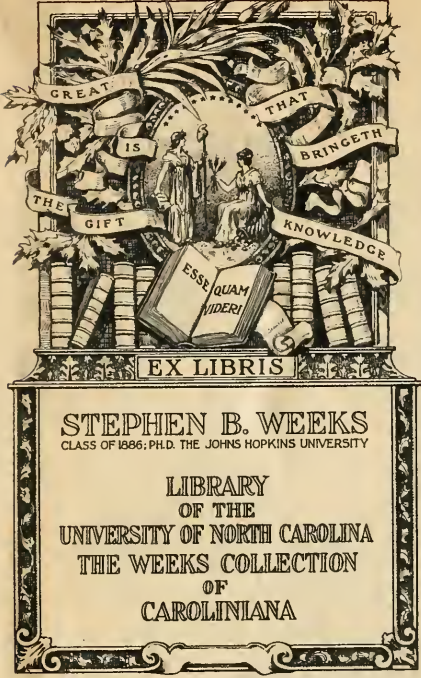


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# ACTS

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

### STATE OF NORTH CAROLINA,

AT THE

SESSION OF 1829-30.

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RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

.....

1830



# LAWS OF NORTH-CAROLINA,

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

**JOHN OWEN, ESQUIRE, GOVERNOR.**

## CHAPTER I.

An act to enable the State Bank to wind up gradually, and to fix a uniform rate of collection.

Whereas many of the good citizens of this State are indebted in large sums of money to the State Bank of North Carolina; and whereas the collection of said sums of money by said bank, previously to the first day of January, one thousand eight hundred and thirty-five, at which time the charter by the existing laws must cease and determine, may lead to much individual distress, and to general embarrassment; and whereas it is expedient that the said bank should be enabled to call in the debts due to it gradually, and by instalments, so that the collection thereof may be as little oppressive to the people as the nature of the case and the interests of said corporation will admit:

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the several laws now in force relative to said bank, be, and the same are hereby continued in full force until the first day of January, one thousand eight hundred and thirty-eight, for the purposes, and subject to the exceptions, limitations and provisions hereinafter mentioned.

II. *And be it further enacted,* That after the thirty-first day of December, one thousand eight hundred and thirty-four, it shall not be lawful for the president and directors of said bank, under any pretence whatever, to make any new loans, or to discount any bill, bond or note, except such bill, bond or note be offered in renewal of, or in payment or substitution for some previously existing debt.

III. *Be it further enacted,* That after the first day of September, one thousand eight hundred and thirty, it shall not be lawful for the president and directors of said bank, under any pretence whatever, to make any loans on what is called accommodation notes, or notes payable at larger periods than three annual instalments of ninety days each, except such note be offered in renewal of, or in payment or substitution for some previously existing accommodation debt.

IV. *And be it further enacted,* That it shall not be lawful for the president and directors of said Bank, after the thirty-first day of December, one thousand eight hundred and thirty-two, to issue any bills or notes of said bank, under the denomination of five dollars, or to re-issue any bills or notes under the denomination of five dollars, that may have been by said bank previously issued.

V. *And be it further enacted,* That it shall not be lawful for

Preamble.

Laws to continue in force until 1838.

To make no new loans after 31st Dec. 1834.

No loans or accommodation paper to be made after Sept. 1, 1830.

To issue no notes under \$5 after Dec. 1, 1832.

To emit no bills or notes after Dec. 31, 1834.

the president and directors of said bank, after the said thirty-first day of December, one thousand eight hundred and thirty-four, to emit any bills or notes of said bank, or to re-issue any bills or notes which may have been by said bank previously issued: *Provided however*, that nothing herein contained shall prevent said bank, by its proper officers, from executing bills obligatory, or other proper evidences of debt, in order to secure the payment of what it may owe, or in order to obtain loans for the purpose of paying its debts, or in order to procure further indulgence from any of its creditors.

Proviso.

Instalments required.

Proviso.

Further proviso.

Further proviso.

Stock may be received in payment of debts.

When dividend of capital may be declared.

Reduces the number of directors of the principal bank

Reduces the number of directors of the branches.

VI. *And be it further enacted*, That the president and directors of said bank shall so regulate the proceedings thereof, as not to require, on the renewal of any debt contracted by loan or discount now existing, and to become payable hereafter, a greater instalment than the one-twentieth part of the present amount of the debt every ninety days: *Provided always*, that the said instalment be punctually paid as it becomes due, and that the Board of Directors, or their agents, when said bank has established agencies, shall always judge of the sufficiency of the securities offered: *And provided also*, that this section shall not apply to any debt which has been contracted under an engagement to be paid more speedily and by larger instalments: *And provided further*, that the whole amount of debt due and remaining unpaid to said bank on the thirty-first day of December, one thousand eight hundred and thirty four, shall not exceed two thirds of the amount of debt now due.

VII. *Be it further enacted*, That hereafter it shall be lawful for the president and directors of said bank to receive stock of the bank in payment of debts, at a reasonable value, to be fixed on by the stockholders, and to be approved of by the Public Treasurer; and the stock so received, shall be considered as extinguished, and forming no part of the capital.

VIII. *Be it further enacted*, That after the first day of January, one thousand eight hundred and thirty-three, the stockholders may declare dividend of the capital as the same shall accumulate, provided the capital shall not be reduced to less than the amount of debts due from the bank.

IX. *And be it further enacted*, That at every annual election hereafter of directors of the principal bank, it shall and may be lawful for the stockholders of said bank to elect ten directors only, of whom the Treasurer of the State shall be *ex officio* one; which said ten directors shall have the same powers as by the former laws were given to the directors as therein prescribed; and that a majority of said directors shall be necessary to constitute a board for the transaction of business.

X. *And be it further enacted*, That it shall and may be lawful for the directors of the principal bank to diminish the number of directors of any of the branches thereof, now already appointed, to any number, not less than seven; and that hereafter, in the appointment of directors of any of the said branches, the directors of the principal bank shall appoint not more than seven, nor less than five to each branch; and that a majority of the directors

of each branch shall be necessary to constitute a Board for the transaction of business.

XI. *And be it further enacted*, That it shall be lawful for the directors of the principal bank to discontinue the branches thereof, and to transfer the capitals of said branches to the principal bank: *Provided always*, that it shall not be lawful to discontinue any two branches at a shorter interval than nine months: *Provided also*, that whenever a branch shall be thus discontinued, an agency shall be established at the place where said branch did exist, until the expiration of all their chartered privileges, for the purpose of receiving payment, and making renewal of debts then due: *And provided also*, that all notes issued by the said bank, and made payable at any such branch, shall, at the option of the holder, be payable either at the said agency, or at the principal bank, or at any of the branches not discontinued.

Branches may be discontinued.

Proviso.  
Further proviso.

XII. *And be it further enacted*, That if any officer of said bank shall violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and be liable, on conviction, to be punished by fine and imprisonment.

Penalty.

XIII. *And be it further enacted*, That the president of said bank shall, on or before the first day of July next, make known to the Governor, in writing, whether the stockholders of said bank assent to this restricted extension of their charter; and if the president of said bank shall fail so to do, this act, and every part thereof, shall be void and of no effect.

Time allowed the bank to accept this modification of its charter.

\*I have compared the original engrossed bill, from which the foregoing act was enrolled, and find an evident error in the said act as enrolled, in the third section thereof; which error is, in putting the word *larger* instead of *longer*, before the word periods; and the word *annual*, instead of *equal*, before the word instalments.

WM. HILL, Secretary.

CHAPTER II.

An act to enable the Banks of Newbern and Cape Fear to wind up gradually, and to fix a uniform rate of collection.

Whereas many of the good citizens of this State are indebted in large sums of money to the Banks of Cape Fear and Newbern; and whereas the collection of said sums of money by said banks previously to the first day of January, eighteen hundred and thirty-five, at which time their charters by the existing laws must cease and determine, may lead to much individual distress and to general embarrassment; and whereas it is expedient that the said banks should be enabled to call in the debts due to them gradually and by instalments, so that the collection thereof may be as little oppressive to the people as the nature of the case and the interests of said corporations will admit:

Preamble.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the several laws now in force relative to said banks be, and the same are hereby continued in full force until the first day of January, eighteen hundred and thirty eight, for the purposes and subject to the exceptions, limitations and provisions hereinafter mentioned.

Laws continued in force until 1838.

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LAWS OF NORTH CAROLINA:

To make no new loans after 31st Dec. 1834.

II. *Be it further enacted*, That after the thirty-first day of December, eighteen hundred and thirty-four, it shall not be lawful for the president and directors of either of said banks, under any pretence whatever, to make any new loans, or to discount any note, bond or bill, except such note, bond or bill be offered in renewal of, or in payment or substitution for some previously existing debt.

No loans on accommodation notes to be made after Sept. 1, 1830.

III. *Be it further enacted*, That after the first day of September, eighteen hundred and thirty, it shall not be lawful for the president and directors of said bank, under any pretence whatever, to make any loans whatever on what is called accommodation notes, or notes payable at longer periods than three equal instalments of ninety days each, except such note be offered in renewal of, or in payment or substitution for some previously existing accommodation note.

To issue no notes under \$5 after Dec. 1, 1832.

IV. *And be it further enacted*, That it shall not be lawful for the president and directors of said banks, after the thirty-first day of December, eighteen hundred and thirty-two, to issue any bills or notes of said banks under the denomination of five dollars, or to re-issue any bills or notes under the denomination of five dollars, that may have been by said banks previously issued.

To emit no bills or notes after Dec. 31, 1831.

V. *And be it further enacted*, That it shall not be lawful for the president or directors of either of the said banks, after the said thirty-first day of December, eighteen hundred and thirty-four, to emit any bills or notes of said banks, or to re-issue any bills or notes which may have been by said banks previously issued: *Provided, however*, that nothing herein contained shall prevent either of said banks, by its proper officers, from executing bills obligatory and other proper evidences of debt, in order to secure the payment of what it may owe, or in order to obtain loans for the purpose of paying its debts, or in order to procure further indulgence from any of its creditors.

Proviso.

Instalments required.

VI. *And be it further enacted*, That the president and directors of each of the said banks shall so regulate the proceedings thereof as not to require, on the renewal of any debt contracted by loan or discount now existing, and to become payable hereafter, a greater instalment every ninety days, than the one-twentieth part of the present amount of the debt: *Provided always*, that the said instalment be punctually paid as it becomes due, and that the board of directors shall always judge of the sufficiency of the securities offered: *and provided also*, that this section shall not apply to any debt which has been contracted under an engagement to be paid more speedily and by larger instalments: *and provided further*, that the whole amount of debt due and remaining unpaid to said banks on the thirty-first day of December, eighteen hundred and thirty-four, shall not exceed two-thirds of the amount of debt now due.

Proviso.

Further proviso.

Further proviso.

Stock may be received in payment of debts.

VII. *Be it further enacted*, That it shall be lawful for the president and directors of each of said banks to receive stock of their respective banks in payment of debts, at a reasonable value, to be fixed upon by the stockholders, and to be approved of by

## LAWS OF NORTH CAROLINA.

The Public Treasurer; and the stock so received shall be considered as extinguished and forming no part of the capital.

VIII. *Be it further enacted*, That after the first of January eighteen hundred and thirty three, the stockholders of each of the banks may declare dividends of the capital as the same shall accumulate, provided the capital shall not be reduced to less than the amount of debts due from the bank.

When dividend of capital may be declared.

IX. *And be it further enacted*, That the tax of one per cent. per annum, which was imposed on the stockholders of the Banks of Cape Fear and Newbern, shall not be collected after the year eighteen hundred and thirty-four.

Tax on the banks not to be collected after 1834.

X. *And be it further enacted*, That if any officer of either of said banks shall violate any of the provisions of this act, he shall be deemed guilty of a misdemeanor, and be liable, on conviction, to be punished by fine and imprisonment.

Penalty.

XI. *And be it further enacted*, That the presidents of said banks shall, on or before the first day of July next, make known to the Governor in writing whether the corporations over which they preside assent to this restricted extension of their charters; and if the president or presidents of the said banks, or of either of them, shall fail to do so, this act and every part thereof shall be void and of no effect with respect to the bank or banks on the part of which such notice shall not be given as aforesaid.

Time allowed the banks to accept this modification of their charters.

### CHAPTER III.

An act to amend the militia laws of this State, so far as respects the uniform companies of light infantry, riflemen, artillery and grenadiers.

*Be 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 to have one regiment of uniform volunteers of light infantry in each brigade of militia in this State, to which the rifle, grenadier and artillery companies shall be attached, except where they may be already organized into a regiment: the field officers of the uniform volunteers shall be appointed by the General Assembly in the same manner as field officers of militia are now appointed, and be under the same rules and regulations as now prescribed by law, except as hereafter provided.

Each brigade may have one regiment of uniform volunteers.

Field officers how to be appointed.

II. *Be it further enacted*, That it shall require at least six companies to form a regiment, including riflemen, grenadiers and artillery; and where there is at this time, or so soon as there shall be a sufficient number of companies within the bounds of any brigade to form a regiment, field officers shall be appointed, whose duty it shall be to organize said regiment and review them once a year by battalion or otherwise, at such time and place as may be agreed upon by the officers, and most convenient for the companies composing said regiment, and best calculated to promote military science in training and drilling thereof.

Number of companies to form a regiment, &c.

When and where to be reviewed.

III. *Be it further enacted*, That the captains of uniform volunteer companies of light infantry shall report themselves for duty to the colonel commandant of the regiment; and the captains of riflemen, grenadiers and artillery shall likewise report

Captains to report themselves for duty.

themselves for duty, except where they may be already organized into a regiment.

IV. *Be it further enacted*, That the colonel commandant of the uniform volunteers shall annually make his return to the Adjutant General of the arms and condition of the several companies in his regiment, under the same rules and penalties as now prescribed by law.

Col. to make return to the adj. genl.

#### CHAPTER IV.

An act to provide for the repairs of the State House and Arsenal.

*Be 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, Public Treasurer, Secretary and Comptroller be appointed commissioners to contract for and superintend the repairs of the State House and Arsenal.

Commissioners.

II. *Be it further enacted*, That a sum not exceeding one thousand dollars be appropriated to effect the said repairs.

Appropriation

#### CHAPTER V.

An act to vest the right of electing sheriffs in the several counties within the State in the free white men thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the sheriffs of each county in this State shall hereafter be elected by the free white men of the county entitled to vote for members of the House of Commons.

By whom sheriffs shall be elected.

II. *Be it further enacted* That the first election of sheriffs, under this act, shall take place at the usual time and places in each county for the election of members of the General Assembly, in the year one thousand eight hundred and thirty, under the same rules and regulations as prescribed by law for conducting said elections, except that the returns shall be made to the clerk of the County Court; and the election of sheriff shall be under the inspection of such persons as the County Court shall appoint at its session next before the election; and the person having the greatest number of votes shall be declared elected by the County Court at its term next after the election; and if two or more persons shall have the greatest number of votes, and an equal number, the County Court, a majority of the acting justices being present, shall proceed to choose from the persons so having the greatest and equal number of votes the person to act as sheriff.

When, how and where elections shall be held.

How to be chosen in case of a tie.

III. *And be it further enacted*, That in case of the failure of the persons appointed to hold said election, or either of them, it shall be competent for a justice of the peace and two freeholders to supply the vacancy.

Provides for the failure of persons appointed to hold the election.

IV. *Be it further enacted*, That the election of sheriff shall take place in each county every two years, subject to the same rules and regulations as prescribed in the preceding section of this act; and the County Courts, or a majority of the acting justices of the county being present, shall be a competent tribunal to decide all contested elections under this act.

Elections to be held every 2 years; & the county court to decide contested elections.

V. *Be it further enacted,* That the person declared to be elected in manner aforesaid shall, in open court, at the same sessions at which he is so declared, enter into the bonds which now are or hereafter may be required by law, and take the oaths heretofore prescribed by law for the qualification of sheriffs; and until such bond shall be received by the court, no person declared to be chosen under this act shall be deemed to be sheriff, or shall, on any pretence, enter on the duties of sheriff; and if the sheriff elect shall fail or refuse to enter into the bonds which now are, or may be hereafter required by law, on or before the second day of the term, the court, a majority of the acting justices of the county being present, shall forthwith proceed to elect a sheriff, who shall enter into the several bonds required by law, and shall continue in office until the next regular election, and that it be the duty of said County Court to require said sheriff to renew his bonds annually, and to produce the receipts from the Public Treasurer, county trustee and wardens of the poor, for the time being, in full of all monies by him collected, or which ought to have been by him collected, for the use of the State and county, and for which he shall have become accountable, a majority of the acting justices being present at the renewal thereof; and a failure in the sheriff elect to renew his bonds, or exhibit the aforesaid receipts, shall create a vacancy.

