pleas and Quarter Sessions for the county of Brunswick shall hereafter commence and be held on the first Monday in March, June, September and December in each and every year; any law to the contrary notwithstanding.

II. *And be it further enacted*, That all process which has been, or hereafter shall or may be issued from the Court of Pleas and Quarter Sessions, returnable to the February term of said court, shall be returned to the court to be held on the first Monday in March next.

III. *And be it further enacted*, That the sheriff, constables, registers and clerk of the County Court of Brunswick shall continue to hold their respective offices until the first Monday in March next.

IV. *And be it further enacted*, That the election of sheriff and the appointment of other county officers shall hereafter take place and be made for the county aforesaid on the first Monday in March next, and annually thereafter; any law to the contrary notwithstanding.

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

CHAPTER CXI.

An act concerning the Sheriff of Brunswick county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be the duty of the sheriff of the county of Brunswick, and he is hereby required to pay over to the county trustee of said county all sums of money which may be due by him to said county, in his official capacity, on or before the fifteenth day of October in each and every year; and on failure of the sheriff to do so, it shall be the duty of the county trustee, and he is hereby required, at the first term of the Court of

Pleas and Quarter Sessions of said county which shall happen after the said fifteenth day of October in each and every year, to report to the said court the amount due from said sheriff to the county; and the said court are hereby required to enter up judgment instanter for said amount, without notice to said sheriff.

II. *And be it further enacted*, That at the time herein required for the sheriff to pay over monies to said clerk, he shall also render to him, on oath, a list of unlisted property in said county; and on failing to do so, shall be subject to a penalty of five hundred dollars, to be recovered before any jurisdiction having cognizance thereof.

III. *And be it further enacted*, That if the county trustee shall fail to perform his duty as herein required, he shall be subject to a penalty, for every neglect and failure, of one hundred dollars, to be recovered as mentioned in the preceding section.

CHAPTER CXII.

An act to incorporate Enfield Lodge, No. 88, in the county of Halifax.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members of Enfield Lodge, No. 88, in the county of Halifax, be, and they are hereby constituted a body politic and corporate, by the name and style of "Enfield Lodge, No. 88," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, hold and dispose of such property as they may acquire, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

CHAPTER CXIII.

An act to compel the clerks of the County and Superior Courts, the register and sheriff of Sampson county to keep their respective offices at the court house in Clinton, in said county, from and after the first day of June, one thousand eight hundred and twenty-eight.

Be 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 register and the sheriff of Sampson county shall keep their respective offices at the court house in the town of Clinton, in said county; and in the absence of said officers, they shall keep a deputy, who shall perform the duties of said offices respectively, under the penalty of one hundred dollars, to be recovered before any justice of the peace having cognizance of the same, to be applied to the use of the county of Sampson as other public monies in the treasury of said county are by law applied.

II. *And be it further enacted*, That at May County Court, one thousand eight hundred and twenty-eight, the court shall appoint three discreet persons, who shall examine the offices under the court house in said county of Sampson, and see that they are completed according to contract, and designate which offices shall belong to the different officers respectively, and report to the said court; any law or usage to the contrary notwithstanding.

CHAPTER CXIV.

An act prescribing the manner in which lands shall hereafter be advertised for sale for taxes in the counties of Anson 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 from and after the passing of this act, it shall not be lawful for any sheriff of the counties of Anson and Surry, either by himself or his deputy, to sell any land for their taxes until he shall first have advertised the same for sale in the Star and North Carolina Journal, or the Raleigh Register, for the space of forty days, and also in the several captains' companies in the said county at least ten days previous to the sale thereof; in which advertisement shall be mentioned the situation of said lands, the water courses on which they lie, the estimated quantity, the names of the tenant or tenants in possession, if cultivated, and the name or names of the reputed owner or owners, where the same can be ascertained; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXV.

An act respecting the elections in the county of Perquimons.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future the elections in the county of Perquimons for members of the General Assembly of this State shall be held on the second Thursday in August, in each and every year, at the places now prescribed by law.

II. *Be it further enacted,* That the elections for members of Congress shall be held on the second Thursday in August, at the several periods and places now prescribed by law.

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

IV. *Be it further enacted,* That it shall be the duty of the keepers or inspectors of said elections carefully to count the votes at five o'clock, P. M. on Thursday, and on the next day (Friday) to make a return of the state of the polls to the sheriff by twelve o'clock, at the court house in Hertford, on the said day, when it shall be the duty of the sheriff of the said county carefully to compare the said polls, and declare who is duly elected.

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

CHAPTER CXVI.

An act to amend an act, entitled "an act to establish an academy in the town of Snow Hill, in the county of Greene," passed in the year 1812, chapter 94.

WHEREAS, by reason of the death, removal and resignation of the trustees of Snow Hill Academy, their number is greatly reduced, there being only two now acting as trustees: 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 Charles H. Haper, Willis Murphey, Bennet Murphey, William T. Hendon, John Holiday and Wyatt Moye, be, and they are hereby added to the number of the surviving acting trustees of said Snow Hill Academy, with the same powers and authorities as the trustees originally appointed by said act are or were entitled to; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXVII.

An act to secure to Christianna Crittenden, of Stokes county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina,

and it is hereby enacted by the authority of the same. That Christianna Crittenden, of the county of Stokes, wife of John Crittenden, be, and she is hereby entitled to hold, possess and enjoy, in her sole right, any estate, either real or personal, which she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her said husband; and she is hereby authorised to prosecute and defend any suit, in her own name, in any court within this State, in the same manner as if she had never been married to the said John Crittenden aforesaid; any law to the contrary notwithstanding.

CHAPTER CXVIII.

An act making it the duty of major generals to review the second regiment of Randolph militia at their usual regimental muster ground.

WHEREAS the first and second regiments of the Randolph militia is divided by Deep river, which is not unfrequently rendered by freshets impassable at the time of reviews, thus making it difficult and dangerous for the second regiment to attend reviews at Ashboro'; 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 it shall be the duty of the major general of the third division of the militia of North Carolina to review the second regiment of Randolph county at Lewis M'Masters's; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXIX.