New bond shall be given

If the sheriff elect fail to give bond, the court shall appoint another.

Sheriff to renew his bonds annually, and produce receipts.

VI. *And be it further enacted,* That such person only, and no other, who is of the age of twenty one years, and who has resided in the county in which he is chosen for one year immediately preceding his election, and shall be possessed of a freehold of at least one hundred acres of land in fee simple, shall be eligible to the office of sheriff.

Qualifications requisite for the office.

VII. *And be it further enacted,* That the sheriff now in office in each county shall be and continue in office until the qualification of the first person elected in his county under this act, upon renewing his bonds for his additional term of service.

Sheriff now in office to continue until another is elected under this act.

VIII. *And be it further enacted,* That if any sheriff, elected under this act, shall be convicted in the Superior or County Courts of a misdemeanor in office, the court may, at their discretion, as a part of his punishment, remove him from office; and on any vacancy created by any means in the office of sheriff it shall be the duty of the coroner of the county to execute all process directed to the sheriff until the first session of the County Court next succeeding such vacancy; and it shall be the duty of the said County Court, at said session, a majority of justices being present, to elect a sheriff to supply the vacancy for the residue of the term of two years, who shall possess the same qualifications and enter into the same bonds, and be subject to the same removal, as the sheriffs regularly elected under this act; and should the court fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until said vacancy shall be filled.

On conviction of a misdemeanor, sheriff may be removed by the court. In case of vacancy, coroner to act as sheriff until next c. court, when a sheriff shall be appointed.

IX. *Be it further enacted,* That any coroner required by this act to discharge the duties of sheriff, shall, before he enters on his duties as sheriff, at the County Court clerk's office, give or

Coroners who act as sheriff to give bond.

more justices being present, take the same oath and enter into the same bonds that now are, or may hereafter be required of sheriffs regularly elected; and the oldest or first appointed coroner in each county shall be considered the coroner to discharge the duties of sheriff, and the proceeding shall be entered on record by the clerk.

Justices to receive the sheriffs' bonds.

X. *Be it further enacted*, That a majority of the acting justices in the several counties are hereby required to meet at the County Court which shall first be held after the election of sheriff, whose duty it shall be to receive from the sheriff elect the several bonds prescribed by law; and no person shall be considered as entitled to enter upon the discharge of the duties of said office until the several bonds required by law shall have been received by a majority of the said justices.

Repealing clause.

Proviso.

XI. *Be it further enacted* That all laws and clauses of laws coming within the purview and meaning of this act, be, and the same are hereby repealed: *Provided always*, that nothing herein contained shall be so construed as to repeal the law, or any part of the law, which renders the magistrates liable for neglecting to take sufficient bonds and sureties of a sheriff or coroner.

CHAPTER VI.

An act for the relief of securities 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,*

Original security who protests against stay of execution, absolved from liability to the person who may stay the same.

That when any judgment shall hereafter be obtained before a justice of the peace, upon any debt contracted by bill, bond, note or contract for the payment of which any person shall have become liable as security, and the principal debtor shall desire to obtain a stay of execution thereof, but the security is unwilling that such stay shall be had, it shall be lawful for such original security to cause his dissent thereto to be entered by the justice granting the judgment; which shall absolve him from all liability to the security who may stay the same.

How officer shall collect.

II. *And be it further enacted*, That it shall be the duty of the constable or other officer, who may have the collection of said debt, to make the same out of the property of the principal debtor and that of the security for the stay of execution, before he resort to the property of the said original security.

Repealing clause.

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

CHAPTER VII.

An act fixing the fees of the Clerks of the County and Superior Courts and Sheriffs' fees.

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

Fees of the clerks of the county courts.

That the clerks of the County Courts shall receive the following fees, and no other viz.

|                            |        |
|----------------------------|--------|
| For every leading process, | \$1 00 |
| For every indictment,      | 60     |

|   |         |
|---|---------|
| Do. each recognizance,  | 20      |
| Do. every continuance or reference of any cause,  | 30      |
| Do. every judgment,   | 75      |
| Do. do. subpoena, provided the party insert no more than four witnesses in the same,  | 20      |
| Do. every execution or order of sale,   | 40      |
| For every scire facias, provided nothing herein contained shall be construed to repeal any part of the act of 1828 allowing half fees in cases of scire facias,   | 60      |
| For every copy of record, 10 cents for each copy sheet of ninety words, not exceeding five copy sheets, and 5 cents for each copy sheet after five.   |         |
| For every order or rule foreign to the cause, with copy of the same if required,  | 20 cts. |
| For entering the probate of a will on the minute docket, and qualifying the executor or executors or administrators with the will annexed,  | 25 cts. |
| For recording will, for each copy sheet,  | 10 cts. |
| For copy of a will, do. do.   | 10 cts. |
| For receiving probate, and entering the same on the minutes of the court, of each inventory, account of sales and account current and schedule of executors, administrators and guardians,  | 25 cts. |
| For recording each do. in books for that purpose, by the copy sheet,  | 10 cts. |
| For every marriage license,   | 75 cts. |
| For every search of record out of court,  | 10 cts. |
| For proving or entering acknowledgment of any conveyance of land and other estate,  | 20 cts. |
| For every commission to examine a feme covert,  | 25 cts. |
| For every commission to take testimony,   | 25 cts. |
| For every guardian or other bond taken in court,  | 60 cts. |
| For every indenture for binding apprentices,  | 60 cts. |
| For every special verdict or demurrer or motion in arrest of judgment,  | 30 cts. |
| For every writ of error or appeal, with a transcript of record,   | \$1 00  |
| For every certificate of witnesses attendance or jurors,  | 10 cts. |
| For recording mark or brand,  | 10 cts. |
| For affixing the seal of office to every instrument of writing requiring the same,  | 25 cts. |
| For every certificate, 20 cents: <i>Provided</i> , that this shall not authorise the clerk of the Court of Pleas and Quarter Sessions of Craven county to charge any fee for a certificate given according to the provisions of the act to regulate the finances of Craven county, passed A. D. 1828. <span style="float: right;">Proviso.</span> |         |
| For issuing warrants on entry of land by order of court,  | 40 cts. |
| For enrolling divisions of estates, for each lot,   | 20 cts. |
| For taking and recording every prosecution bond,  | 50 cts. |
| For every certificate of tavern license and bond with copy of rates,  | \$1 00  |

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For taking an account, such sum as the court may allow, not exceeding fifty dollars.

For every subpoena founded on a petition, \$1 00  
 For every petition by the copy sheet, 10 cts.  
 For every writ other than leading process or subpoena ad testificandum, \$1 00

For certificate of amount of account of sales or account current of administrator, executor or guardian, if under \$200, 20 cts.  
 If above \$200, 40 cts.

For every order of court authorising the sheriff to issue a license to retailers, 80 cts.

For correcting an error in a patent, 40 cts.

Penalty for failing to record wills, &c.

II. *Be it further enacted*, That any clerk who shall fail or neglect to record in a well bound book or books, to be kept for that purpose, all last wills, testaments and inventories and accounts of sales of administrators executors and guardians, and accounts current of executors, administrators and guardian, within three months from the time of their probate shall incur a penalty of one hundred dollars, to be recovered by any person suing for the same; and shall be further liable for all damages which may be sustained by any person in consequence of such failure or neglect.

Fees of super' court clerks.

III. *Be it further enacted*, That the clerks of the Superior Courts shall for like services receive the same fees as are by this act allowed clerks of the County Courts, and no other.

Of order of sale of lands under constable's execution.

IV. *Be it further enacted* That whenever a court shall make an order of sale of lands levied on by a constable in pursuance of an execution issued by a justice, no attorney's fee shall be taxed, nor any other fees for clerks or sheriffs, than those prescribed by this act.

Case in which no fee shall be charged.

V. *Be it further enacted*, That no clerk of any County or Superior Court shall be entitled to charge any fee for any capias ad respondendum issued during term time, unless such capias be executed.

How costs shall be paid in certain State cases.

VI. *Be it further enacted*, That in all State cases where there shall be a nolle prosequi entered or the defendants shall be acquitted or convicted, and unable to pay the costs, and the court shall not order the prosecutor to pay the costs, the counties shall pay the clerks and sheriff half their lawful fees only, except in capital or clergyable felonies or prosecutions for forgery, perjury and conspiracy.

Tax fee on civil suits.

VII. *Be it further enacted*. That in all civil suits and indictments hereafter tried or disposed of either in the County or Superior Courts, the party or parties cast or convicted shall pay a tax fee of one dollar; which several sums the respective clerks shall pay over to the county trustees within three months after the same shall be by them received: *Provided nevertheless* the plaintiffs in civil suits shall not be required to pay a tax fee on writs as heretofore; and *provided further*, that the provisions of this section shall not extend to the county of Nash.

Proviso.

Further proviso.

VIII. *Be it further enacted*, That the sheriffs shall receive the following fees, and no other: Sheriff's fee

|   |         |
|---|---------|
| For every arrest,   | 75 cts. |
| For every bail or replevin bond,                                | 25 c.   |
| For service of a copy of a declaration in ejectment,            | 60 c.   |
| For service of subpoena, with copy of petition,                 | 60 c.   |
| For serving copy of declaration,                                | 10 c.   |
| For service of every scire facias,                              | 60 c.   |
| For service of notice to arbitrators, referees or commissioners |         |

To take an account, 30 c.  
 For every attachment levied, 75 c.  
 And if further trouble by moving of goods, to be taxed by the court.

|  |       |
|--|-------|
| For every replevy bond upon such attachment,             | 25 c. |
| For every subpoena served, on each person named therein, | 30 c. |
| For putting in stock or pillory,                         | 50 c. |
| For every commitment,                                    | 30 c. |
| For every release,                                       | 30 c. |

For summoning commissioners to divide real estate, and for qualifying them, to be paid in equal portions by the claimants, 30 c. each.

The fees for keeping each criminal in jail per day, to be allowed by each County Court as now directed by law.

For every notice of taking depositions, 30 c.

For summoning, empannelling and attending on every jury, in every cause in court, and calling the same, 10 c.

Where a special venire shall issue by order of court, for summoning each juror, and attending the same, 20 c.

For serving and attending on any person on a habeas corpus, per day, \$1 50

For selling the estate of an intestate, to be allowed by the court not exceeding two and a half per cent.

For executing a warrant of distress, or an execution against the goods or body, two and a half per cent.

For every writ of possession, \$1 00

For every levy by virtue of an execution, 75 c.

For the execution and decent burial of any criminal, 10 00

For services of equity process and incidental thereto, the same fees as for the like services at law.

For maintaining any slave or any criminal seized by virtue of any legal precept. such sum as may be fixed by the County Court in each county in the State.

For apprehending any criminal, \$1 00

For conveying any criminal to the jail where such criminal ought to be conveyed, 10 cents per mile, and 5 cents for each person composing the guard. provided the number shall not exceed four persons; and if more than four shall be absolutely necessary, two cents per mile for said guard. For each day such sheriff shall maintain said prisoner, fifty cents: the expense shall be paid by the respective counties, when such prisoner shall not be liable or able to pay the same.

~~Provided~~, that nothing herein contained shall affect the ~~provi-~~ Proviso.

sions of an act, passed at the present session of the Legislature, providing compensation for jurors of the original panel in the counties of Beaufort and the other counties therein mentioned.

**IX.** *Be it further enacted,* That no sheriff of any county in this State shall charge a commission on any monies collected on a judgment rendered by a justice of the peace, nor any other fees than those allowed by law to constables for similar services.

**X.** *Be it further enacted* That the sheriffs of the respective counties within this State shall hereafter collect and receive all fines, amercements, forfeited recognizances and forfeitures on penal statutes, imposed, adjudged or decided by any of the courts in this State; and all sums of money by them so collected and received shall pay over to the respective county trustees or wardens entitled to receive the same, within three months after such monies shall be so collected and received, to be applied to the discharge of county claims and contingent expenses as now by law directed.

**XI.** *Be it further enacted,* That the said sheriffs shall return a transcript at the time of settlement with the trustees, which shall contain the names of all persons from whom fines, forfeitures and amercements shall have been received.

**XII.** *Be it further enacted,* That the clerks of the several courts within this State shall annually, on or before the first day of January, in each and every year, make a full and complete return to the respective county trustees of all tax fees, fines, forfeitures and amercements which shall have been imposed, adjudged or decreed in the preceding year, as well as the names of the persons who shall have paid fees as of all those who have been fined, amerced or adjudged to have forfeited their recognizances.

**XIII.** *And be it further enacted,* That the sheriff shall receive sixty cents for summoning each guardian to renew his bond or settle his accounts; which sum shall be paid by said guardian.

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

**XV.** *And be it further enacted,* That it shall be the duty of the clerks of the County and Superior Courts to keep a copy of this act posted up in their respective offices, and in the court house, in some conspicuous place during the sitting of each court, under a penalty of fifty dollars, to be recovered before any justice of the peace by any person suing for the same.

*Provided nevertheless,* that the provisions of this act shall not affect any private act, passed for any county in this State, in relation to the fees of clerks and sheriffs.

**XVI.** *And be it further enacted,* That nothing herein contained shall be so construed as to prevent the several County Courts of this State from making just and reasonable allowances to their sheriffs and clerks, for performing what has been heretofore called extra service, as now authorised by law.

Fees on judgment rendered by a justice

Fines to be collected by sheriffs.

Sheriffs to return a transcript.

Clerks to make return.

Fees for summoning guardians.

Repealing clause.

Clerks to keep a copy of this act posted up.

Proviso.

Allowances for extra service.

## CHAPTER VIII.

An act concerning the Commissioners of Public Works.

Whereas it is highly important that all expenditures for internal improvements should be known and accounted for:

*Be 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 all public agents, superintendents and commissioners, entrusted with the superintendence and direction of public works, and the disbursement of monies appropriated thereto, to report annually, on or before the third Monday of November in each and every year, to the President and Directors of the Board for Internal Improvements the state and condition of the works committed to their superintendence or direction, and render a full and detailed statement and account of all sums of money disbursed by them.

Public agents to report annually.

II. *Be it further enacted* That it shall be the duty of the several navigation, canal and turnpike companies, or bodies politic and corporate in this State, in which the State is or may be hereafter interested as a stockholder, and the said companies or bodies corporate and politic are hereby directed to make to the Board of Internal Improvements aforesaid, on or before the third Monday of November in each and every year, a true and faithful report, setting forth the amount of capital stock subscribed, the amount of stock subscribed by individuals, the amount subscribed by the State of North Carolina, the aggregate of the requisitions made on the stockholders, the amount of their subscriptions paid by individual stockholders, the amount paid by the State of North Carolina, the amount due from individuals on said subscriptions, and the amount due from the State, the amounts due from insolvent subscribers and stockholders, the amount expended in works by direction of the company, the amount due to the company otherwise than on account of stock, the amount of debts due by the company, the amount of cash remaining on hand, the amount of dividends declared, the time when such dividends were declared, and the portions thereof which remain unclaimed, and a general statement shewing the state and condition of the company.

How companies shall report.

III. *And be it further enacted,* That if any agent, superintendent or commissioner as aforesaid, or any navigation, canal or turnpike company or body politic and corporate as aforesaid, shall neglect or refuse to comply with the requisitions of this act, he, it or they shall forfeit and pay the sum of five hundred dollars, to be sued for by the Governor in his name to the use of the State, and recoverable in any court of record in this State.

Penalty.

## CHAPTER IX.

An act amendatory of the law respecting the crime of Bigamy.

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

That an act, passed in the year one thousand eight hundred and nine, entitled an act to amend the first section of an act, passed at Fayetteville, in the year one thousand seven hundred and

Repeals the act of 1809.

wholly, entitled an act to restrain all married persons from marrying again whilst their former wives or former husbands are living, be, and the same is hereby repealed; and the act thereby amended is declared to be fully and entirely in force.

Penalty.