An act to authorise and direct the sheriff of Rowan county to collect the taxes imposed by the commissioners of the town of Salisbury.

Be it enacted by the General Assembly of the State of North-Carolina, and and it is hereby enacted by the authority of the same, That the sheriff of Rowan county be, and he is hereby authorised and directed to collect, pay over and account for the taxes imposed by the commissioners of the town of Salisbury on the citizens and property of said town, in like manner and under the same rules and regulations as are now prescribed for the government of the town collector by an act, passed in the year one thousand eight hundred and twenty-five, entitled "an act to amend an act, entitled 'an act concerning the town of Salisbury,' passed in the year one thousand eight hundred and twenty-two, chapter fifty-two, and for other purposes."

CHAPTER CXX.

An act to compel the Register and Clerk of the County Court of Hyde 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 from and after the first day of May next, the register and clerk of the County Court of the county of Hyde shall, by themselves or their authorised deputies, keep their respective offices at the court house in said county.

II. Be it further enacted, That upon neglect or refusal of the officers aforesaid to comply with the provisions of this act, they, or either of them, shall be subject to a penalty of two hundred dollars for so neglecting or refusing, to be applied to the use of the poor of said county; and for which penalty it shall be the duty of the solicitor of the Superior Court for the time being to bring suit in the name of the wardens of the poor as aforesaid.

CHAPTER CXXI.

An act for the relief of sundry citizens of the counties of Buncombe and Ashe.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Secretary of State shall be authorised and required to issue a certified copy of an entry from the returned copies of entries from the county of Buncombe in his office, which entry is No. 1794, made by Samuel Carter and Solomon Carter, for two hundred acres, on the 16th April, 1825; and that such certified copy shall be sufficient evidence to authorise the Treasurer of the State to receive the purchase money for said land.

II. *And be it further enacted,* That the Public Treasurer be, and he is hereby authorised and directed to receive the purchase money on the following entries, made in the county of Ashe, that is to say, by Leonard Bellew, fifty acres, which entry is No. 4608, and dated the 26th October, 1825; also by Solomon Perry, for fifty acres of land, by him entered on the 27th day of October, 1825, which entry is No. 4615; also by Francis Sturgill, for twenty-five acres of land, entered on the 12th day of February, 1825, which entry is No. 4566: *Provided* the same be paid for before the rise of the present General Assembly; and that this act shall be in force from and after the ratification.

CHAPTER CXXII.

An act to add all that part of the second regiment of Militia of Burke county, lying south of the Catawba river in said county, to the first regiment.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of that part of the second regiment of Burke county militia, lying south of the Catawba river in said county, if they deem it expedient, are hereby authorised to attach themselves to the first regiment of said county: *Provided*, that such arrangement shall not reduce captain Conley's company to a less number than eighty privates exclusive of commissioned and non-commissioned officers; any law to the contrary notwithstanding.

CHAPTER CXXIII.

An act to secure to Jane Becknall, of Ashe county, what property she may hereafter acquire.

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

CHAPTER CXXIV.

An act to incorporate the Trustees of Holly Grove Academy, in the county of Sampson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That Bedreden Caroway, George Draughon, Reson Royal, Hardy Royal, David Underwood,

William Macay and James Blanks, and their successors, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of the Trustees of Holly Grove Academy; and by that name they shall be capable to 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 in this State.

II. *Be it further enacted*, That in case of any vacancy occurring by death, resignation or otherwise, it shall be in the power of a majority of the remaining trustees to supply such vacancy.

CHAPTER CXXV.

An act to secure to Phebe M'Kaughon, of Guilford county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Phebe M'Kaughon, of Guilford county, wife of Hugh M'Kaughon, be, and she is hereby entitled to hold, possess and enjoy in her sole right all such estate, real and personal, as she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her husband herein named, free and clear from the claims of said husband, or any of his creditors; and she shall have full power and authority to prosecute and defend all suits, either at law or equity, in her own name, in the same manner as if she had never been married to her said husband; any law or usage to the contrary notwithstanding.

CHAPTER CXXVI.

An act to authorise Zachariah Elliot, one of the securities of Henry S. Taylor, late sheriff of Greene county, to collect arrears of 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 Zachariah Elliot, one of the securities of Henry S. Taylor, late sheriff of Greene county, be, and he is hereby authorised to collect the arrears of taxes due the said Henry S. Taylor for the years 1824 and 1825, under the same rules, regulations and restrictions as are already prescribed by law for the collection of taxes: *Provided*, that this collection shall not extend to administrators and executors, or to persons who have removed out of the county, or to those who will make oath before some justice of the peace that they have paid the same.

CHAPTER CXXVII.

An act to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Davidson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That after March term of the Court of Pleas and Quarter Sessions for the county of Davidson, one thousand eight hundred and twenty-eight, the Courts of Pleas and Quarter Sessions for said county shall be holden on the second Monday of February, May, August and November, in each and every year; and all process issuing from March term of said Court as aforesaid, shall be returnable to May term, one thousand eight hundred and twenty-eight, of said court.

II. *And be it further enacted*, That after March term, one thousand eight

hundred and twenty-eight, of said court, the election of sheriff and other county officers shall take place at the next February term of said court, and annually thereafter, under the same rules and regulations as are now prescribed by law.

CHAPTER CXXVIII.

An act to regulate the sale of lands and slaves so far as respects the county of Northampton.

Be 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 returning officers of said county be, and they are hereby authorised to make sale of land and slaves on the first day of each Superior Court of Law and Equity for said county, and continue the same under the same rules and regulations as other sales are held; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXXIX.

An act to repeal an act, entitled "an act concerning the Court of Pleas and Quarter Sessions for the county of Hyde, and for other purposes."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act, passed in the year one thousand eight hundred and twenty-six, chapter eighty-sixth, be, and the same is hereby repealed.

II. *And be it further enacted,* That the County Courts of Hyde shall hereafter be held under the same rules, regulations and restrictions as they were before the passage of the above recited act: *Provided nevertheless,* that it shall be within the competency of the said court, a majority of the justices being present, to dispense with a jury when the business of the court shall not require one.

CHAPTER CXXX.

An act to amend an act, entitled "an act to establish an academy at Williamston, in the county of Martin," passed in the year one thousand eight hundred and sixteen.

WHEREAS the third section of the act of incorporation requires a majority of the trustees therein named to be present to fill all vacancies; and whereas from death, removal or resignation, there is not a sufficient number remaining to act: in 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 James B. Slade, Thomas Watts, Thomas Shaw, Abraham Mair, Edwin Smithwick, Samuel S. S. Shepperd, and John Griffin, be, and they are hereby added to the remaining trustees named in the above recited act, with all the powers given to the original trustees.

CHAPTER CXXXI.

An act concerning the wardens of the poor for the counties of Washington, Randolph, Davidson, Camden, Lincoln and Wake.

Be 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, that clause of the third section of the act of one thousand seven hundred and eighty-six, chapter 255, which requires the wardens of the poor to specify the expense of each pauper under their care, be, and the same is hereby repealed so far as respects the counties of Washington, Randolph, Davidson, Camden, Lincoln and Wake; and that in future it shall be sufficient for the wardens of the poor for said counties, and they are hereby required, to render a general statement of the expenditures of the poor in said counties at the same time and under the same rules, regulations and penalties as are now prescribed by the laws of this State.

CHAPTER CXXXII.

An act to authorise Robert Gallaway, jr. to erect a gate across the public road leading from Rockingham Court House to the Eagle Falls on Dan 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 Robert Gallaway, jr. of the county of Rockingham, be, and he is hereby authorised to erect a gate across the public road leading from Rockingham court house to the Eagle Falls on Dan river, upon the same terms and under the same restrictions as other gates are permitted to be erected across the public roads in this State; and that this act shall be in force from and after the ratification thereof.

CHAPTER CXXXIII.

An act to alter the names of Lindsea Green Doty and Edward Tidwell, orphans, of the county of Rutherford.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Lindsea Green Doty and Edward Tidwell, orphans, of the county of Rutherford, and bound to Jesse Jenkins, of said county, shall hereafter be known and distinguished by the names of Lindsea Green Jenkins and Edward Henry Jenkins, and by these names shall be able and capable of prosecuting and defending either at law or equity; and they are hereby declared capable of inheriting from the said Jesse Jenkins real and personal estate in as full and ample manner as if they were his lawful heirs and representatives; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXXXIV.

An act to restore to credit John Castephens, of 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 passing of this act, John Castephens, of Surry county, in North-Carolina, be, and he is hereby restored to credit, in as full and ample a manner to all intents and purposes, as if the said John Castephens had never been convicted of any crime whatever; and he is hereby declared to be a competent witness to depose and testify in all cases where the same may be necessary; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXXXV.

An act to amend an act to provide for the paying of jurors of the county of Wayne, passed in the year one thousand eight hundred and twenty-three.

Be 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 tax provided to be imposed by the second section of the above recited act, of seventy-five cents on every suit in the courts of said county, be, and the same is hereby increased to the sum of one dollar and twenty five cents, and shall be collected and accounted for in manner as provided for in the act aforesaid.

CHAPTER CXXXVI.

An act to repeal an act of the Assembly, passed in the year one thousand eight hundred and twenty, entitled "an act directing the County Courts to pay fees to certain officers therein named," so far as respects the county of Randolph.

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

CHAPTER CXXXVII.

An act to allow the sheriff of Carteret county travelling fees when he may be compelled to travel to Ocrooke or Portsmouth to execute process of any sort.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the sheriff of Carteret county shall have an extra fee of five cents per mile whenever he may have occasion to travel to Ocrooke or Portsmouth in the discharge of the duties of his office; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXXXVIII.

An act to alter the name of Henry Rogers, of Duplin county, and to legitimate him.

Be 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, Henry Rogers, of the county of Duplin, the illegitimate son of William Broadhurst, by his present wife, be, and he is hereby legitimated by the name of Henry Broadhurst; and by that name shall sue and be sued, plead and be impleaded; and shall be capable of taking property both by descent and distribution, in as full and ample a manner as though he were born in lawful wedlock.

CHAPTER CXXXIX.

An act to incorporate Franklin Lodge, No. ninety-four, 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 master, wardens and members of Franklin Lodge, No. ninety-four, in the county of Hyde, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Franklin Lodge, No. ninety-four;" and by that name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of like nature.

CHAPTER CXL.

An act making it the duty of Major Generals to review the first regiment of Edgecomb militia at their usual regimental muster ground.

Be 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 Major General of the seventh division of the militia of North-Carolina to review the first regiment of Edgecomb county at their usual regimental muster ground; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXLI.

An act to incorporate the Hookerton Library Company, in the county of Greene.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the persons who now are, or may hereafter become members of the Hookerton Library Company, in the county of Greene, be, and they are hereby constituted a body politic and corporate; and under the name and style of the Hookerton Library Company, 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.

LAWS OF NORTH CAROLINA.

CHAPTER CXLII.

An act to amend the sale law in 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 from and after the passing of this act, in addition to the places of sale now authorised by law, in the county of Rutherford, for the sale of personal estate, negroes excepted, there may be a sale once in each month, viz. on the last Saturday in each and every month, at the house of William Weathers, on First Broad River, in the county of Rutherford; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXLIII.

An act to exempt from certain public duties the keeper of the poor house, 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 keeper of the poor house, in the county of Stokes, be, and he is hereby exempted from serving on juries, working on public roads and performing militia duty; and that this act shall be in force from and after its ratification.

CHAPTER CXLIV.

An act to appoint additional commissioners for the town of Stantonsburg, in the county of Edgecomb.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Henry T. Stanton, Patrick S. Cromwell, William Little, Benjamin Miller, and Francis Alexander, be, and they are hereby appointed commissioners for the town of Stantonsburg, and jointly with those now living in said town, shall have and exercise all the powers and authorities which have been vested in the commissioners heretofore appointed for said town; any law to the contrary notwithstanding.

CHAPTER CXLV.