11. *And be it further enacted*, That whenever any person, who may be convicted under the aforesaid act, passed in the year one thousand seven hundred and ninety, entitled an act to restrain all married persons from marrying again whilst their former wives or former husbands are living, shall be entitled to the benefit of clergy, for the first offence, it shall and may be lawful for the court, before whom such person may be convicted; to sentence the offender to be fined and imprisoned, and to receive one or more public whippings and to be branded on the left cheek with the letter B: *Provided nevertheless*, if any female shall be convicted of the crime of Bigamy, it shall be discretionary with the court to inflict all or any of the aforesaid punishments, *branding excepted*.

Proviso.

#### CHAPTER X.

An act to amend the tenth section of an act, passed in one thousand eight hundred and nineteen, entitled an act prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians.

Preamble.

Whereas, by the tenth section of the act aforesaid, purchasers cannot obtain grants for said lands, on any evidence of the payment of the purchase money save that of the Treasurer's receipts; and whereas many of the purchasers have lost, or by accident have had some of their receipts destroyed: For remedy whereof,

Certificate of public treasurer may be received as evidence of payment.

*Be 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 certificate of the Public Treasurer, certifying that full payment has been made for any particular tract of land sold by the commissioners appointed to sell the lands aforesaid, describing the same by district and section, shall be taken by the Secretary of State as evidence of payment; on which he is authorised to issue grants as by law he is now authorised to issue on the production of the Treasurer's receipts.

#### CHAPTER XI.

An act directing the removal of certain papers from the office of the Treasurer to that of the Secretary of State.

Descriptive list of Tuscarora lands to be removed to the secretary's office.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the descriptive list accompanying the report made to the Public Treasurer by the commissioners under the act of one thousand eight hundred and twenty-eight, entitled an act concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river, authorising them to sell the reversion of certain lands therein named, containing the boundaries of the several tracts of land by them sold, be, and the said descriptive list is hereby directed to be transferred by the Treasurer from his office to that

of the Secretary of State; and that the Secretary of State, upon the payment of the purchase money, grant titles according to the boundaries therein contained, and agreeably to the provisions of the before recited act.

### CHAPTER XII.

An act to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood.

Whereas the State has obtained a judgment in the Court of Pleas and Quarter Sessions of the county of Wake against Geo. W. Haywood, executor of the late John Haywood, on which a scire facias was issued against William D. Haywood, Rebecca J. Haywood, Edward B. Haywood and Frances Ann Haywood, devisees of the said John Haywood for the purpose of charging the real estate which was devised to them, on which scire facias so issued judgment has been obtained in said County Court of Wake, condemning the said real estate so devised subject to the judgment of the State, which judgment on account of the devisees being minors was stayed until the County Court to be held in said county, on the 3d Monday of February, 1830; from which term an order of sale will, as the law now exists, issue, commanding the sheriff of the county to sell the land so devised for cash, whereby the amount that the State will get from the sale of said real estate may not be the true value of the real estate:

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the Public Treasurer be, and he is hereby authorised and empowered to direct the sheriff of the county of Wake to sell the real estate which he may be commanded to sell for cash by the order of sale that may issue, on a credit of one, two, three and four years, with interest from the day of sale; and the Public Treasurer shall receive from the Sheriff a bond or bonds, for the proceeds of the same, after deducting the cost and commissions, with two or more securities, to be approved of by the said Public Treasurer: *Provided always,* that no title shall be made to any purchaser until the bond for the purchase money shall be fully paid; and the Public Treasurer is hereby authorised to bid on behalf of the State, in case the said real estate shall sell for less than what may be previously adjudged to be the value by the Governor, the Comptroller and Public Treasurer, or a majority of them; and in case the Public Treasurer shall purchase the real estate, he shall sell the same at private or public sale for a sum not less than the value assessed as aforesaid, on a credit of twelve months, with interest from the date, the purchaser giving bond, with two securities, to be approved of by him; and in case the purchases shall be made on behalf of the State by the Public Treasurer, and a sale be made as herein directed, he shall give a certificate to the person or persons to whom the sale shall be made of such sale; and on this being filed with the Governor, he shall convey by deed the title to the purchaser, upon the payment

Pub. Treas'r  
authorised to  
sell real estate  
which may be  
ordered to be  
sold for cash,  
on a credit.

Proviso.

of the purchase money; and all cost attending the purchase on behalf of the State by the Public Treasurer shall be paid, and he shall be allowed the same; which amount of costs, thus paid, shall be charged to the account of John Haywood, Esq. late Public Treasurer.

#### CHAPTER XIII.

An act to authorise the President and Directors of the Board of Internal Improvements to contract for the re-opening and improving Currituck Inlet.

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

Board to have the inlet examined.

That the Board for Internal Improvements be, and they are hereby authorised to cause an examination to be had of Currituck Inlet, with a view to ascertain the practicability and expense of re-opening and improving said Inlet

If, upon examination, the Board shall deem it practicable, they shall contract for re-opening the inlet, &c.

II. *And be it further enacted* That if, upon such examination being completed, the said Board for Internal Improvement shall be of opinion that it is practicable to re-open and improve said Inlet, so as to form a permanent Inlet, for the sum of two thousand dollars, together with such further sums of money as may be raised and put at their disposal by voluntary subscription, the said Board may, and they are hereby authorised and directed to contract for the re-opening and improving said Inlet, taking bond from the contractor or contractors in the sum of four thousand dollars, for the faithful execution of the contract; and provided the said contractors shall faithfully execute such contract, the said Board for Internal Improvements shall pay over to such contractor or contractors such sum as may be raised as aforesaid by voluntary subscription, and shall also draw their warrant on the Public Treasurer for the further sum of two thousand dollars in favor of such contractor or contractors; which said warrant shall be paid by the Public Treasurer out of the fund set apart for internal improvements, and be allowed him in the settlement of his public accounts.

#### CHAPTER XIV.

An act for the improvement of the road from the Old Fort, in Burke, to Ashville, in 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,*

Commissioners.

That Samuel W. Davidson, George C. Alexander and James W. Patton, of Buncombe; John Burgin and John Rutherford, of Burke, be, and they are hereby appointed commissioners to lay off and superintend the improvement of the road from the Old Fort, in Burke, to the town of Ashville, in Buncombe.

Sum to be loan'd to commissioners.

Provide,

II. *Be it further enacted*, That the Board of Internal Improvements shall loan out of the fund for internal improvement, to the said commissioners, the sum of two thousand dollars, for the term, and upon the conditions hereinafter expressed: *Provided nevertheless* that the said commissioners shall not be entitled to receive the said sum of two thousand dollars except they give bond and approved security, in the sum of four thousand

dollars, to the Governor, to repay the same in four years from the time the gate shall be erected, whether the tolls shall have amounted to the said sum or not.

III. *Be it further enacted*, That it shall be the duty of the said commissioners, at as early a period as may be practicable, to lay off a road the nearest and best way from Ashville to the Old Fort, and to expend the two thousand dollars to be obtained from the Board of Internal Improvement exclusively in the improvement of the Swannano Gap of the Blue Ridge. Coms'rs to lay off road.

IV. *Be it further enacted*, That the said commissioners shall have power and authority to call upon all hands residing within two miles of said road, to assist in the improvement of the same. To call upon hands.

V. *Be it further enacted*, That so soon as the sum of two thousand dollars shall have been expended as aforesaid, it shall be the duty of the said commissioners to erect a gate at some suitable point, and collect the following rates of toll viz. on each waggon, drawn by four or more horses, seventy five cents; each cart, thirty seven and a half cents; each traveller on horse back, six and a fourth cents; each horse or mule, without a rider, four cents; hogs, one cent; beef cattle, four cents each; pleasure carriages, seventy five cents; gigs or sulkeys, twenty five cents; pedlars' waggons, thirty seven and a half cents. To erect a gate and collect tolls.

VI. *Be it further enacted*, That the said commissioners shall repay to the Board of Internal Improvements the aforesaid sum of two thousand dollars, within four years from the time the same shall have been expended, and shall faithfully apply the surplus to the further improvement of the road. When money shall be refunded.

VII. *Be it further enacted*, That the said commissioners shall have power to assess the damages done to any land over which the said road may be laid off, subject to an appeal from their assessment to the County Court of the county in which such lands lie, where the matter may be submitted to a jury; and such assessment shall be paid by such county. Coms'rs to assess damages.

VIII. *Be it further enacted*, That said commissioners shall, before proceeding to act, take an oath for the faithful discharge of the trust hereby reposed in them, and that they will not, either directly or indirectly, become contractors for the execution of any work upon said road, during their continuance in office; and shall, moreover, give bond and security to the Governor, in the sum of five thousand dollars, for the faithful discharge of their duties, and the application of the tolls as directed in the fifth section of this act. Coms'rs to take oath and give bond.

IX. *Be it further enacted*, That any vacancy which may happen in said Board of Commissioners, shall be supplied by the appointment of the Governor of this State. Governor to fill vacancies.

X. *Be it further enacted*, That the said commissioners shall receive, out of the tolls hereby authorised, the sum of one dollar and fifty cents per day, for every day they may be actually employed in laying out said road and superintending the construction of the same. Coms'rs' compensation.

XI. *Be it further enacted*, That the authority of the said com

When power to collect toll shall cease.

missioners to collect tolls shall continue until the said road shall be made twenty feet wide, present a smooth and solid surface and a rate of inclination no where greater than one foot perpendicular to ten feet horizontal; when the same shall cease, and the road become free for the use of all persons travelling thereon.

When authority shall cease.

XII. *And be it further enacted*, That the authority hereby granted shall cease on the first day of January, 1841.

Time hands may be called out.

XIII. *And be it further enacted*, That the said hands mentioned in this act shall not be called out more than three days in each quarter of the year.

Of the right to continue to collect tolls.

XIV. *And be it further enacted*, That if, at the end of four years from the erection of the gate aforesaid, the tolls shall not amount to the sum of two thousand dollars, the right to receive the same shall continue in said commissioners until they shall receive the sum which may be by them advanced, with interest on the same.

#### CHAPTER XV.

An act concerning the bonds in the office of the Public Treasurer for the purchase of the Cherokee and Tuscarora lands.

Preamble,

Whereas, according to the provisions of the several acts of Assembly prescribing the mode of surveying and selling the lands lately acquired from the Cherokee Indians, the Comptroller is directed to raise an account against the several obligors for their respective purchases; and the bonds given by them were deposited with the Treasurer by the commissioners who took the same, without any statement or receipt therefor being filed with the Comptroller so as to enable him to perform his duty; and whereas the check intended to be preserved upon the Treasurer in the discharge of his duty in this respect, as required by the several laws passed for that purpose, does not exist: 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 it shall be the duty of the Public Treasurer to prepare a full and particular statement of the bonds in his office given for the purchase of the lands lately acquired by treaty from the Cherokee Indians, as they were at the time he received the same from the committee of investigation of the Treasury Department in one thousand eight hundred and twenty-seven, which shall be certified by him to be and contain a true and correct statement thereof as aforesaid; and it shall be his duty to deliver the same to the Comptroller, to be by him filed in his office, who shall raise an account against the Public Treasurer for the same, and debit his bond account with the interest that has or may hereafter accrue on said bonds, as the same shall have been or may hereafter be paid, and credit his said account with such sums of principal or interest as may have been by the Public Treasurer heretofore paid according to receipts on file in the Comptroller's office, and for all sums that may hereafter be paid agreeably to law, for and on account of said bonds.

Pub. Treas'r to prepare a statement of the bonds given for Cherokee lands, & deliver it to the Comptroller.

Comp'r to raise an acc't against the Treas'r for the same, &c.

Further duty of the Comptroller.

II. *And be it further enacted*, That it shall be the duty of the Comptroller to make out and complete the books in his office, on which the accounts of the obligors in the bonds for the purchase

of the lands acquired as aforesaid are opened and kept up to the end of each fiscal year, in the same manner as the same are now kept in the office of the Public Treasurer, so as to exhibit the different amounts of principal and of interest to the time of the payments heretofore made or which may hereafter be made, and the true and actual amount of each debt, and of the balance due the State on account thereof.

II. *And be it further enacted* That a statement and certificate of the bonds in the office of the Public Treasurer for the purchase of the Tuscarora lands, shall be made out by him and filed with the Comptroller; and that the same accounts shall be raised and general course pursued in regard to them as is required in the first and second section of this bill as to those therein referred to.

Statement of bonds for Tuscarora lands likewise to be made out.

CHAPTER XVI.

An act to amend the charter of the Catawba Navigation Company.

Whereas sundry sections of an act, passed in eighteen hundred and twelve, incorporating the Roanoke Navigation Company, is recognized and made part of an act incorporating the Catawba Navigation Company, passed in eighteen hundred and sixteen; and whereas, by some mistake or omission in the fourth section of the aforesaid act, the town of Halifax is designated as the place for selling the shares of delinquent stockholders in both those companies: To remedy which so far as respects the Catawba Navigation Company,

Preamble.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the president and directors of the Catawba Navigation Company, or a majority of them, or their successors in office, shall have full power and authority to call upon the stockholders from time to time for such portion of their stock as may be deemed necessary for carrying on the work of said company; and in case any of the stockholders in said company shall fail to pay such portion of their stock as may be ordered and required to be paid, the president and directors, or a majority of them, or their successors in office, may sell for cash at auction, in the town of Charlotte, or such other place convenient to said navigation as they may direct, the shares of delinquent stockholders, agreeable to the other provisions and regulations of the before recited act.

President & directors may call on stockholders for payment of stock.

II. *Be it further enacted,* That the president and directors of the aforesaid Catawba Navigation Company, or their successors in office, shall have the further time of five years from and after the first day of January, in the year eighteen hundred and thirty-six, to complete the navigation of said river.

Further time allowed the company.

III. *Be it further enacted,* That all notices on any process of any kind which shall hereafter issue to or against any delinquent stockholder or stockholders, their heirs or assigns, shall be held and deemed good and sufficient in law, whether the same shall issue in the name of the North Carolina Catawba Navigation Company or in the name of the Catawba Navigation Company.

Notices to delinquents.

## CHAPTER XVII

An act to provide for a division of negroes and other chattel property held in common.

Person desiring a division, may file a petition in court.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, when any two or more persons shall be entitled as tenants in common, to any negro or negroes, or other chattel property, and any one, more or all shall be desirous to have a division of the same it shall and may be lawful for such person or persons to file a petition in the County or Superior Court for that purpose, under the same rules as are prescribed by the act of one thousand seven hundred and sixty two, entitled an act for the better care of orphans and security and management of their estates; and when a sale of such property may be deemed necessary by the court, it may be ordered in such manner as to secure to each tenant in common his or her rateable share, in severalty, of the proceeds of such sale; but when a sale of such property in common is not by the court deemed necessary, and a division can be had without, then the court may appoint three freeholders unconnected with the parties by consanguinity or affinity, who, first being duly sworn, shall divide such property as nearly co-equal as possible, and allot to each tenant in common his or her share in severalty, and make report to court as directed; and if such report be confirmed by the court, a decree or judgment shall be entered accordingly, and vest in each tenant in common his or her share in severalty.

How court may order a division.

Freeholders' compensation

II. *And be it further enacted,* That the freeholders shall be entitled to a compensation for their services, to be adjudged of by the court and taxed in the bill of cost; all of which shall be paid by the parties to said petition in such manner as the court may deem just.

## CHAPTER XVIII.

An act to amend and improve the Hickory Nut Gap road.

Appropriation.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That twelve hundred dollars be, and the same is hereby appropriated, out of the fund for internal improvements, to amend and improve the Hickory Nut Gap road from Rutherfordton to Ashville.

Commissioners.

II. *Be it further enacted,* That Theoderick F. Birchett and James Graham be, and they are hereby appointed commissioners to receive the aforesaid sum, and to apply the same in amending and improving said road

Comrs's to return a statement of expenditures.

III. *Be it further enacted,* That said commissioners shall return to the Board of Internal Improvements a detailed statement of each expenditure of said appropriation.

Alterations may be made in the road, & damages paid.

IV. *Be it further enacted,* That said commissioners may make all necessary alterations in said road; and if any person shall sustain damages thereby, such person may petition the Court of Pleas and Quarter Sessions of the county in which said road may be so altered, and the court may direct the sheriff to summon a

disinterested jury to inquire, upon oath, whether any, and what damages the petitioner may have sustained; and the damages thus ascertained shall be paid as other county claims.

V. *Be it further enacted*, That the said commissioners shall contract with some person or persons for the completion of such parts of said road as the commissioners shall direct, taking from such person or persons bonds with sufficient security, for the faithful performance of such contract; and the said commissioners shall not be entitled to receive any part of the appropriation hereby made before the said contracts shall have been entered into, and bonds given as aforesaid.

Comrs to contract for completing road.

#### CHAPTER XIX.

An act vesting in the Superior and County Courts jurisdiction of applications for the legitimation of bastard children.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same* That from and after the ratification of this act, it shall be lawful for the putative father of any illegitimate child or children to apply by petition in writing to the Superior Court or Court of Pleas and Quarter Sessions of the county in which such father may reside, praying that the said child or children be declared legitimate; and if it shall appear to said court, from the oath of said petitioner, and such other evidence as the court may require, that the petitioner hath intermarried with the mother of said child or children, or that the said mother is dead, and that such petitioner is reputed the father of such child or children, the said court may thereupon declare and pronounce the said child or children legitimated accordingly.

Putative father may petition court for the legitimation of his children.

On what evidence the petition may be granted.

II. *And be it further enacted*, That it shall be the duty of the clerk of the court where such petition is filed; and such decree made, to record the decree of the court thereon; and for said services he shall be entitled to receive a fee of one dollar from the petitioner.

Clerk to record decree.

III. *And be it further enacted*, That the effect of such legitimation shall extend no further than to impose upon the father all the obligations which fathers owe to their lawful children, and to enable the child thus legitimated to inherit from the father only, lands whereof the father may die seized absolutely in fee simple and to transmit the same in the course of descents, in the same manner as though such child had been born in lawful wedlock, and also to entitle such child to distribution of the personal estate of his or her father, in the same manner as though he or she had been born in lawful wedlock.

Effect of legitimation how far to extend.

#### CHAPTER XX.

An act to prevent fraud in deeds of trust 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 no deed of trust or mortgage, for real or personal estate, executed after the fourth day of July next, shall be valid at law to pass any property as against creditors or purchasers, for a va-

No mortgage or deed of trust shall be valid but from registration, &c.

luable consideration from the donor, bargainor or mortgagor, but from the registration of such deed of trust or mortgage, in the county where the land lieth, or in case of chattels, where the donor, bargainor or mortgagor resides; or in case the donor, bargainor or mortgagor shall reside out of the State, then in the county where the said chattels, or some of them, are situate.

Clerks authorised to take the probate of deeds, &c.

II. *Be it further enacted*, That the clerks of the several Courts of Pleas and Quarter Sessions in this State shall hereafter have authority in their respective counties to take the probate or acknowledgment of deeds of trust or mortgages at any time, in as full a manner as their respective courts now can or may do.

Register's duty.

III. *Be it further enacted*, That the register shall endorse on each deed of trust or mortgage the day on which it is presented and delivered to him for registration; and such endorsement so made shall be entered on the register's book, and form a part of the registration, and he shall immediately thereafter register the same in the order of time in which it was presented and delivered to him.

Penalty.

IV. *Be it further enacted*, That any register, not complying with the provisions and requisitions of this act, shall be liable in an action on the case to the party injured, and also to be indicted in the Superior Court, and, upon conviction, fined at the discretion of the court.

#### CHAPTER XXI

An act ceding to the United States jurisdiction over certain lands as sites for light houses.

Preamble.

Whereas the United States have purchased of John Gray Blount ten acres of land at Pamlico Point, and have purchased of Pharoah Farrow forty acres at Cape Hatteras; and whereas the United States have erected, or are now erecting a light house upon each of said tracts, and, for their better security, ask exclusive jurisdiction of said lands:

Describes the lands hereby ceded.

*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 exclusive jurisdiction of the two tracts aforesaid be, and is hereby ceded to and vested in the United States, upon the condition that the United States shall continue and keep up light houses upon the said tracts; the first of which tracts is situated, lying and being in the county of Beaufort, and bounded as follows, that is to say: beginning at a cedar stake on the Sound side of Pamlico Point, forty poles southwardly of the point of Pamlico Marsh; thence west forty poles to a cedar stake; thence north forty poles to Pamlico river; then with the various courses of the river and sound to the beginning, containing ten acres; and the other tract aforesaid is situated, lying and being on Cape Hatteras, in the county of Hyde, beginning at Elizabeth Williams's line on the Cape creek, and running with her line westwardly to a cedar stake; then south westwardly with another of said Elizabeth's lines to Jacob Farrow's line; then east with said Jacob Farrow's line to the Cape creek; and from

thence with said Elizabeth Williams's line to the beginning, containing forty acres.

II. *Be it further enacted*, That nothing herein contained shall be so construed as to debar or hinder any of the officers of this State from serving any process or levying executions within the limits by this act ceded to the United States, in the same manner and to the same effect as if this act had never been passed.

Officers of this State may serve process within the limits ceded.

#### CHAPTER XXII.

An act to regulate the entries of lands 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 no lands now entered on the books of the entry takers of this State, and of which the entries will expire on the fifteenth day of December, eighteen hundred and thirty-one, shall be re-entered within twelve months after that date by the persons in whose names, or for whose use and benefit aforesaid entries are now made.

#### CHAPTER XXIII.

An act to amend an act, passed at the last session, entitled an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That when a surety or the representatives of a surety shall discharge in whole or part the debt of his principal, the claim of such surety or the representatives of such surety against the executor or administrator of his principal shall have the same priority against the assets as belonged to the demand of the creditor thus in whole or part discharged.

#### CHAPTER XXIV.

An act amendatory of the laws now in force for the suppression of counterfeiting.

*Be 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, for the purposes of gain, shall, directly or indirectly, pass or attempt to pass, or shall receive with intent to pass, to any other person or to any body politic or corporate, any false, forged or counterfeited bill or note, or order, check or draft, purporting to be issued by order of the President, Directors and Company of the Bank of the United States, or by any of the branches thereof, or purporting to be drawn by or upon any of the officers of said bank or any of its branches, knowing the same to be false, forged or counterfeited, such person or persons shall, upon conviction thereof, be subject to be whipped not exceeding thirty nine lashes, to stand in the pillory not exceeding one hour, and to be fined and imprisoned, the fine not to exceed one thousand dollars, or the imprisonment three years; any one, or more, or all of these punishments to be inflicted at the discretion of the court.

Fixes the punishment for passing counterfeit bills on the U. States Bank;

## CHAPTER XXV.

An act to exempt members of the several fire companies in this State from mustering, 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,*

Exempts  
members of  
fire compa-  
nies from per-  
forming mili-  
tary service.

That the members of the several fire companies, so long as they shall continue members of said companies, that now are, or hereafter may be established in this State, be, and they are hereby declared exempt from all militia duty, except in time of war, invasion or insurrection.

Captains of  
fire comp. to  
make returns.

II. *Be it further enacted,* That it shall be the duty of the captains of all fire companies once a year to make regular return to the colonel commandant of the regiment by the 15th day of October, under the penalties now imposed on captains of militia companies on failure of making returns, in the limits of which the company exists, of all persons belonging to said company liable to muster; and the colonel of the regiment shall include them in his regular annual returns to the general of the brigade.

## CHAPTER XXVI.

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,*

Extends the  
time to two  
years.

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 XXVII.

An act concerning the Buncombe 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,*

Company to  
elect a presi-  
dent and di-  
rector.

That at the next election of a Board of Directors for the Buncombe Turnpike Company, it shall and may be lawful for the said company to elect a president and one director, who, together with the director appointed by the Public Treasurer, shall manage the concerns of the said corporation, and have the same power and authority now given by law to the president and directors of the same.

II. *Be it further enacted*, That if at any general meeting of the said company hereafter to be held for the election of directors, it should so happen that a majority of shares shall not be represented in person, then and in that case the president and directors then in office shall remain therein until a meeting of stockholders so constituted can be had.

In case a majority of stock shall not be represented in gen. meeting, pres<sup>r</sup> & directors then in office shall continue.

III. *Be it further enacted*, That nothing contained in the act of 1824, incorporating the Buncombe Turnpike Company, shall be so construed as to prevent the said corporation from altering and improving the direction of the said road.

Direction of road may be altered.

CHAPTER XXVIII.

An act giving femes covert the right of suing and being sued.

*Be 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, when any married woman shall file her petition in any of the Superior Courts of Law of this State, praying that alimony may be decreed to her, and that such property as she may thereafter acquire may be also secured to her, the Judges of the said Courts may, if they think proper, decree that the petitioner may sue and be sued in her own name, without joining the name of her husband, in any court of record, or before any justice of the peace in this State, in the same manner as if the petitioner was a feme sole; any law to the contrary notwithstanding.

On petition, Judge may grant privilege.

CHAPTER XXIX.

An act to prevent disfiguring the walls of the State House.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any person to write or scribble on the walls of the State House, or mark the same with pictures or otherwise, under the penalty of five dollars, recoverable before any justice of the peace for the county of Wake, to be sued for by any informer to his use.

Penalty,

II. *Be it further enacted*, That should such offence be committed by an infant under the age of discretion, his guardian or parent, as the case may be, shall be liable to the penalty prescribed by this act, to be recovered in manner before mentioned.

If an infant offend, parent or guardian to be liable.

CHAPTER XXX.

An act to amend an act, passed in the year one thousand eight hundred and twenty-seven, entitled 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 it shall be lawful for the Secretary of State to make certificates of entry from the returns of the entry-takers filed in his office; and that the Public Treasurer be, and he is hereby authorized to receive the purchase money on such certificates in

Sec. of State may make certificate of entry, &c.

the same manner as he now does on certificates made from the warrants and surveys.

When to take effect.

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

#### CHAPTER XXXI.

An act concerning the places where company musters shall be held.

Repealing clause.

*Be 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 eighth section of an act, passed in the year one thousand eight hundred and sixteen, chapter seven hundred and eight, entitled an act to revise the militia laws of this State relative to infantry, so far as it vests in the captain of a militia company the power of appointing the places of holding the company musters, be, and the same is hereby repealed.

Company to appoint the place for mustering.

II. *Be it further enacted*, That in future the appointment of the places of holding the company musters shall be vested in a majority of the company.

#### CHAPTER XXXII.

An act fixing the true construction of the terms liquidated accounts, contained in the act, passed in the year one thousand eight hundred and twenty, entitled an act to extend the jurisdiction of justices of the peace.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the words liquidated accounts, used and set forth in the said act, shall be so construed as to comprehend only such accounts and balances of accounts settled as are or shall be stated in writing, and signed by the party from whom the same shall be owing.

#### CHAPTER XXXIII.

An act securing the collection of fines and amercements from sheriffs in this State.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the securities to the sheriffs' bonds hereafter to be given, shall be liable for all fines and amercements imposed on them in the same manner as they are liable for all other deficiencies in their official duty.

#### CHAPTER XXXIV.

An act for the relief of certain purchasers of the Cherokee lands.

Conditions on which interest on bonds held by the Public Treas'r may be remitted.

*Be 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 person, whose bonds are now held by the Public Treasurer for the purchase of land acquired by the treaty with the Cherokee Indians, shall produce to the Treasurer and Attorney General satisfactory proof that the tracts of land for which such bonds were given, were materially interfered with by Indian reservations, it shall be the duty of the Treasurer to remit all the interest which may have accrued on such bonds from their date until the first day of December, one thousand

eight hundred and twenty-nine, or so much thereof as may be commensurate with the injury actually sustained: *Provided*, that the provisions of this act shall not extend to any person whose lands have not been materially and injuriously interfered with by such Indian reservations as have been recognized as good and valid by Romulus M. Saunders and Humphrey Posey, as commissioners of the United States, and purchased by them as such.

Proviso.

II. *And be it further enacted*, That should the Treasurer and Attorney General be of opinion that in any case the expense incurred by the purchaser in defending any suit or suits which may have been brought against him in consequence of said purchase, or the injuries that they may have sustained in consequence of such suits and the delays and perplexities arising therefrom, or any further charge the said purchaser may have been put to in purchasing the Indian titles, is sufficiently great to authorise a larger remuneration than the simple remission of interest, that in that case they are hereby empowered to grant such further relief as they may adjudge the circumstances of the case to require.

Case in which further remuneration may be allowed.

III. *And be it further enacted*, That in all cases the depositions offered by the parties, shall be sworn to in open court in the county of Macon, or before some justice of the peace in said county; and if any person shall be guilty of perjury, he shall be subject to indictment, and liable to all the pains and penalties as in other cases now prescribed by law.

How depositions shall be taken.

Penalty.

Read three times and ratified in General Assembly, this 7th day of January, 1830. }

WM. J. ALEXANDER, S. H. C.  
D. F. CALDWELL, S. S.

A true copy.

WM. HILL, *Secretary*.



## PRIVATE ACTS.

### CHAPTER XXXV.

An act to incorporate the Lake Drummond and Orapeake Canal Company.

Whereas the cutting of a navigable canal from Lake Drummond, in the State of Virginia, to the south side of the Orapeake Swamp, in the county of Gates, State of North Carolina, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so beneficial a work, and it is just and proper that they, their heirs, and assigns should be empowered to receive reasonable tolls, in satisfaction for the money advanced by them in carrying the work into execution, and the risk they run: 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 it shall and may be lawful to open books in the town of Norfolk, under the management of John Tunis and Doctor Starke; at Deep creek, under the management of James Carr; and in the county of Gates, under the management of John C. Gordon, Tilley W Carr and John B Baker, for the purpose of receiving subscriptions to the amount of twenty thousand dollars for the said undertaking; which subscriptions shall be made personally, or by power of attorney; that the said books shall be opened for receiving subscriptions on the first day of April next, and continue open until the first day of June next, inclusive; and on the second Monday of July there shall be a general meeting of the subscribers at Deep creek, in the State of Virginia; of which meeting notice shall be given by the said managers, or any three of them, in one of the Norfolk papers at least twenty days before the said meeting; and such meeting shall and may be continued from day to day until the business is finished; and the acting managers shall at the time and place aforesaid lay before such of the subscribers as shall meet according to the said notice the books by them respectively kept, containing the state of the said subscriptions; and if one half of the capital sum aforesaid should, on examination, appear not to have been subscribed, then the said managers are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out, and returned by the said managers or any three or more of them, under their hands, into the County Court of Gates, and into such court as the State of Virginia shall direct to be there recorded; and in case more than twenty thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing off a share from all subscriptions, under the largest and above one share, until the sum is reduced to the capital aforesaid of twenty thousand dollars, or until a share is taken from all subscriptions above one share; and lots shall be drawn between subscribers of equal sums to determine the number in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then they shall strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots shall be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid; and the said capital sum shall be reckoned and divided into two hundred shares, of one

hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise: *Provided*, that unless one third of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void; and in case one third, and less than the whole of the said capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid until the deficiency shall be made up; a certificate of which additional subscriptions shall be made under the hands of the President and Directors, or a majority of them, for the time being, and returned to, and recorded in the courts as aforesaid.

II. *And be it enacted*, That in case one half of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby, declared to be incorporated into a company by the name of the Lake Drummond and Orapeake Canal Company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a President and three Directors for conducting the said undertaking and managing all the said company's business and concerns for and during such time, not exceeding three years, as the subscribers, or a majority of them, shall think fit; and in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share under ten shares, and one vote for every two shares above ten by him or her held at the time in the said company; and any proprietor by writing, under his or her hand executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

III. *And be it enacted*, That the said President and Directors so elected, and their successors, or a majority of them assembled, shall have power and authority to agree with any person or persons, on behalf of the said company, to cut the said canal, and perform such other works as they shall judge necessary for the navigation of the said canal, and carrying on the same from place to place and from time to time, and upon such terms, and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls, and other aids hereafter in this act given, to pay for the same, and to repair and keep in order the said canal, locks and other works necessary thereto, and to defray all incidental charges, and also to appoint a treasurer, clerk and such other officers, toll gatherers, managers and servants as they shall judge requisite, and to agree for, and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein such sums of money as shall by a general meeting of the subscribers be determined.

*Provided always*, That the Treasurer shall give bond in such penalty, and with such security as the said President and Directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him; and that the allowance to be made to him for his services shall be regulated by a general meeting of the stockholders; and that no officer in the said company shall have a vote in the settlement or passing of his own account.