An act to secure to Mary E. Rowland, of Robeson county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Mary E. Rowland, of Robeson county, wife of Alfred Rowland, be, and she is hereby entitled to hold, possess and enjoy, in her sole right, any estate, either real or personal, which she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample a manner as if she had never been married to her said husband; and she is hereby authorised to prosecute and defend any suit in her own name, in any court within this State, in the same manner as if she had never been married to the said Alfred Rowland; any law to the contrary notwithstanding.

CHAPTER CXLVI.

An act to incorporate "Jerusalem Lodge," in Greene county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members of Jerusalem Lodge, No. ninety five, at Snow Hill, in the county of Greene, be, and they are hereby constituted a body politic and corporate, by the name and style of "Jerusalem Lodge," and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, have a common seal, and in general exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature.

CHAPTER CXLVII.

An act to secure to Jane Wilson, of Buncombe county, such property as she may hereafter acquire.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Jane Wilson, of Buncombe county, wife of James Wilson, be, and she is hereby entitled to hold, possess and enjoy in her sole right all such estate, either real or personal, as she may hereafter acquire by industry, purchase, gift or otherwise, in as full and ample manner as if she had never been married to her husband James Wilson herein named, free and clear from the claims of her said husband, or any of his creditors; and she shall have full power and authority to prosecute and defend any suit, either in law or equity, in her own name, in the same manner as if she had never been married to her said husband; any law to the contrary notwithstanding.

CHAPTER CXLVIII.

An act to authorise Henry Gibbs, sheriff of Hyde county, to collect arrears of 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 Henry Gibbs, sheriff of Hyde county, be, and he is hereby authorised to collect the arrears of taxes due the said Henry Gibbs for the years one thousand eight hundred and twenty-four and one thousand eight hundred and twenty-five, under the same rules, regulations and restrictions as are already prescribed by law for the collection of taxes: *Provided,* that this collection shall not extend to those who will make oath before some justice of the peace, that they have paid the same.

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

CHAPTER CXLIX.

An act to compel the sheriff of Burke county to give written summons to the jurors 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, it shall be the duty of the sheriff of said county to summon all jurors of the original pannel by a written summons delivered to the juror or left at his usual place of abode; and it shall be the duty of the sheriff to enter on the subpoena the date when so delivered or left; and it shall be the duty of the sheriff, on his return of said jurors so summoned to the clerk of the court, to affix to the name of each juror the date of his said summons.

CHAPTER CL.

An act to render valid certain acts of the acting Coroner of Stokes county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all such acts done by Absolom Bostick, of Stokes county, in the capacity of coroner for said county, up to this time, which the law authorises coroners, legally appointed, and who have given bond to do and perform, are hereby declared to be legal and valid, as fully to all intents and purposes as if he had regularly given bond and security according to law; any law, usage or custom to the contrary notwithstanding.

CHAPTER CLI.

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 shall have power to let out the town commons for a period not exceeding eight years: *Provided,* that only one half of said commons be let out for two successive years.

II. *Be it further enacted,* That the third section of an act, passed in the year 1824, concerning said town, be, and the same is hereby repealed.

CHAPTER CLII.

An act to explain an act, entitled "an act, passed in the year one thousand eight hundred and ten, chapter thirty-three, authorising Enoch Sawyer to open a road across Pasquotank River Swamp, opposite his plantation, and to erect a 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 clause of the above recited act, which prescribes that no person shall build a bridge within three miles of the bridge authorised to be erected by the provisions of the above recited act, shall be so construed, as that the distance shall be computed by the various meanderings of the river, and not otherwise; any law, usage or custom to the contrary notwithstanding.

CHAPTER CLIII.

An act to alter the boundary line between the first and second regiments of Buncombe militia.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, Israel's Branch shall be a portion of the dividing line between the first and second regiment of Buncombe militia, with the exception of Joshua Jones, who will continue attached to the second regiment.

II. *Be it further enacted,* That so much of the act of 1826, chapter 42, entitled "an act to alter the boundary line between the first and second regiment of Buncombe militia," as is incompatible with this act, be, and the same is hereby repealed.

CHAPTER CLIV.

An act to repeal an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Wayne."

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act of the last General Assembly of this State, entitled "an act to establish a poor house in the county of Wayne," be, and the same is hereby repealed.

CHAPTER CLV.

An act to repeal an act of Assembly, passed in the year one thousand eight hundred and sixteen, chapter twenty-one.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That an act of the General Assembly of North-Carolina, passed in the year of our Lord one thousand eight hundred and sixteen, and entitled "an act to appoint commissioners for the purpose of opening a navigable canal from Turnagain Bay to Long Bay, in Craven county, and for other purposes," be, and the same is hereby repealed.

CHAPTER CLVI.

An act to amend an act, passed at the last session of the General Assembly, entitled "an act to establish a poor house in the county of Pitt."

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

Before recited act as gives to the wardens of the poor a discretionary power to maintain any portion of the poor of said county in any other manner than in the poor house, be, and the same is hereby repealed.

CHAPTER CLVII.

An act to repeal the second, third and fourth sections of an act, passed in the year one thousand eight hundred and nineteen, entitled "an act prescribing the manner of assessing lands in this State, for taxation," so far as relates to the county of Anson.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the second, third and fourth sections of said act be, and the same are hereby repealed, so far as relates to the county of Anson.

II. *And be it further enacted,* That all the powers vested by said act in the Board of Appeal, shall be hereafter vested in the County Court of said county.

CHAPTER CLVIII.

An act to authorise John Waddle, of Randolph county, to erect two gates.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Waddle, of Randolph county, be, and he is hereby authorised to erect two gates, one on each side of Deep river, on the public road leading through the plantation where the said Waddle now resides, under the rules, regulations and restrictions which have been or hereafter may be established for erecting and keeping up gates across any of the public highways of this State.

CHAPTER CLIX.

An act to authorise Ann Fewell, of the county of Rockingham, to erect a gate across the public road, leading through her plantation on Dan 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 Ann Fewell be, and she is hereby authorised and empowered to erect a gate across the public road leading through her plantation to Lacy's Ford on Dan River, to be under the same rules, regulations, restrictions and immunities as other gates are in like cases so made and provided.