IV. *And be it further enacted*, That the said President and Directors, and their successors, or a majority of them, shall have full power and authority from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time, and in what proportion the proprietors shall advance and pay off the sums subscribed; which orders shall be advertised at least one month in some one of the gazettes published at Norfolk; and they are hereby authorised and empowered to demand and receive of the several proprietors from time to time the sums of money so ordered to be advanced, for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed and laid out as the said president and directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions within one month after the same so ordered and advertised as aforesaid, the president and directors, or a majority of them, may sell at auction, and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice in some one of the gazettes published at Norfolk; and all such sales shall be in the town of Norfolk; and after retaining the sum due, with the interest thereon and charges of sale, out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owners; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with interest and incidental charges, the said president and directors, or a majority of them, may, in the name of the company, sue for and recover the balance, by motion in any court of competent jurisdiction, on ten days previous notice; and the said purchaser or purchasers shall be subject to the same rules and regulations, and entitled to the same profits and privileges as if the sale and conveyance had been made by the original proprietor.

And to continue the succession of the said president and directors, and to keep up the same number,

V. *Be it enacted*, That from time to time, on the expiration of the term for which the said president and directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity of the president or any of the directors, may and shall, in manner aforesaid, elect any other person or persons to be president and directors in the room of him or them so dying, removing, resigning or becoming incapable of acting; and may, at any of their general meetings, remove the president or any of the directors, and appoint others for and during the remainder of the time for which such person or persons were at first to have acted.

VI. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

VII. *And be it enacted*, That the presence of proprietors having twenty shares at least, shall be necessary to constitute a general meeting, and that there be a general meeting of proprietors on the second Monday of July in every year, at such convenient place as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day till a general meeting of proprietors shall be had; which may be

continued from day to day, until the business of the company is finished; to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the proprietors, or a majority of them, shall judge necessary for the repairs and contingent charges, an equal dividend of all the net profits arising from the tolls hereby granted, shall be ordered and made to the proprietors of the said company in proportion to their several shares; and on any emergency in the interval between the said yearly meeting, the president or a majority of the directors may appoint a general meeting of the proprietors of the company, at any convenient place, giving at least one month's previous notice in some one of the gazettes published at Norfolk; which meeting may be adjourned and continued as aforesaid.

VIII. *And be it further enacted* That for and in consideration of the expenses the said proprietors will be at, not only in cutting the said canal, erecting locks, making causeways, and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks, causeways and other works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs and assigns, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate; and it shall and may be lawful for the said president and directors at all times hereafter to demand and receive, at some convenient place near one of the extremities of the canal, for all commodities transported through it, one half the tolls now received by the Dismal Swamp Canal Company: *Provided*, that the said proprietors, or a majority of them holding at least fifty shares, shall have full power and authority, at any general meeting, to lessen the said tolls or any of them, or to determine that any article may pass free of toll.

And whereas it is necessary, for the making of the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose:

IX. *Be it enacted* That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the State, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands to the sheriff of the county, to summon a jury of eighteen inhabitants of the county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided no less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear "that he will fairly, justly and impartially value the land, not exceeding the width of three hundred feet, and all damages the owner thereof shall sustain by cutting the canal through such land, according to the best of his skill and judgment; and that in such valuation he

will not spare any person through favor or affection, nor any person grieve through malice, hatred or ill will; and the inquisition thereon taken shall be signed by the sheriff and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and on every such valuation, the jury is hereby directed to describe and ascertain the bounds of the land by them valued; and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative; and on payment thereof, the said company shall be seized in fee of such land, as if conveyed by the owner to them and their successors by legal conveyance.

X. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietor, or proprietors, for the purchase of a quantity of land, not exceeding one acre, at or near the place of the receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of any disagreement, or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid; and the said company shall, on payment of the valuation of the said land, be seized thereof in fee simple as aforesaid. And whereas the said canal may be of great utility in affording the means of draining the sunken lands through which it passes:

XI. *Be it enacted*, That it shall and may be lawful for the proprietors of said adjacent and sunken lands to open cross ditches into the said canal: *Provided*, that these cross ditches shall not be within less than one mile of one another on the same side of the canal, and be covered where they pass through the banks with good bridges, at the expense of the persons cutting them.

XII. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares by deed executed before two witnesses, and registered, after proof of the execution thereof, in the said company's books, and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls: *Provided*, that no transfer whatsoever shall be made except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said company, or any of them, shall or may be challenged or made to answer concerning any such trust; but that every such person appearing as aforesaid to be a proprietor shall as to the others of the said company be to every intent taken absolutely as such; but between any trustee and the person for whose benefit any trust shall be created the common remedy may be pursued.

And whereas it hath been represented that sundry persons are willing and desirous, on account of the public advantage, and also the improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money to be paid on condition the said works are completed and carried into execution, but do not care to run any risk or desire to have any property therein:

XIII. *Be it therefore enacted*, That the said president and directors shall be, and are hereby authorised and empowered to take subscriptions on the said conditions; and on the said works being completed and carried into

execution according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, or a majority of them, in case of a refusal or neglect of payment, in the name of the company as aforesaid, to sue for and recover of the said subscribers, their heirs, executors or administrators the sum by them respectively subscribed, by action of debt or on the case, in any court of record within this State.

XIV. *And be it further enacted*, That if the said capital and other aids granted by this act shall prove insufficient, it shall and may be lawful for the said company from time to time to increase the said capital by the addition of so many more whole shares as shall be judged necessary by the said proprietors, or a majority of them holding at least fifty shares, present at any general meeting of said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice in some of the gazettes published at Norfolk, to open books at the before mentioned places, for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being shall, and are hereby declared to have the preference of all others, for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose; and the said president and directors are hereby required to observe in all other respects the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return, under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the courts as aforesaid, to be there recorded; and all proprietors of such additional sums shall and are hereby declared to be from thence forward incorporated into the said company.

XV. *And it is hereby declared and enacted*, That the tolls hereinbefore allowed to be demanded and received, are granted, and shall be paid on condition only that the said Lake Drummond and Orapeake Canal Company shall make the canal sixteen feet wide and five feet in depth, and capable of being navigated by vessels drawing three feet water, from Lake Drummond, in the State of Virginia, to the high lands on the south side of the Orapeake Swamp in Gates county, State of North Carolina.

XVI. *And it is hereby enacted and provided*, That in case the said company shall not begin the said work within two years after the company shall be formed, or if the said company shall not complete the navigation and works as aforesaid within ten years after the said company shall be formed, then shall all interest of the said company and all preference in their favor as to the navigation and tolls of the said canal be forfeited and cease.

XVII. *And be it further enacted*. That this act shall commence and be in force from and after the confirmation of the same by the Legislature of Virginia.

XVIII. *And be it further enacted* That the rights, powers and privileges of this company shall expire at the end of forty years from the first day of January, one thousand eight hundred and thirty.

#### CHAPTER XXXVI.

An act for the better regulation of the town of Washington.

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

the duty of the sheriff of the county of Beaufort to hold an election on some one day of the month of January next, (Sundays excepted,) and it shall be the duty of said sheriff to hold one such election in the same month in each and every year thereafter, for the purpose of electing six proper persons, five of whom shall constitute the board of commissioners, and the sixth shall be the intendant of police of said town, and the latter named officer shall be appointed in the manner hereinafter pointed out, which elections shall be held at the place, and conducted under the rules and regulations heretofore prescribed by law; and if any sheriff of said county shall fail to hold such election, he shall, for every such omission, forfeit and pay the sum of fifty dollars; and if any commissioner or intendant shall die, remove away or refuse to act, it shall be the duty of the residue of said commissioners for the time being to fill such vacancy or vacancies by selecting some suitable person or persons to act as commissioner or commissioners, or intendant of police until the next annual election; and the person or persons so chosen to fill such vacancy or vacancies shall have all the powers, and be subject to the same rules, regulations and penalties that the commissioners or intendant otherwise elected or appointed are; and if any person hereafter elected or chosen as aforesaid to act as commissioner or as intendant of police of said town, shall refuse to perform the duties of his said appointment, he shall forfeit and pay the sum of fifty dollars.

*It is further enacted,* That the six persons elected as aforesaid shall, at their first meeting after the passage of this act, and at their first meeting in each and every year thereafter, and before they take the oath prescribed by law for commissioners of said town, designate some one of their own body to act as intendant of police of said town until the next annual election, and the other five persons aforesaid shall be, and are hereby required to act as commissioners of said town until the next annual election, and as such shall take the oath of office aforesaid; and the said intendant of police, before entering upon the duties of his said office, shall in presence of the said commissioners, take the following oath, viz. I, A. B. do swear that I will discharge the duties of intendant of police for the town of Washington according to law, and that I will do equal and impartial justice in all cases that may come before me, to the best of my knowledge and ability: so help me God; after taking which oath, and during his term of office as intendant of police, the said intendant shall not be considered as a member of the board of commissioners of said town; and it shall be the duty of said intendant of police to see that the laws and ordinances of said town are duly executed, and to punish offenders; and he is hereby authorised to issue his warrant, directed to the town sergeant or to any constable of said county, to bring offenders against the laws and ordinances of said town before him; and on their conviction, which shall be in the manner of trials before justices of the peace, the said intendant is hereby authorised to give judgment and award execution accordingly; and the said commissioners shall also, at their next meeting after the passage of this act, take the fire engines of said town into their care, and cause them to be repaired and kept in good order at the expense of said town; and whenever any other engines shall become necessary for said town, the said commissioners are hereby empowered and required to procure them at the expense of said town. And the said commissioners shall, within twenty days after their next meeting, and within twenty days after their first meeting in each and every year thereafter, cause an election to be held for officers of the fire compa-

nies of said town; which election shall in all other respects be conducted under the rules and regulations heretofore prescribed by law; and the said commissioners shall also, at their next meeting, and at their first meeting in each and every year thereafter, appoint a town sergeant for said town, who shall possess all the powers of a constable, and be entitled to the same fees as constables so far as regards the laws and ordinances of said town and no further; and the said commissioners are hereby authorised and required to appoint, at their next meeting, and at their first meeting in each and every year thereafter, a standard keeper for said town, who shall, before said commissioners, take the oath prescribed by law for county standard keepers; and the said commissioners are hereby required to procure a set of standard weights and measures, true and exact, such as have been heretofore declared the lawful weights and measures of this State; and it shall be the duty of such standard keeper, as soon as he shall be furnished with such standard weights and measures, to advertise in said town that he is ready to examine, stamp or seal and certify such weights, measures and steelyards as are used in buying or selling in said town; and he shall forthwith proceed to examine and try all the weights, measures and steelyards used in said town, and shall stamp, mark or brand, or otherwise certify all those found by him to be true and lawful; and this duty shall be performed by said standard keeper once in each and every year thereafter; and he shall be entitled to claim and receive from the owner of such weights, measures and steelyards the fees heretofore fixed by law for county standard keepers; and if any person shall presume, after the advertisement of said standard keeper as aforesaid, to use in said town any weights, measures or steelyards which have not been examined, marked, branded or stamped and certified by said standard keeper, either in buying or selling, such person shall forfeit and pay twenty dollars for every such offence, to the use of said town, and moreover be subject to indictment in the County or Superior Court of said county.

III. *Be it further enacted,* That in addition to the powers heretofore granted to the commissioners of said town, they shall have full power and authority to make regulations for the preservation of the health of said town; to enclose the public grave yard of said town, and keep the same enclosed; when it shall become necessary, to enlarge the same by purchasing more ground at the expense of said town; to procure a public hearse for said town; to fix the standard weights of a bushel of Indian or corn meal, and prescribe the penalty for selling the said article in said town except by weight; to regulate the terms upon which dogs may be permitted to run at large in said town; to regulate the selling of cakes, pies or beer in the streets of said town; to regulate the business of draying and carting in said town; to suppress unreasonable, suspicious or disorderly night rambling about the streets of said town; to enforce the due observance of the Sabbath day in said town; and for the better security of the mercantile and landed interests of said town, and the personal safety of its citizens, the said commissioners are hereby required to establish and permanently maintain a night watch, ordinarily to consist of two watchmen of a night, but may be increased as necessity may require; and said watch may be composed of watchmen hired for said purpose and paid by the commissioners out of the fund hereinafter mentioned, or the said watch may be composed of the free white male inhabitants of said town, classed in companies of themselves to perform said duty; and the said commissioners are hereby authorised, in case the citizens

of said town prefer a hired watch to watching themselves, to levy and collect annually the following taxes, viz. a tax not exceeding twenty five cents on each and every hundred dollars valuation of lots and improvements in said town; a tax not exceeding twenty five cents on each and every white and black poll, who has resided or been employed principally in said town during the space of six months next before the first day of April; and also a tax not exceeding twenty five cents upon each and every hundred dollars amount of goods, wares and merchandise which may be owned on the 1st day of April in said town; and a tax of five dollars on each and every commission merchant in said town transacting business as such, on the first day of April; which taxes shall be levied and collected as the other taxes of said town are; but should the said commissioners be of opinion that it would be more agreeable to the inhabitants of said town to perform the service of watching in companies of themselves than to hire a watch, then the said commissioners are empowered and hereby required to class all the free white male inhabitants of said town above twenty one years of age in companies as aforesaid, and to enforce the performance of said duty; and the said commissioners are hereby empowered and required to levy and collect a tax for the use of said town not exceeding twenty dollars, nor less than ten in any one year upon each and every transient trader or shop keeper who shall retail goods, wares or merchandise at or in said town, whether the same be done on board of any vessel or out of any house in said town; but no person shall be deemed a transient trader or shop keeper who shall continue his or her trading or shop keeping in said town for the space of eight months in any one year, and who shall, when the tax is demanded, make oath before the intendant of police or any justice of the peace of said town, that he or she hath come to said town for the purpose of carrying on a permanent trade therein, and that said affidavit is not made to avoid the payment of said tax.

And whereas by the unskillfulness of former surveyors and negligence of proprietors, the course of the streets and bounds of the squares of said town were never properly ascertained, by reason of which many houses and enclosures in said town are misplaced:

IV *Be it therefore further enacted*, That the commissioners of said town are hereby required to cause two plans of said town to be made upon some substantial material, and of such dimensions as they may direct, in which all the townships or different plans of lots which have been laid out from time to time shall be connected together and plainly distinguished; and the streets of said town, with their names and width; and each lot, with its number, owner's name and size, as nearly as can be ascertained, be plainly marked down: one copy of said plan shall be safely kept by the clerk of the board of commissioners, and the other copy shall be delivered to the clerk of the County Court of said county, and shall be safely kept in his office; and any house or houses heretofore built, and which have stood in whole or in part upon any street of said town for the space of seven years or upwards, shall be allowed to remain where they now are until they are no longer tenantable; and it shall not be lawful for any person except the proprietor or proprietors, except in case of fire for the preservation of the town as heretofore provided by law, to pull down or forcibly remove the said house or houses; but after such house or houses, shall cease to be tenantable, or shall cease to exist or remain where they now are, it shall not be lawful to rebuild any

other house or put or place any obstruction in the street where such house or houses now stand.

V *Be it further enacted*, That the commissioners of said town shall not, for any one breach of their ordinances, have power to levy a greater penalty than ten dollars; and the penalties in this act mentioned, and also all those under the laws and ordinances of said town, shall be for the use of said town; and each and every such penalty may be recovered by warrant, in the name of the commissioners of said town, by any person warranting for the same; and the said commissioners are hereby required to take sufficient bonds, in all cases, with good security, payable to said commissioners and their successors in office, from all the money receiving officers of said town.

VI. *Be it further enacted*. That all such parts of any act or acts, heretofore passed, as conflict with any of the provisions of the present act, be, and the same are hereby repealed, so far as regards the said town; and that the act shall be in force from and after the ratification thereof.

#### CHAPTER XXXVII.

An act to amend an act, passed A. D. one thousand eight hundred and twenty-seven, providing for the incorporation of 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 from and after the passage of this act, the commissioners of the town of Lexington, in the county of Davidson shall and may have authority to impose a tax not exceeding one dollar on every taxable poll resident in said town, and a tax not exceeding thirty cents on every hundred dollars worth of town property within the limits of the same.

II *Be it further enacted*. That the above recited act, so far as limits said tax to a less amount than provided by this act, be, and the same is hereby repealed.

#### CHAPTER XXXVIII.

An act to amend an act, passed in the year eighteen hundred and twenty-eight, entitled an act concerning the poor of Moore county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the wardens of the poor of Moore county are authorised and empowered to let out such of the paupers of the county as are lunatics or idiots, and all helpless paupers, to suitable persons, or in contract for their support and maintenance at their own houses, as in their discretion shall seem right and proper; and nothing in said act contained shall be so construed as to require the wardens to let out this description of paupers with the other poor to a single person, or to require their personal attendance at the court house at the term of the court when the keeping of the poor of said county is contracted for.

#### CHAPTER XXXIX.

An act concerning the first regiment of militia 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 the officers of the first regiment of militia of Stokes county be, and they are hereby granted the privilege of moving their regimental muster to Cook's Old Fields, or any other place that may be deemed by them, or a majority of them, as most convenient for having said muster, provided it be not more than five miles from said Old Fields.

## CHAPTER XL

An act concerning the sale of certain lands in the town of Halifax,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Halifax be, and they are hereby authorised and empowered to sell any portion of the lands in the town of Halifax, and belonging to said town, which they may deem expedient.

II. *Be it further enacted,* That the proceeds of any sales made by the commissioners aforesaid, in accordance with the provisions of this act, shall be deposited by said commissioners with the funds of the town of Halifax, under the rules and regulations now prescribed by law for the disposition of such funds.

## CHAPTER XLI.

An act to amend an act, passed A. D. one thousand eight hundred and twenty-eight, entitled an act to amend the law regulating the inspection of flour in the town of Fayetteville.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the justices of the peace of the county of Cumberland shall, at the first term of the Court of Pleas and Quarter Sessions to be holden after the first day of March next, appoint one other additional inspector of flour in the town of Fayetteville, exclusive of the present inspector; and such inspectors shall severally discharge all the duties required by law of the inspector of flour in the town of Fayetteville

## CHAPTER XLII.

An act to alter the times of holding the elections in the county of 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 in future all elections held in the county of Columbus, for members of the General Assembly and members of Congress, shall be held on the first Thursday in August in each and every year; any law, usage or custom to the contrary notwithstanding.

## CHAPTER XLIII.

An act to authorise the Courts of Pleas and Quarter Sessions of New Hanover and Onslow counties to appoint a committee of Finance.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Courts of Pleas and Quarter Sessions for New Hanover and Onslow counties, seven justices being present, be, and they are hereby required, at their first session which shall happen after the first day of January, one thousand eight hundred and thirty, or at any subsequent court, to appoint three persons of integrity and capacity to act as a committee of Finance for said counties, 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 said counties and the sheriff's county trustees, or any other officer or commissioner, who may have heretofore had monies belonging to the counties aforesaid; and the said committee are hereby authorised and empowered to call on each of said clerks, at their offices, to lay before them, for inspection, such records, papers and documents as aforesaid; to call on said sheriffs, county trustees, or other officer or commissioner, to meet them at the court houses of said counties to audit and settle their respective accounts, at some designated time.

II. *Be it further enacted*, That it shall be the duty of the said committee of Finance to make a fair investigation of all the financial concerns of said counties from the first day of January one thousand eight hundred and twenty, to the first day of May one thousand eight hundred and thirty; and the said committee, and all succeeding committees appointed under the authority of this act, to make a similar investigation annually thereafter, and to make a return to the courts in the months of June in New Hanover, and May in Onslow, setting forth a full, fair and perfect statement of their investigation, designating therein all balances of monies due by the county to individuals, as well as those due by individual delinquents to the county; and the Courts of Pleas and Quarter Sessions of said counties, seven justices being present, shall direct the county trustee to pay to each member of said committee the sum of two dollars per day, for every day they may be necessarily engaged in said committee, and to be paid out of the county funds.

III. *Be it further enacted*, That if the said clerks, sheriff's, county trustee and other officers entrusted with county monies, shall fail, neglect or refuse duty 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: 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 one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, and applied to the use of the county, to be sued for in the name of the chairman of the County Court, and 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 upon sufficient cause being shown to the satisfaction of the Court.

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 on the duties of his appointment, take the following oath, which it shall be the duty of the Courts of Pleas and Quarter Sessions of said counties to administer, viz. 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 New Hanover and Onslow, in all business that may come before me, without doing injustice to said counties, or to individuals, to the best of my skill and ability: so help me God.

V. *Be it further enacted* That the Courts of Pleas and Quarter Sessions of said counties, seven justices being present, are hereby fully authorised and empowered to fill all vacancies which may happen in said committee of Finance by death, resignation, removal or refusal to act of any one or more of its members.

VI. *Be it further enacted*, That it shall hereafter be the duty of the several clerks, sheriff's, county trustees and all other officers and commissioners, who may have claims or demands being to the counties aforesaid, to deliver the same to the said committee of Finance, for their inspection and examination, 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 by the court, shall be filed with the clerk of the County Court, and the other kept by the committee for their own use.

VII. *Be it further enacted*, That it shall be the duty of the clerks of the

Courts of Pleas and Quarter Sessions for said counties 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.

VIII. *Be it further enacted*, That the committee appointed by this act shall have power to issue subpoenas and subpoenas duces tecum, in order to enable them to make a thorough examination and settlement with the officers aforesaid; and every person thus summoned, failing to attend, either personally or with such papers and documents 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, to be sued for in the name of the chairman of the County 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 tender, 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.

IX. *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 said counties from any of the officers aforesaid, or their securities, whose accounts they may examine as aforesaid; which said suits shall be brought in the name of the chairman of the County Court, and prosecuted at the expense of the county.

X. *Be it further enacted*, That if any person, who shall be appointed by the said justices as aforesaid a member of the committee of Finance for said counties, shall refuse or neglect to serve or do his duty as a member thereof he shall be liable to a penalty of twenty five dollars for his refusal or neglect as aforesaid, to be recovered in an action of debt before the Court of Pleas and Quarter Sessions for said counties, for the use of said county, to be sued for in the name of the county trustee of said counties, for the time being, or his successors in office, by any person who may sue for the same, with cost of suit: *Provided*, that no person shall be compelled to serve as a member of said committee oftener than one year in three years.

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

#### CHAPTER XLIV.

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

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful for the Wardens of the Poor of the county of Iredell, or a majority of them, as soon as they may deem it necessary after the passage of this act, to make application to the Court of Pleas and Quarter Sessions of said county; and the said court is hereby authorised and empowered, if deemed expedient by a majority of the justices, to lay a tax not to exceed ten cents on the poll, and five cents on every hundred dollars worth of land and town property, to be collected and accounted for as other taxes are, for the purpose of purchasing a suitable site, and erecting necessary buildings thereon, for the reception of the poor of said county; which tax shall be collected and accounted for to the treasurer of buildings, under the same rules and

regulations as are now prescribed by law for the collection of other taxes; and which tax shall and may be continued from year to year, until a sufficient sum is raised to accomplish the object of this act.

II. *Be it further enacted*, That the justices of said courts may, at the first term to be holden after the first day of April next, or as soon after as they may deem it expedient, a majority of the justices being present, to appoint two of the Wardens of the Poor, with the treasurer of public buildings, who shall have full power and authority to purchase a tract of land, not exceeding two hundred acres, and take a good and sufficient title in fee simple to the Wardens of the Poor for the county of Iredell, and their successors in office, for the use of the poor of said county; which tract shall not be further than ten miles from the town of Statesville; and it shall be the duty of the aforesaid commissioners, as soon as a sufficient sum shall be raised for that purpose to erect thereon suitable buildings 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 duty 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 the said poor; which regulations the wardens are hereby empowered to make; and the overseer shall be allowed for each year, such sums as the wardens may deem adequate for his services, to be paid out of the taxes laid for the support of the poor of said county.

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

IV. *Be it further enacted*, That the Wardens of the Poor shall annually settle their accounts with the committee of Finance of said county, under the rules and regulations prescribed by an act, passed in the year 1822, entitled an act to authorise Iredell county, with certain other counties therein named, to elect committees of Finance; and in their settlements they shall set forth an account current of their receipts and disbursements, including therein an accurate account of proceeds arising from the labor of the poor under their care, the amount of taxes laid for their support, and other incidental expenses; and it shall be the duty of the committee of Finance to file a copy of the settlement in the County Court clerk office for the use of the court, and set up one copy thereof in some conspicuous part of the court room, under the penalty of ten dollars for each and every neglect.

#### CHAPTER XLV.

An act to appoint a committee of Finance for the county of Richmond.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John R. Buie, major Charles Haley and Robert Steele are hereby appointed a committee of Finance for the county of Richmond, whose duty it shall be, a majority of said committee being present, to examine all the papers, records and documents in the offices of the Clerks of the Superior and County Courts and

Clerk and Master in Equity, and in possession of the Sheriff, County Trustee, and all officers who have heretofore held, or who may hereafter hold money belonging to said county; and it shall be the duty of said committee to make a full investigation of all the financial concerns of said county from the 1st of April, 1820, up to the first of April, 1831; and it shall be the duty of said committee to make a return to the first County Court which may be held after the 1st day of April, 1831; which return shall contain a full, fair and perfect statement of their proceedings, designating therein all balances of monies due from the county to individuals, as well as those due from any person whatever to said county; and in their account current they shall make a separate statement of the county expenditures. They shall also make out four true copies of the said account current, one to be left in the Clerk's office of said county, one to be set up at the court house and one to be set up in the most public place of the upper and lower regiments of said county.

II. *And be it further enacted*, That said commissioners are hereby authorized and empowered to require each and every officer and person as aforesaid to lay before them the records, documents and papers respectively, for their inspection; and it shall be the duty of said committee to give ten days previous notice in writing 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 by vouchers a just and full account of what monies they may have heretofore held, or do now hold, belonging to said county; and said committee shall specify in said notice such records, documents and papers as they may think proper to have produced before them at the said time and place; and if any of the said officers or other persons as aforesaid shall fail or refuse to account or come to a settlement with said committee, notice being given as aforesaid, on refusal, he or they shall be liable to pay a penalty of fifty dollars for each and every offence, to be recovered by an action of debt, in the name of the chairman of said County Court, to the use of said county.

III. *And be it further enacted*, That if any officer or other person as aforesaid on being notified as aforesaid, shall fail to comply with the requisitions of said notice, it shall be the duty of said committee to notify said officers and persons as aforesaid, in the manner before mentioned, from time to time, until said officers and persons shall comply with the requisitions of said notice.

IV. *And be it further enacted*, That every person appointed by the authority of this act as a member of the committee of Finance, shall, previous to entering on his duty, take the following oath before some justice of the peace, viz. I, A. B. do solemnly swear (or affirm, as the case may be) that I will faithfully perform the duties imposed on me by law as a member of the committee of Finance for the county of Richmond, in all business that may come before me, without doing injustice to the said county or to individuals, to the best of my ability: so help me God.

V. *And be it further enacted*, That any person appointed under the provisions of this act as a member of the committee of Finance for said county, who shall refuse or neglect to serve or do his duty as a member of said committee, shall be liable to a penalty of fifty dollars for his neglect or refusal, to be recovered by an action of debt before any tribunal having jurisdiction of the same, to the use of said county, to be sued for in the name of the

County Trustee of said county: *Provided* no person shall be compelled to serve oftener than once in four years.

VI. *And be it further enacted*, That the County Court of said county shall cause to be paid each member of said committee a sum not exceeding two dollars per day, as a compensation for their services, to be paid by the County Court: *Provided* there be satisfactory proof of the number of days that he or they were actually and of necessity engaged in the settlement of the financial concerns of said county; and said committee shall have full power and authority to sue in their own name, all persons whatever, who may be in arrears to said county; and the said John R. Bue, Charles Haley and Robert Steele appointed by this act, shall hold and exercise their powers until the first County Court held after the first day of April, 1831; at which court they shall make a fair and true statement of the financial concerns of said county as before required; and it shall be the duty of the County Court then sitting, and annually thereafter, to appoint three discreet persons to act as a committee of Finance who shall possess the same powers and authority, and be subject to the same rules and restrictions that the committee now appointed by this act; any law to the contrary notwithstanding.

VII *And be it further enacted*, That it shall not be lawful for the County Court of said county, after the first court to be held in April next, to allow more than forty dollars per year for extra services to the clerks and sheriffs of said county; neither shall they allow more than forty dollars per year for county solicitor's services; and should the said court allow more than permitted by the provisions of this act, the justices making such allowance shall be personally responsible for the amount so allowed, which shall exceed the sum permitted by this act, to be sued for in the name of the County Trustee, to the use of said county, and to be recovered before any jurisdiction having cognizance thereof; and it shall be the duty of the clerk of the court, whenever any allowance is so made, to record the names of the justices assenting to said allowance; and such record so made shall be evidence of the fact of their assent.

#### CHAPTER XLVI.

An act to amend an act, passed in the year one thousand eight hundred and twenty-four, entitled an act for the better regulation of the town of Greensboro', in Guilford county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That when any person, who may have been elected a commissioner under the provisions of the aforesaid act of one thousand eight hundred and twenty four, and shall neglect or refuse to act as commissioner during the term for which he is so elected, shall forfeit and pay the sum of ten dollars, to be recovered by warrant in the name of the chairman of the board of commissioners before any justice of the peace for Guilford county: *provided* said person so elected shall not be subject to the aforesaid penalty until twenty days shall have expired after his election, and until he shall have had five days notice of his election, to be given by the sheriff of Guilford county; nor shall the person so elected be liable to the aforesaid penalty, if he shall be prevented from acting as a commissioner either by sickness or absence from said town:—*Provided* the said person so elected shall, within ten days after his recovery or return to said town, take upon himself the duties of a commissioner.

II. *And be it further enacted*, That the said commissioners, or a majority of them, shall have power to appoint an executive officer, to be styled town

constable; and the said officer so elected, shall have all the powers belonging to the office of constable in this State in those cases only where the chairman of the board of commissioners is a party, or when any offence is committed against the bye laws, ordinances or regulations of the said board of commissioners.

III. *And be it further enacted,* That the said commissioners shall meet within twenty days after their election in each and every year, and shall appoint one of their body chairman of the board of commissioners; and all warrants, executions and other process for any fine, debt or other demand due by any bye law or ordinance of the said board of commissioners, shall be in the name of said chairman for the time being and his successors in office.

IV. *And be it further enacted,* That if any person, elected a commissioner, shall die remove or refuse to act before the expiration of the year for which he was elected, it shall be the duty of the remaining commissioners to appoint some suitable person to supply the vacancy; and the person appointed shall be subject to the fine mentioned in the first section of this act, under the provisions therein stated; and this act shall be in full force and effect from and after the ratification thereof.

#### CHAPTER XLVII.

An act to authorise the Governor to grant certain lands to the Baptist congregation at Franklin, in the county of Macon.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That upon the payment to the Public Treasurer of this State, the sum of ten dollars and a receipt obtained from him therefor, it shall be the duty of the Governor to grant, in behalf of the State of North Carolina, to Thomas Kinzey, Luke Barnett and James Whitaker, trustees for the Baptist church in and contiguous to the town of Franklin, in the county of Macon, a parcel of land, containing three acres and seventy two poles, including the meeting house, grave yard and spring, and being part of the four hundred acres of land reserved by a former act of Assembly for the future disposition of the Legislature, and included within the lines of said four hundred acre tract, butted and bounded as follows, viz. beginning at a forked white oak, near the spring, and runs north thirty four poles to a Spanish oak, near the grave yard; then west twenty poles to a Spanish oak on the north side of a ridge; then south sixteen poles to a post oak on the south side of a ridge; then south sixty five, east ten poles to a Spanish oak; then south fifteen poles to a stake; then east twelve poles to the beginning: to have and to hold to the said Thomas Kinzey, Luke Barnett and James Whitaker and their heirs forever, in trust, and for the use and behoof of the Baptist congregation now instituted in and contiguous to the town of Franklin.

II. *And be it further enacted,* That the grant so obtained from the Governor agreeable to the provisions of this act, shall vest in said trustees an estate in fee simple to the use of the Baptist church aforementioned forever.

#### CHAPTER XLVIII.

An act concerning fishing in the waters of Blount's creek.

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

persons are hereby absolutely prohibited from fishing with any seine, set or drag net in Blount's creek, in Beaufort county, and also in the bay into which said creek empties, within one mile of the mouth of said creek, between the hours of twelve o'clock on Saturdays, A. M. until twelve o'clock on Monday, A. M. in each and every week, from and after the fifteenth day of March, until the first day of May in each and every year; nor shall any person, under any pretence whatsoever, obstruct, by seine or net, the passage of fish up said creek, or in the part of the bay aforesaid, at any time during the prohibition aforesaid; and if any person shall violate the provisions of this act, he shall for every such offence forfeit and pay one hundred dollars, to be recovered, with costs, before any justice of the peace or court of said county, in the name of the person suing for the same, one half to the use of the person so suing, and the other half to the use of the said county; any thing in any other law to the contrary notwithstanding.