CHAPTER CLX.

An act to annex part of Drysboro, in the county of Craven, to the town of Newbern, 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 that part of the town of Drysboro known as the public burial ground, be, and the same is hereby annexed to the town of Newbern.

CHAPTER CLXI.

An act to alter the place of holding the separate election in that part of the county of New-Hanover called Canetuc.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate elections which have heretofore been held at the house of James Lewis in that part of the county of New Hanover called Canetuc, shall hereafter be held at the place usually called Canetuc muster ground in said county; any law, usage or custom to the contrary notwithstanding.

CHAPTER CLXII.

An act to authorise the Public Treasurer to pay to Thomas Searcy, the cost of a suit wherein the State was plaintiff, and General William Bethell was defendant.

Be 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 directed and he is hereby authorised to pay Thomas Searcy, Clerk of the Superior Court for the county of Rockingham, the sum of nine dollars seven and a half cents, as costs incurred by the prosecution of a suit in said Court and county of Rockingham, by the State against General William Bethell.

CHAPTER CLXIII.

An act for the relief of Lewis Bond, late sheriff of Bertie.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by authority of the same, That Lewis Bond, late sheriff of Bertie, be, and he is hereby authorised to collect the arrears of taxes due for the year 1826, according to the rules and regulations now in force for the collection of taxes by sheriffs in office: Provided nevertheless, that no collection of taxes shall be made under this act from the estates of persons who have died since the said taxes were due, or from such persons as have moved from the county, or as will make oath that they have paid said taxes and lost their receipts.

CHAPTER CLXIV.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-four, entitled "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 above recited act, be, and the same is hereby repealed and made void.

CHAPTER CLXV.

An act concerning the election of County Surveyors in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and 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 from and after the passage of this act, whenever a vacancy shall occur in the office of county surveyor, in the counties of Burke, Rutherford, Buncombe, Wilkes, Ashe and Haywood, it shall not be lawful for the Courts of Pleas and Quarter Sessions of said counties to proceed to fill such vacancy unless a majority of the acting justices of the peace in said counties shall be present at the time of said election; any law to the contrary notwithstanding.

CHAPTER CLXVI.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-four, entitled "an act to authorise the payment of persons summoned to serve as talismen 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 the above recited act be, and the same is hereby repealed; and that this act take effect immediately from and after the ratification thereof.

CHAPTER CLXVII.

An act to legitimate and alter the name of Mary Ann Eliza Tooty.

Be 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, Mary Ann Eliza Tooty, illegitimate daughter of George P. Lovick, of Greene county, be, and she is hereby legitimated, by the name of Mary Ann Eliza Caswell Lovick; and she is hereby declared capable in law to take and hold property either by descent or distribution, in as full and ample a manner as if she had been born in lawful wedlock; any law to the contrary notwithstanding.

CHAPTER CLXVIII.

An act to compel the public register of Franklin county to keep his office in the town of Louisburgh, in said county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the public register of Franklin county to keep his office in the town of Louisburgh, in said county; any law to the contrary notwithstanding.

Read three times and ratified in General }
Assembly, the 7th day of Jan. 1828. }

THOS. SETTLE, S. H. C.
B. YANCY, S. S.

A true copy.

WM HILL, Secretary.



RESOLUTIONS,

Passed by the General Assembly of 1827—28.

Resolved by the Senate and House of Commons, That the Comptroller of this State be directed to take an inventory of all the property of every description belonging to the State, and appertaining to the house of the Governor, during this session of the Legislature; and that he hereafter take an inventory of the said property at the expiration of the term of the several Governors of this State hereafter to be appointed; and that he file the said inventory in his office, subject to the inspection of the members of the Legislature.

Resolved, That the said Comptroller take an inventory of the property of the State belonging to the Capitol at the expiration of each Session of the Legislature; and that he file the same in his office, there to be kept, subject to the inspection of the members of the Legislature.

Resolved by the Senate and House of Commons, That the conveyances and powers of attorney from the widow, devisees and executors of the late John Haywood, taken by the Attorney General of this State in pursuance of a resolution of the two Houses, be filed with the Treasurer of this State; and that he cause them to be duly proved and registered; and that he furnish the persons appointed to superintend the sale of the property conveyed, either with copies or the original conveyances as they may prefer; and that he also cause the bank stock mentioned in the powers of attorney to be transferred as soon as may be convenient for him to do it; and that he draw the money mentioned in the other powers of attorney, and hold the same as Public Treasurer.

*Resolved, That in case Edward Griffin, late sheriff of Martin county, shall make a full settlement with the Comptroller, and he or his securities shall pay to the Public Treasurer the full amount of all taxes he is liable by law to account for and pay for the year one thousand eight hundred and twenty-six within two months, he shall be released and discharged from the penalty of one hundred pounds, incurred agreeable to law for failing to settle and account for said taxes, upon his paying the cost of a suit which is now pending against him and his securities in Wake County Court; and that he also be allowed his mileage, commissions and insolvents, as prescribed by law: *Provided*, that the said Edward Griffin or his securities should pay to the State all the monies which the said Griffin may owe the State, with interest from the first day of November, 1827, until the first day of May, 1828.*

Whereas, upon examination of the Adjutant General's report, it appears to this General Assembly, that the State of North Carolina is to receive from the General Government in the course of the present year, a number of arms and accoutrements, which may arrive at some one of the seaport towns of this State before the sitting of the next General Assembly, which will require to be taken care of: Therefore,

Be it resolved, That the Adjutant General is hereby required to have the said arms and accoutrements, as soon as they arrive as aforesaid, to be brought to the city of Raleigh and deposited in some place of safety; and he is hereby authorised to draw on the Public Treasurer for an amount sufficient to defray said expenses; and the Public Treasurer is hereby required to pay to the Adjutant General such sum as may be necessary to defray said expense, for which he shall be allowed in settlement of his public accounts.

Resolved, That the account of Hutchins G. Burton, late Governor, as guardian ex-officio of James Forsythe, be approved by the General Assembly.

Resolved, That the Treasurer of the State of North-Carolina be instructed to pay to the agent of Caleb Spencer, administrator of John J. Bonner, late of the county of Hyde, the sum of one hundred and fifty-seven dollars and twenty-five cents, for the services of the said John J. Bonner, a member of the county of Hyde of the last

General Assembly; and that the same be allowed him in the settlement of his public accounts.

Whereas Thomas Elliot, late of Mecklenburg county, departed this life on the eighteenth day of September last, and at the time of his death was a pensioner of this State; and whereas his legal representative is entitled to that portion of said pension accruing between the first day of January last and the eighteenth of September:

Resolved, therefore, That the Public Treasurer pay to William J. Alexander, as agent and attorney in fact of the administrator of said Elliot, the sum of fifty-two dollars; and that this amount be allowed in his settlement with the Comptroller.

Resolved, That the Public Treasurer be directed to refund to Jesse Rogers, of Moore county, twelve dollars and fifty cents, received at the Treasurer's Office by entry taker's certificate No. eight hundred and nine; and that he be allowed the same in the settlement of his public accounts.

Resolved, That Richard Roberts be directed immediately to procure green baize curtains for the windows of the Clerks' rooms in the third story in the west wing of the State House; and that the Treasurer advance to the said Richard Roberts the sum necessary to effect the same, which sum he shall be allowed in the settlement of his public accounts.

Resolved, That the Governor of the State be, and he is hereby authorised to draw on the Public Treasurer for any sum as may be necessary for making surveys of the land belonging to the late John Haywood, Esq. employing a crier for selling the property, and employing counsel in bringing suit or suits for the recovery of the debt due from the late Treasurer and his securities, and other expenses attending the sale.

Whereas, it appears from the books of the Comptroller's Office, that the sum appropriated to the reception of Gen. Lafayette was drawn by warrants from the Governor on the Public Treasurer, part of what appears from said books to be debited to the expenses for the reception of Gen. Lafayette, and part to the late Governor, Hutchins G. Burton; and the accounts appear not to be settled or balanced by vouchers:

Be it therefore resolved, That the Governor, the Secretary and Treasurer examine the vouchers, and in case it appears that any part of the same has not been properly disbursed, that they ascertain the same and report thereon to the next General Assembly.

Whereas John Duckworth, late a pensioner of the State, died in the latter part of the year 1826 without having received his pension for said year: Therefore,

Resolved, That the Public Treasurer be, and he is hereby authorised to pay to the legal representatives of the said John Duckworth the sum of seventy-five dollars; for which he shall be allowed a credit in the settlement of his public accounts.

Resolved, That the Governor of this State, and his successors in office, be authorised and empowered to interchange the Laws of this State with the State of Delaware, or with any other State or States, who have, or are willing to interchange, their Laws for the Laws of this State.

And resolved further, That the Governor, and his successors in office, be authorised to have the Laws of this State, which he may hereafter think proper to interchange with any other State or States, bound in a neat and substantial manner.

Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer of the State pay to David Rogers, of Buncombe county, the sum of thirty dollars, for costs incurred by him in the suits of Doe and Wha-ya-hah against Fansey Levast and Roe, and Tegan Tossey against Hugh Rogers, both tenants of said David Rogers, determined against them in the April Term of 1824, of Buncombe Superior Court, and in the suit of Doe on the demise of Tegan Tossey against David Rogers, determined in October Term, 1824, of said Court.

Resolved, That Hardy B. Croom, Esquire, have leave to withdraw from the Public Library, for the space of twelve months, the work entitled "Lawson's History of North Carolina," for the purpose of republishing the same, with notes, critical and explanatory, upon his leaving a receipt for the same with the Librarian.

Resolved by the General Assembly of the State of North-Carolina, That the Secretary of State be directed to issue to Matthew Pridgen, of the county of Bladen, a grant for one hundred and fifty acres of land, lying in said county, on an entry made by him in the entry taker's office in said county, No. 200, the purchase money of which has already been paid.

Resolved, That the Secretary of State purchase either in this State or elsewhere, as he may think best, the stationary required for the Executive Office, the officers of the other Departments of the Government, and the Clerks of the General Assembly, for the ensuing year; also the necessary quantity of candles for public use; and that the Treasurer advance the sum necessary to make such purchase, not exceeding three hundred dollars.

Resolved, That the Public Treasurer pay to Joshua E. Lumsden the sum of twenty-four dollars, for carrying a writ of election to the county of Washington, and the further sum of three dollars for covering a table in the office of the Clerk of this house, finding all the materials.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to Henry Gorman the sum of fourteen dollars and fifty cents, for work done to the State House by said Henry Gorman.

Resolved, That the Public Treasurer pay Giles Johnson twenty-four dollars, for carrying a writ of election to elect a member for the town of Newbern, in the place of John Stanly, Esq. resigned, and that he be allowed the same in his settlement.

Resolved, That the Public Treasurer pay to Matthew J. Coman thirty-four dollars, for carrying a writ of election to the Sheriff of Chowan county.

Resolved, That William R. Hill be appointed Librarian to the State Library for the ensuing year, and that he be allowed the sum of seventy-five dollars per annum, to be paid by the Public Treasurer, for his services aforesaid.

Resolved, That the said Hill make out and deposit with the Secretary of State, an alphabetical list of all books belonging to the Library, and of such as may hereafter be purchased.

Resolved, That the Secretary of State be directed to procure, before the meeting of the ensuing Legislature, iron backs, and have them fixed in the five places in the Senate chamber and Commons hall.

Resolved, That the Public Treasurer advance to the Secretary of State the sum necessary to procure the said backs, and to have them fixed in the chimneys aforesaid; for which he shall be allowed in the settlement of his public accounts.

Resolved, That the Treasurer be, and he is hereby directed to pay to the Secretary of the Governor, the sum of three hundred and fifty dollars, to be laid out in the purchase of furniture for the Government House, under the direction of his Excellency, and also to clear out the well; and that he be allowed the same in the settlement of his public accounts.