#### CHAPTER XLIX.

An act to amend an act, passed A. D. one thousand eight hundred and twenty-eight, entitled an act to alter the time and places of holding the elections 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 from and after the ratification of this act, the separate elections now held at Best's mill for Best's district, and at John Grimstley's for House district, shall be, and they are hereby combined, and directed to be held jointly at Snow Hill under the immediate inspection of the sheriff of Greene county and two freeholders appointed by the County Court; but in all other respects, under the same rules, regulations, and at the same times as prescribed by the act of one thousand eight hundred and twenty-eight.

II. *Be it further enacted,* That the election of wardens of the poor for the county of Greene shall be held at Snow Hill, and not at separate election grounds as directed by the act of one thousand eight hundred and twenty-eight, under the same rules and regulations as prescribed by the said act.

III. *Be it further enacted,* That the above recited act of one thousand eight hundred and twenty-eight, so far as it may be inconsistent with the provisions of this act, be, and the same is hereby repealed.

#### CHAPTER L.

An act to repeal an act, passed in the year 1828-'29, entitled an act concerning the appointment of coopers in 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 above recited act be, and the same is hereby repealed.

II. *And be it further enacted* That in case the purchaser and seller cannot agree as to the amount to be allowed for extra cooperage and defective barrels, it shall be the duty of the inspector of naval stores and provisions in the town of Wilmington, at the instance of either the purchaser or seller, to establish the amount to be allowed for extra cooperage and defective barrels; and such estimate shall be conclusive; and it shall not be lawful for any other person to estimate the same but by the consent of the purchaser and seller; and should any person, contrary to the provisions of this act, estimate the same, he shall forfeit and pay the sum of ten dollars, to be recovered by warrant before any justice of the peace for the county of New Hanover, by any person suing for the same;

## CHAPTER LI.

An act to authorise the Court of Pleas and Quarter Sessions of Camden 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 Court of Pleas and Quarter Sessions for the county of Camden, a majority of the justices being present, be, and they are hereby required, at their first session which shall happen after the first day of January in each and every year, to appoint three persons of integrity and capacity to act as a committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the Superior and County Courts, sheriffs, county trustee, and all the other officers who have had money belonging to said county; and the said committee are hereby authorised and empowered to call on each and every of the officers and other persons entrusted with county money to lay before them the records, papers and documents respectively as aforesaid, for their inspection.

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

III. *Be it further enacted,* That the Court of Pleas and Quarter Sessions appointing said committee shall direct them to be paid such sum or sums for their services as the court may deem just.

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

V. *Be it further enacted.* That if any person, who shall be appointed by the said justices as aforesaid 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 may sue for the same, with cost of suit: *Provided,* that no person shall be compelled to serve as a member of said committee oftener than once in three years.

VI. *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, which it shall be the duty of the Court of Pleas and Quarter Sessions for said county to administer, to wit: 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 Camden, in all business that may come before me, without doing injustice to the said county or to individuals, to the best of my skill and ability: so help me God

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

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

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

#### CHAPTER LII.

An act to alter the times of holding elections in the Sixth Congressional District.

*Be 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 elections for members to Congress and members to the General Assembly of the State, in the Sixth Congressional District, composed of the counties of Granville, Franklin, Warren and Nash, shall be held in each of the counties aforesaid on the Friday before the first Monday in August.

#### CHAPTER LIII.

An act for the protection of the bridge erected across Scuppernon river at Columbia, in Tyrrel 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 any person who shall tie or make fast any raft or vessel to the bridge aforesaid, that the person so offending shall forfeit and pay the sum of fifty pounds, recoverable before any jurisdiction having cognizance thereof, the one half to the person suing for the same, the other half to the wardens of the poor of said county; and shall be further liable for all damages said bridge shall sustain by such raft or vessel aforesaid, recoverable in like manner.

II. *Be it further enacted*, That hereafter no vessel shall be permitted to pass through said bridge with her sails up, nor anchor within fifty yards of said bridge, under the penalty aforesaid; any law to the contrary notwithstanding.

#### CHAPTER LIV.

An act for the better regulation of the town of Murfreesboro'.

*Be 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 each and every May Court, after the passage of this act, the Court of Pleas and Quarter Sessions for the county of Hertford shall appoint, a majority of the acting justices being present, five persons, one of whom shall be an acting justice of

The peace for the county of Hertford, residing in the town of Murfreesboro', to act as commissioners of said town, who shall be residents of the said town, of the age of twenty one years, and own a freehold in the town, with improvements, valued at five hundred dollars; which commissioners thus appointed shall be an incorporated body, styled the Commissioners for the town of Murfreesboro'; and by this name shall hold and convey property of any kind; sue and be sued; have a common seal; establish rules and bye-laws for the wholesome regulation of the said town, not inconsistent with the laws of the land; create fixed limits to the town of Murfreesboro', and proclaim the same by public notice; appoint overseers to have the streets of the town repaired and kept in order, who shall observe the laws now existing as regards the working of roads; guard against the introduction of contagious diseases by vessels or otherwise, and destruction by fire; cause nuisances to be removed; create and support a town watch; and do all other acts and things as the interest and welfare of the said town may require; and the said commissioners, before entering on the duties of their office as commissioners, shall take, before some justice of the peace, or the clerk of the court of the said county, the following oath: I, A. B do swear that I will faithfully discharge the office of commissioner for the town of Murfreesboro' agreeable to law, to the best of my knowledge and judgment: so help me God.

II. *And be it further enacted*, That the commissioners so appointed shall appoint one of their body to act as treasurer of the town who, before entering on the duties of his office, shall enter into suitable bonds, payable to the commissioners of the town of Murfreesboro', with sufficient security, to be judged of by the commissioners, who thus appointed shall receive and pay out all monies agreeable to order of the commissioners; and upon the appointment of a new treasurer, the old one shall immediately settle with him, and pay over the monies left in his hands.

III. *And be it further enacted*, That should any commissioner die, remove or refuse to act, the remaining commissioners shall choose some other suitable person to fill the vacancy.

IV. *And be it further enacted*, That the said commissioners shall lay a tax not exceeding the rate of twenty cents on each hundred dollars of real estate, and a poll tax not exceeding fifty cents for each poll; and the said commissioners shall appoint a town constable, discreet and competent, who shall give bond and security to the commissioners, in a suitable sum, to be adjudged by them, for the faithful collection and accounting for to the town treasurer, for all sums of money received by him by virtue of his appointment, on or before the first day of November in each year, deducting such commissions as are now allowed for the collection of public taxes.

V. *And be it further enacted*, That every person, or their agent, owning property taxable in said town, shall, at the time of their listing their property, distinguish in the list what part is in the said town; and if the owner or agent shall fail to do so, the commissioners shall summon two freeholders to assess the value of such property thus neglected to be given in; and the commissioners shall levy double taxes on such property; and if the persons owning such property shall fail to pay the said tax thus assessed, the constable of the said town shall levy on the said property, and sell the same for the taxes; and the commissioners are authorised to grant deeds for any lots thus sold; and the constable shall receive the usual fees allowed by law.

## LAWS OF NORTH CAROLINA.

VI. *And be it further enacted*, That the treasurer shall annually, in the month of April, publish an account of the public money received and expended by him, under a penalty of a fine of twenty dollars, to be recovered by any person warranting for the same; which account shall be placed in three public places in said town, and a copy returned to the County Court of Heford held on the fourth Monday in May.

VII. All laws and clauses of laws coming within the purview of this act, are hereby repealed.

### CHAPTER LV.

An act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That each and every juror of the original pannel, who shall attend as a grand or petit juror at any court of the said counties which shall sit after the first day of January, 1831, shall be entitled to the sum of seventy-five cents per day for every day of actual attendance, and shall also be entitled to pay for the amount of his actual toll or ferriage in going to and returning from the said court; and the clerk of the court in which any such juror shall have served (after the above named day) shall, on the application of such juror, grant to him a certificate of his attendance and ferriage, provided the said juror makes oath before him to its correctness, for which certificate the said clerk may exact from said juror ten cents; which certificate shall entitle the said juror to immediate and full payment from the county trustee of said counties, if there be money in his hands wherewith to pay the same.

II. *Be it further enacted by the authority aforesaid*, That the following taxes shall be levied and collected upon proceedings at law and in equity, in the courts of the said counties, commencing with the first day of January next expressly to form a fund for compensating the jurors aforesaid, and it shall not be lawful to raise the money for paying the said jurors in any other way than is herein provided, viz. on every leading process returnable to the County Court, one dollar; every appeal to the said County Court from the judgment of a single justice, rendered out of court, one dollar; every petition, except those for roads, widows' provisions and sales of negroes by administrators one dollar; every indictment, where conviction happens and the defendant can pay the costs and tax, one dollar; and on every appeal from the County to the Superior Court, or writ of error, one dollar and sixty cents; on every leading process returnable to the Superior Court, mandamus certiorari, or appeal to the Supreme Court, or indictment, where conviction happens and the defendant can pay the costs, two dollars; on every subpoena or writ to answer any bill in equity, four dollars; which taxes shall be collected and accounted for by the clerk of the court in which the same shall have accrued, and be by him paid over to the county trustee in the same manner, and at the same time, and subject to the same rules and penalties which are provided by law in the case of tax on writs, fines, forfeitures and amercements: *Provided*, that no such taxes shall be levied or collected on any leading process, petition or other proceeding in which a person or persons not residing in said counties may be concerned as plaintiff or defendant, or any way as a party or parties of record.

III. *Be it further enacted by the authority aforesaid* That the committee of Finance of the said counties shall, at the time of making their annual

examination of the books and accounts of the money-receiving officers of said counties, examine into the state of said jury fund, and particularly report to the County Court of said counties, at the time of making their annual reports, whether the aforesaid rate of taxation be or be not sufficient to pay the jurors aforesaid for one year; and it shall be competent for, and it is hereby made the duty of said County Courts to increase or diminish, after the first year, the rates herein specified, whenever it may be necessary so to do, so as to raise the proper sum required for the purposes aforesaid, always graduating the addition or reduction, which may by them be made, by the rule of proportion, as regards the respective courts, herein laid down; and when any alterations are to be made in the rates of said taxes, the alteration shall be made at the time of laying the county and parish taxes of said counties; and the clerk of the said County Courts shall, immediately after the courts shall have made the order altering the rates of said taxes, set up in some conspicuous place in the court houses of said counties one copy of said order, and shall, under the penalty of five hundred dollars for each and every neglect, within five days after such order shall have been made, deliver to the clerk of the Superior Court one copy thereof, and to the clerk and master in equity one copy; and the rates fixed by the said order of court shall govern all future collections until the same shall be altered by the said County Court; any thing herein contained to the contrary notwithstanding: *Provided* nothing herein contained shall be so construed as to prevent the County Court of Anson from laying a tax, in addition to that contemplated to be raised by this act, sufficient to pay the jurors of said county, which the court as aforesaid is hereby required to do agreeable to the provisions of an act, passed in the year one thousand eight hundred and fifteen, entitled an act to authorise the County Courts of this State, when they may deem it necessary, to lay a tax for the payment of jurors of the Superior and County Courts.

IV. *And be it further enacted*, That nothing in the above recited act shall be so construed as to prevent the collection of taxes as heretofore provided by law for the payment of jurors of the county of Duplin.

#### CHAPTER LVI.

An act to authorise the forming a fire engine company in the town of Elizabeth City.

*Be 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 free white males of the town of Elizabeth City are hereby authorised to form and enrol themselves into a fire engine company: *Provided* the number of members shall not exceed twenty.

II. *And be it further enacted by the authority of the same*, That the persons so enrolled as members of said fire engine company shall be compelled to serve therein for the space of five years at least; and that any member withdrawing himself from the service and duties of the said company before the expiration of the term of five years from the time of being enrolled, shall forfeit and pay the sum of twenty-five dollars: *Provided* that removing out of the county or disability by sickness shall discharge any member from the said penalty of twenty five dollars.

III. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the captain of the said company to cause to be taken care of and preserved in the house prepared for that purpose, the engine and appar-

tenances thereunto belonging; and when any repairs thereof be deemed necessary by a majority of the officers of said company, the captain shall cause the same to be done; the expenses for which repairs shall be paid by the town treasurer, or for want thereof, by the commissioners of the said town, on the drafts of the captain of said company; which drafts, when paid, shall be considered a good and sufficient voucher in the settlement of the town taxes.

IV. *And be it further enacted by the authority aforesaid,* That for raising a fund for the purpose aforesaid, as well as for the purchase of fire works, ladders and hose, the commissioners of the said town of Elizabeth City, on application of a majority of the fire wardens and officers of the said fire company, are hereby authorised and shall lay an annual tax not exceeding twenty five cents on each taxable poll, nor more than fifteen cents on every hundred dollars value of real estate in the said town; which taxes, when laid, shall be collected and accounted for as the other taxes of the said town.

V. *And be it further enacted by the authority aforesaid,* That the members of the said fire company shall, and are hereby authorised to select three persons, residents and owners of real estate in the said town of Elizabeth City, to compose a board of fire wardens.

VI. *And be it further enacted by the authority aforesaid,* That in case of fire in the said town, it shall and may be lawful for one or more of the fire wardens of the town and two or more officers of the said engine company, when they shall deem it expedient for stopping the further progress of the fire, to order any house or houses to be pulled down, blown up or otherwise destroyed; for which they, or any person acting under them, shall not be responsible in any manner whatsoever; and any person or persons sued for the same may plead this act in bar thereof.

VII. *And be it further enacted by the authority aforesaid,* That the members of the said fire company, while they continue to act as firemen, shall be exempted from the performance of militia duty.

VIII. *And be it further enacted by the authority aforesaid,* That a majority of the members of said company shall have power and authority to make such bye-laws, rules and regulations for their government as to them seem best, not inconsistent with the Constitution of the United States or of this State, and that all fines and penalties incurred by virtue of this act, or by any of the said bye-laws, shall be recoverable before the police magistrate of said town or any justice of the peace for the county of Pasquotank: *Provided nevertheless,* that the right of appeal shall be preserved to either party as is now by law established in trials before a justice.

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

#### CHAPTER LVII.

An act to authorise the Court of Pleas and Quarter Sessions of Burke county to appoint commissioners to view and lay off a turnpike road from the Lincoln line to Jacob Mull's mill, passing through the Laurel gap of the South mountains, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the Court of Pleas and Quarter Sessions of the county aforesaid, a majority of the justices of the peace of said county being present, may, as soon as they may

deem it expedient, appoint three commissioners of skill and ability, whose duty it shall be to view and lay off a road from the place where the road leading from Morganton to Lancolnton intersects the Lincoln line to Jacob Mull's mill on or near the head of Laurel creek, the nearest and best way the intervening country will afford

II. *Be it further enacted*, The road so laid off shall be advertised by the commissioners appointed as aforesaid on the court house door and three other public places in said county, and in some newspaper published in the State at least one month, that the aforesaid road will be let out to such person or persons, who will do the same for the benefit of the tolls arising therefrom, for the least number of yeacs, not exceeding twenty years, agreeable to the specifications hereinafter described and the following conditions, to wit: that the person or persons contracting for the same shall give bond and approved security, for the sum of five thousand dollars, payable to the chairman of the court of the county aforesaid, conditioned, first, that he or they will open and make said road within two years, at least twenty feet wide, clear of obstructions, except where side cutting may be necessary, in which case the road shall be sixteen feet wide, the declivities of which shall at no place exceed one foot perpendicular to every ten horizontal, and recurrence shall be had to this steepness as seldom as possible; secondly, the said contractor or contractors shall construct all necessary bridges and causeways at least fourteen feet wide.

III. *Be it further enacted*, That upon the said contractor or contractors making it appear to the satisfaction of the commissioners appointed as aforesaid, or their successors, that the said road is fully completed agreeable to the second section of this act, then said contractor or contractors shall be authorised to erect a gate across said road, and receive the following tolls, to wit: for a man and horse six and a fourth cents; for loose horses, mules and jackasses, three cents each; for hogs and sheep, one cent each; for beef cattle, two cents each; for stock cattle, one cent each; for road waggons, thirty seven and half cents each; for four wheel pleasure carriages, thirty seven and half cents each; for carriages and vehicles of every other description, twenty cents each: *Provided*, that such of the citizens residing in the bounds now assigned to work on said road shall not be subject to the tolls aforesaid; also such as may be summoned to attend court at Morganton as jurors, witnesses or suitors, or such as may have to attend musters at Morganton shall pass free of toll: *Provided further*, that the United States mail stage shall not be subject to any of the aforesaid tolls.