Resolved, That the Public Treasurer demand and receive of Benjamin A. Barham a transfer of thirty shares of the capital stock of the Newbern Bank, which the said Barham sold to the late Treasurer of this State; and also the dividends due on, or which have been received by the said Barham, and not paid to the late Treasurer, since the purchase.

Resolved further, That the said Public Treasurer proceed to the collection of all debts owing to the State, either by judgment, bond or otherwise, for the sales of the public lands near the city of Raleigh; and that he make a report of the amount of such debts and the sum collected therefrom to the next General Assembly.

Resolved, That Parham Kirk, sheriff of Montgomery county, be permitted to settle and close his accounts with the proper officers for the last fiscal year; and that on such settlement he be allowed the usual commissions, mileage and attendance; and that he be discharged from any penalty or forfeiture which he may have incurred in failing to account within the proper time.

Resolved by the General Assembly of the State of North-Carolina, That three persons be elected by joint ballot of both Houses of the General Assembly to represent the interest which the State of North-Carolina has in the stock of the Bank of Cape-Fear, at the meeting of the stockholders of said Bank to be held on the first Monday of January, in the year of our Lord one thousand eight hundred and twenty-eight.

Resolved, That the Governor be requested to obtain and report to the next Legislature the most approved plan for a penitentiary, separately, and in connexion with an asylum for idiots and lunatics, setting forth the best system of discipline for such an institution, with the amount of the probable cost, and setting forth from the best attainable information, whether two institutions of the kind in question can with advantage be connected.

Resolved, That the Secretary of State be, and he is hereby authorised and required to contract with some suitable person to clear out and put in proper order the well on the State House square, and that he draw on the Treasurer in favor of the contractor for the sum necessary to effect the same; which sum the Treasurer shall be allowed in the settlement of his public accounts.

Resolved, That the Public Treasurer pay John W. Hamilton or his representative the sum of eleven dollars and twenty cents, the amount of insolvent taxables and removals not allowed in his settlement with the Public Treasurer, as sheriff of Cabarrus county, the preceding year.

Resolved, That the Public Treasurer pay to H. G. Burton the sum of forty five dollars and forty-two cents, and that he be allowed the same in the settlement of his public accounts.

Resolved, That the account of Lawrence & Lemay, for extra printing, be referred to the Governor, Treasurer, Comptroller and Secretary of State, who have, at this session, been appointed by law a Board for the settlement of such claims, and that the sum due them be paid by the Treasurer, upon the certificate of amount by the said Board.

Resolved, That the Treasurer be directed to pay to William Thompson the sum of fifteen dollars, for erape purchased by order of the Legislature, and he be allowed for the same in the settlement of his public accounts.

Resolved, That the Public Treasurer pay to Ichabod Wetmore the sum of fifty dollars for his services as Clerk to the Committee of Investigation of the Treasury Department, and that the same be allowed in the settlement of the Treasurer's public accounts.

Resolved, That the Public Treasurer pay to each of the doorkeepers of both Houses of this General Assembly twenty-five dollars, their usual extra allowance, and that they be compelled to pay out of the same the hands necessarily employed by them to bring wood and water to the State House during the present Session of the General Assembly; and that the rule of the House requiring resolutions to be read three times, be dispensed with so far as regards this resolution.

Read three times and ratified in General Assembly, the 7th day of January, 1828. §

THOS. SETTLE, S. H. C.
B. YANCY, S. S.

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to erect a bridge across Pasquotank ri-	88	mas Searey the cost of a suit, wherein	
ver,		the State was plaintiff and Gen. William	90
To alter the boundary line between the	ib	Bethell was defendant,	
1st and 2d regiments of Buncombe,		For the relief of Lewis Bond, late sheriff	ib
Repealing the act of last session, establish-	ib	of Bertie,	
ing a poor house in Wayne county,		Repealing the act of 1824, to alter the	
Repealing the act of 1816, appointing com-	ib	place of holding general musters in the	ib
missioners for the purpose of opening a		county of Washington,	
canal from Turnagain Bay to Long Bay,	ib	Concerning the election of county survey-	
To amend the act of last session, establish-		ors in Burke, Rutherford, Buncombe,	ib
ing a poor house in Pitt county,	ib	Wilkes, Ashe and Haywood,	
Repealing the 2d, 3d and 4th sections of		Repealing the act of 1824, authorising the	
the act of 1819, prescribing the manner		payment of persons summoned to serve	ib
of assessing lands in this State for taxa-		as talismen jurors for Brunswick county,	
tion, so far as relates to the county of		Legitimizing and altering the name of Ma-	91
Anson,	89	ry Ann Eliza Tooly,	
To authorise John Waddle, of Randolph		Compelling the public register of Franklin	
county, to erect two gates,	ib	county to keep his office in the town of	92
To authorise Ann Fewell, of Rockingham		Louisburgh,	

A STATEMENT OF THE REV. TURE OF NORTH-CAROLINA.

A Statement of the Nett Amount of that Branch of the Revenue which is receivable by the

Sheriffs for the year 1826.

Counties.	Sheriff's Names.	Land Tax.		Town Property Tax.		Poll Tax.		Stock Taxes.		Gate Tax.		Store Tax.		Poller Tax.		Tavern Tax.		Municipal Causway	
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Anson.	Abraham Myers,	119 10	5 46	115 44	15 04														
Ashe.	John Ray,	165 41	7 51	370 54				4 70	43 24										
Barnwell.	Alfred Galloway,	360 37	24 20	242 90	9 40			9 40	45 12										
Buncombe.	William D. Smith,	964 57	24 20	438 01	5 17			4 70	168 36										
Beaufort.	Stephen Deane,	492 14		256 08	33 50				39 48										
Burke.	William M. De Te,	254 15	5 40	337 56				4 70	16 02										
Chatham.	Alexander L. Harvey,	618 88	9 17	340 53	11 28				13 53										
Bertie.	Lewis Bond,	295 63	11 10	340 54	6 88				684 32										
Craven.	Elijah Clark,	162 41	23 03	185 87	1 88				72 38										
Carteret.	Thomas Marshall,	151 68		241 21	19 29			4 70	28 20										
Catawba.	James Baxter,	238 03		308 08	0 40				59 48										
Camden.	Luke G. Lamb,	168 37		667 14	39 48				161 68										
Cannonsburg.	George Williamson,	530 44	76 46	401 76	9 40				183 56										
Chowan.	William D. Reese,	554 64	8 89	353 92	40 06				88 36										
Clay.	Horace D. Bridges,	404 07	231 14	518 12	33 57		14 10		757 64										
Cumberland.	John Black,	305 36	13 37	363 36	19 27		4 70		62 04										
Columbus.	Joshua Williamson,	376 66		444 06	37 27		4 70		22 36										
Cabarrus.	John W. Hamilton,	437 66	9 76	335 43	29 61		4 70		178 60										
Duplin.	James W. Hill,	911 60	24 91	759 73	103 01				120 32										
Davids.	Spencer L. Hart,	456 13		36 39	47 01				204 63										
Edgecombe.	James Wiseman,	911 60	24 91	759 73	103 01				120 32										
Franklin.	Presley C. Person,	645 22	19 98	478 46	39 21				165 56										
Gaston.	James W. Duke,	236 93		340 50	19 02				23 36										
Guilford.	John V. Sumner,	604 98	31 62	1007 57	55 33		9 40		64 24										
Hatteras.	Nathaniel Roberts,	275 06	1 53	301 78	13 16		4 70		51 23										
Greenville.	Wyatt Moye,	682 60	27 66	940 37	66 98		4 70		227 48										
Halifax.	John W. Hamilton,	122 25		18 80					169 58										
		9 08		5 62					37 60										
Jobs.	William Higgins,	313 80	3 32	291 97	17 50				30 08										
Johnston.	Allen S. Hallenger,	486 83	8 38	423 19	17 63				24 44										
Lenoir.	Henry Casler,	816 11		663 64	54 52				169 30										
Lenoir.	Joseph Loftin,	288 48	1 13	396 68	3 70		4 70		33 84										
Moore.	Daniel McNeill,	900 91	3 23	233 76				4 70	16 92										
Montgomery.	Parham Kirk,	241 66		309 80	10 50				110 92										
Mecklenburg.	John Stone,	746 96	39 44	749 55	18 80				37 60										
Marion.	Edward Griffin,	982 26		321 60															
New-Hanover.	Gabriel Holmes, jr.	333 55	249 14	358 80	6 11	9 40			365 28										
Nash.	Archibald Lamm,	323 73	7 65	443 03	23 88				37 60										
Northampton.	James H. Wood,	832 35		786 03	127 84	4 70			50 08										
Onslow.	Brice Fomville,	507 55	3 71	501 56	29 14	4 70			18 80										
Orange.	Thomas D. Watts,	909 31	7 95	528 94	115 13				184 24										
Person.	John Barrett,	263 12		441 69	39 08				36 40										
Pasquotank.	William Gregory,	324 53	19 62	507 01	19 27	4 70			157 02										
Pitt.	James S. Clark,	640 54	16 32	532 23	4 18				103 40										
Perquimans.	Myles Elliott,	269 57	15 47	281 06	16 09	9 40			59 56										
Rowan.	Isaac D. Jones,	732 80	100 12	733 03	73 03				80 48										
Randolph.	Thomas Hancock,	430 50	9 12	530 50	12 22				65 80										
Rockingham.	John Ormsal,	307 15	23 43	613 28	36 56	9 40			99 64										
Robeson.	Duncan MacAlpin,	245 79	4 72	377 99	7 76				16 93										
Richmond.	Alexander Nicholson,	276 98	7 26	315 84	9 85	9 40			24 44										
Rutherford.	William Carson,	474 34	14 00	351 46	35 73	14 10			67 08										
Sampson.	Thomas K. Morsey,	329 28		443 12					93 06										
Sorry.	Thomas B. Wright,	438 94	1 70	531 15	15 98				41 36										
Stokes.	Salathiel Stone,	525 83	65 84	425 26	32 43				107 16										
Tyrrell.	Henry Alexander,	150 18		147 50	4 70				16 92										
Washington.	Henry Hann,	151 40	57 28	109 39	10 54				127 84										
Wilkes.	John Vannoy,	239 89	14 56	231 06	12 69				43 24										
Wake.	Joel Dunn,	804 65	147 37	871 38	74 73				184 94										
Warren.	William C. Clanton,	625 00	7 68	741 85	50 08	23 60			97 76										
Wayne.	Calvin R. Blackmon,	610 45	10 82	895 20	50 08														
		2340 95	1360 26	2693 06	1608 21	188			7191 47	1499 30	3600								

A Statement of the Nett Amount of that Branch of the Revenue which is receivable by the Auctioneers, for Duties on Sales at Auction for 1826-27; and from the Banks of Newbern and Cape-Fear, for the last for the year 1827, counting from the 30th day of June, 1826, to the 1st day of July, 1827.

Counties.	Names of Auctioneers.	Sums due.		Sums paid.			
		Dolls. Cts.	Dolls. Cts.				
Craven.	Joseph Fowler,	387 96	387 96				
	Michael H. Lente,	225 28	228 28				
	Henry M. Cnoke,	18 18	18 18				
	Edward W. Wilkings,	9 66	9 66				
Cumberland.	Laurence Fitzharris,	161 33	161 33				
	Henry W. Ayer,	121 18	121 18				
Hertford.	James Morgan,	37 94	37 94				
	James Dickson,	16 96	16 96				
New-Hanover.	Lewis Gomez,	24 64	24 64				
	William Moore,	45 54	43 54				
Pasquotank.	Joshua Taylor,	20 28	20 28				
		5 44	5 44				
Robeson.		506 94	487 83				
BANKS.		Sums owed by individuals.		Annual		Amount	
				Dollars.		Dollars.	
Bank of Newbern,		6,337		6,337		6,337	
Bank of Cape-Fear,		5,938		5,938		5,938	
		12,275		12,275		12,275	

The foregoing Statement is formed on Returns filed in the Comptroller's Office of North-Carolina.

1826 and 1827.

NO. L. HENDERSON, Comptroller

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