IV. *Be it further enacted*, The commissioners appointed as aforesaid, or a majority of them, shall have power, upon complaint or information made to 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, the gate keeper shall not receive any toll until the said road be repaired and put in good and lawful order; and the said contractor or contractors shall forfeit and pay, for every such offence, ten dollars, to be recovered before any justice of the peace for said county, to be applied, one half thereof to the use of the county, and the other half to the use of the person suing for the same; and said contractor or contractors shall pay said commissioners one dollar for every day they may be employed in viewing said road on complaint or information to them, which shall always be on oath.

V. *Be it further enacted*, The commissioners appointed to view and lay

out said road shall be allowed a reasonable compensation for the viewing, laying out and selling of the same as heretofore described, to be allowed by the County Court of said county, to be paid out of the county treasury, out of any monies not otherwise appropriated.

VI. *And be it further enacted*, That the commissioners appointed as aforesaid, before they proceed to act as commissioners, shall take and subscribe an oath before some acting justice of the peace for said county, for the faithful and impartial discharge of the duty assigned to them and shall keep a true record of all their proceedings, and file the same in the clerk's office of Burke County Court.

VII. *And be it further enacted*, That it shall be the duty of the County Court to appoint two commissioners to view the said road at least four times in each and every year; and when the said road shall be out of repair, they shall return the said owners of the road to the grand jury of the Superior Court.

#### CHAPTER LVIII.

An act to provide for the permanent establishment of a public road from Lincolnton 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 the Courts of Pleas and Quarter Sessions for the counties of Rutherford and Lincoln shall, at the respective courts to be holden next after the first day of January, one thousand eight hundred and thirty, appoint five commissioners; and that the said courts shall select persons entirely disinterested in the location of said roads, and unconnected with any individual living on or adjacent to said roads before mentioned; three to be appointed by the County Court of Rutherford from citizens residing in said county, and two by the County Court of Lincoln from citizens residing in the county of Lincoln, whose duty it shall be, as soon as convenient, to view and examine the three public roads leading from Lincolnton to Rutherfordton, viz. by Gardner's ford, Lucas's ford, and the new road laid out under the provisions of an act, passed A. D. one thousand eight hundred and twenty six, and after such view and examination had, to adopt one of said roads as the public road from Lincolnton to Rutherfordton; and such road, when so selected, shall be under the same rules and regulations as to the working thereon as other public roads now are by law: *Provided*, that nothing in this act contained shall be construed to prevent the commissioners from making any alteration in either of said roads so adopted by them as they shall deem necessary and expedient; and it shall also be the duty of the commissioners so appointed, after having located said public road, to assess the amount of damages which may be due to the individuals through whose lands said road may pass; and such assessment of damages so made shall be paid by the counties respectively in which the lands, for which such damages may have been rendered, shall be situate, in like manner as other county claims are now required to be paid by law.

II. *Be it further enacted*, That each of said commissioners shall receive the sum of two dollars per day for every day they may be engaged in the discharge of the duties required of them as commissioners by the provisions of this act, to be paid by the counties respectively by whom said commissioners may have been selected, in like manner as other county claims.

III. *Be it further enacted*, That each of said commissioners shall, before entering on the discharge of their duties as commissioners, take, before some justice of the peace of the county to which they may respectively belong, the following oath: I, A. B. do swear (or affirm, as the case may be,) that I will truly and impartially discharge the duties which may be required of me as commissioner of the public road from Lincolnton to Rutherfordton, agreeably to the provisions of an act, passed in the year one thousand eight hundred and twenty nine, for that purpose, to the best of my knowledge and ability: so help me God.

IV. *Be it further enacted*, That should any individual, through whose lands said road may pass, be dissatisfied with the assessment of damages made by said commissioners, he shall have power to petition the Court of Pleas and Quarter Sessions of the county in which his land may be situate, for redress; and upon the hearing of said petition, it shall be the duty of said Court of Pleas and Quarter Sessions to direct the Sheriff to summon a jury of freeholders, consisting of twelve, whose duty it shall be to view the premises, and inquire whether injustice has been done by the assessment of the commissioners either to the petitioner or the county; and if such injustice has been done by the commissioners either to the individual or the county, then to assess the damage to which they may think the petitioner entitled; and such verdict so made shall be by the sheriff returned to the County Court, and be final; and such damages, with the costs thereon, shall be paid by the county in which such lands may be situate, as before provided.

V. *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 LIX.

An act to alter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of the county of 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 hereafter the names of Ezekiel Harrison Wall and Elizabeth Ann Tabitha Wall, of the county of Columbus, shall be known and distinguished by the names of Ezekiel Harrison Parker and Elizabeth Ann Tabitha Parker.

#### CHAPTER LX.

An act relative to the Wadesborough Academy, in Anson county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Absalom Myers, Thomas Y. Houze, Asa Hubbard, Reuben Pickett, William Hammond, Hampion B. Hammond, Thomas Waddill, jun'r, Samuel Spencer, Hiram Jennings and Joseph Medley, be, and they are hereby added to the Board of Trustees to the Wadesborough Academy, to be possessed of all the powers, authorities and privileges, as such, in the same manner and as fully and completely as any of the trustees of said academy heretofore appointed.

#### CHAPTER LXI.

An act to establish Woodville Academy, in the county of Wake, and to incorporate the trustees thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That Josiah Crumpton, Allen Rogers, Henry Potter, William T. Robertson, Newton Wood

and Doctor Baraam, be, and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of the Trustees of Woodville Academy; and by that name and style shall have a perpetual succession and a common seal; and they, or a majority of them, and their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements for the use of the said academy, and apply the same according to the will of the donor.

II. *Be it further enacted,* That the said trustees, or a majority of them, or their successors, shall be able and capable in law to sue and be sued; plead and be impleaded; and do all such acts and things as may be necessary and proper to be done by bodies corporate for the advancement and promotion of science in said institution, not inconsistent with the laws of this State.

III. *And be it further enacted,* That whenever any of the aforesaid trustees shall die, remove or resign, or by any other means become incapable of performing the duties of said institution, a majority of those remaining shall elect some fit and suitable person or persons in his or their stead, who shall have the same powers as their predecessors.

#### CHAPTER LXII

An act concerning the Cross Canal leading from the Great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates 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 incorporated company heretofore authorised to cut a canal 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, be, and they are hereby allowed the further time of seven years, from and after the passing of this act, to complete said canal, instead of the four years heretofore allowed by the act of eighteen hundred and twenty-seven; and that said company shall have the privilege of erecting locks at such places on the canal as they may deem expedient for the commodious navigation of the same.

II. *Be it further enacted,* That said company shall be allowed, during the progress of the work, and until the expiration of their charter, to receive and collect from persons using said canal such tolls as are specified and allowed to be collected by them under the act of eighteen hundred and four, and that they be discharged from all obligation which they may have been under to construct a road along the side of said canal.

III. *Be it further enacted,* That the charter of said company shall remain and continue in force for the term of thirty-three years from and after the first day of January, eighteen hundred and thirty, and no longer.

#### CHAPTER LXIII.

An act to repeal so much of an act, passed in the year one thousand eight hundred and ten, as prevents any person from working seines, skimming with nets or of setting nets in Tar river above the mouth of Fishing creek.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That so much of the above recited act as prevents the working of seines, skimming with nets or of setting nets in Tar river, above the mouth of Fishing creek, on Thursdays and Thursday nights in every week, from the fifteenth of January to the twenty fifth of March, in each and every year, be, and the same is hereby repealed.

## CHAPTER LXIV.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-eight, entitled an act to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road, in Burke county.

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

## CHAPTER LXV.

An act to repeal so much of an act, passed in the year one thousand eight hundred and twenty-seven, entitled an act to keep open the Tuckasegee river, the Tennessee river, and their tributary streams, in the county of Haywood, so far as relates to the Catugajay creek, now in the county of Macon.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as relates to the Catugajay creek, be, and the same is hereby repealed and made void.*

## CHAPTER LXVI.

An act to incorporate the Vance Circulating Library Society, of Asheville.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the individuals and their successors and assigns, who have associated themselves and who may hereafter associate themselves in the town of Asheville, in Buncombe county, for the establishment and preservation of a circulating library, shall, in honor of their patron the late Robert B. Vance, be called and known by the name of the Vance Circulating Library Society; and by that name may sue and be sued; plead and be impleaded; have perpetual succession and a common seal; and all other corporate powers necessary to the end of their institution.*

II. *Be it further enacted, That the County Court of Buncombe county, a majority of the acting justices of the peace being present, shall have full power and authority, by an entry thereof, to be made upon the minutes of said court, to grant to the corporation hereby created the privilege of erecting upon the public square, at such site as may be thereby designated, a suitable building for the accommodation of the said society, and the preservation of the library belonging to the same.*

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

## CHAPTER LXVII.

An act to allow compensation to jurors for 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 from and after the passage of this act, all jurors of the county of Burke, of the original pannel, shall be paid for their services at the following rates, viz. seventy-five cents per day, for every day they serve, and two and half cents per mile, for every mile they travel to and from said court.*

II. *And be it further enacted by the authority of the same, That the trustee of the county of Burke shall attend at the court house on the two last days of each jury court, for the purpose of paying jurors' claims, which shall have preference of all other claims.*

III. *And be it further enacted by the authority of the same, That the justices of the peace of the county of Burke, or a majority of them, shall, at*

the first County Court hereafter, and at the same court annually, lay a tax to defray the above expense, including ten cents which each juror shall pay the clerk of said court for a certificate of his service.

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

#### CHAPTER LXVIII.

An act to restore to credit William B. Murchir, of Lenoir 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, William B. Murchir, of Lenoir county, be, and he is hereby restored to credit in as full and ample manner to all intents and purposes as if he the said William B. Murchir 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 LXIX.

An act to authorise the County Court of Duplin to purchase certain 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 County Court of Duplin, a majority of the justices of the peace of said county being present and consenting thereto, be, and they are hereby authorised and empowered, whenever they may deem it expedient, to appoint three commissioners, whose duty it shall be to purchase so much of the land adjacent to the town lots of the town of Kenansville, in said county, as they may deem necessary for the public benefit; and such land, when so purchased, shall be under the rules and regulations which may be adopted by said County Court for its use and enjoyment by the citizens of said county; any law, usage or custom to the contrary notwithstanding.

II *Be it further enacted,* That said County Court shall have power and authority to impose a tax for the payment of said lands, if deemed necessary.

#### CHAPTER LXX.

An act to provide for the payment of jurors in the counties of Rowan, Wake, Duplin, Montgomery, Granville, Sampson, Bertie and Stokes, 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 county trustees of Rowan, Wake, Duplin, Montgomery, Granville, Sampson, Bertie and Stokes counties shall retain so much of the county funds (when they receive the same) as will be sufficient to pay the jurors of said counties in preference to all other claims; and that said trustees shall attend at the court houses of their respective counties, on the two last days of the courts, for the purpose of paying off said jurors whenever discharged.

II. *Be it further enacted,* That the sheriffs of said counties shall receive juror tickets in payment of taxes at par value.

III *Be it further enacted,* That if the said trustees or sheriffs shall fail to comply with the requisitions of this act, or shall in any way take such tickets at less than par value, such officer shall be liable to indictment as for misdemeanor in office.

#### CHAPTER LXXI

An act to divide the regiment of militia in Macon county.

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

*and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the companies of militia in Macon county, at present commanded by captains Moses Wilson, Enoch Underwood, Bright Burrell, Bartlett Wilson and John Broadway, shall compose the first regiment: and the companies at present commanded by captains John George, William Young, John Black, Isaac Truit and Joel Sawyers, shall compose the second regiment.

II. *And be it further enacted,* That the rifle company of said militia, commanded by captain William Whitaker, shall, at the first battalion or regimental muster which shall be held after the passing of this act, attach his company to one of the regiments of said militia; and the said company so attached shall thereafter be considered as forming part of said regiment.

III. *Be it further enacted,* That the commissioned officers of each regiment are hereby authorised to locate their respective muster ground at such place as they, or a majority of them, may deem expedient.

#### CHAPTER LXXII.

An act concerning the wardens of the poor of Gates county.

Whereas the practice has sometime prevailed in Gates county for the wardens of the poor themselves to undertake to furnish the paupers with provisions and other supplies, and that owing to this the check contemplated by the law is destroyed, and supplies oftentimes furnished at rates above the market prices; 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 hereafter it shall not be lawful for the wardens of the poor in Gates county to become undertakers to furnish the paupers of said county with provisions and other supplies; but the same shall be furnished by some person or persons under contracts made with the wardens; any law to the contrary notwithstanding.

#### CHAPTER LXXIII.

An act to establish and incorporate Hickory Grove Academy, in the county of Richmond, on the lands of John Carmichal.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That doctor John Maloy, John Carmichal, Robert Campbell, Edward M'Millan, Duncan M'Kinzey, Hugh M'Airn and Daniel M'Bride, be, and they are hereby appointed trustees of Hickory Grove Academy; and they and their successors in office are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "the Trustees of Hickory Grove Academy;" and by that name shall have perpetual succession, and a common seal, and shall be able and capable in law to have, receive, possess and enjoy any quantity of lands and tenements, goods, chattels and monies that may be given them, and apply the same according to the will of the donor, and to dispose of the same in such manner as they may deem proper, when not forbidden by the terms of said gift; they may sue and be sued; plead and be impleaded in any Court of Law or Equity within this State; and shall have power to appoint other or more trustees, and fill the places of such as may resign, remove, die or become incapable of acting; and to establish such bye laws and regulations, for the government of said institution, as may be necessary for the preservation of order and good morals; to elect a tutor or tutors, and other officers; and to perform all such acts and things as are incident to and usu-

ally exercised by bodies politic and corporate, for the accomplishment of the contemplated objects.

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

#### CHAPTER LXXIV.

An act concerning the Washington toll bridge.

Whereas the capital stock of the Washington toll bridge having become the property of a few individuals, it has become necessary to reduce the number of directors thereof; and experience having shewn that the public convenience would be greatly promoted by the residence of the toll keeper at the bridge:

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this act, the stockholders shall, at their annual elections, choose five persons, and no more, to act as directors of said bridge until the next election; any three of whom shall suffice to form a quorum.

II. *Be it further enacted*, That the said stockholders may, and they are hereby authorised to use and occupy so much of the public dock and street, immediately adjoining to the said bridge, and on the west side thereof, as they may deem necessary for the erection of suitable buildings and conveniences for the residence of the keeper of said bridge; and said buildings shall be held and deemed the property of said stockholders, and shall be permitted to remain there until the expiration of the charter of the company owning said bridge; any thing in any other law to the contrary notwithstanding: *Provided*, that nothing herein contained shall prevent the commissioners of the town of Washington from levying and collecting a tax, not exceeding that heretofore authorised by law, upon every foot of the width of the house aforesaid, if the said commissioners shall believe that the public is not fully compensated for the use of that part of the dock and street (granted as above) by the additional public convenience and advantage of having the constant residence of said keeper at the bridge; and they are hereby empowered to levy and collect the same if they think proper.

#### CHAPTER LXXV.

An act to amend an act, passed A. D. 1824, entitled an act to authorise the opening a road in the counties of Camden and Pasquotank, and the putting a float bridge across Pasquotank river.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the County Courts of Camden and Pasquotank respectively to appoint successors to the commissioners appointed under the provisions of the before recited act, whenever any vacancy may occur, by death, resignation or otherwise: *Provided however*, this act shall be so construed as to vest in each of the said County Courts the power of appointing only in case of a vacancy created by the death, resignation or otherwise of commissioners residing in their respective counties.

II. *Be it further enacted*, That it shall not be lawful for any vessel or boats to pass the bridge with their sails raised, or anchor within fifty yards of the bridge, or make fast the vessel or boats to the bridge, under the penalty of ten pounds, to be recovered by warrant before a justice of the peace, one half to the use of the person suing for the same, and the other to the county wardens; and shall be further liable for all damages said bridge may sustain.

## CHAPTER LXXVI.

An act to amend an act, passed A. D. one thousand eight hundred and twenty eight, entitled an act supplemental to an act erecting the county of Macon.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the seventh section, which provides for the payment by the county of Macon of all prison charges for criminals from Macon county, confined in the jail of Haywood, be extended to the payment of all other charges and costs which may be incurred in the trial of criminals from Macon in the Superior Court of Haywood.

II. *Be it further enacted,* That it shall be the duty of the justices of the Court of Pleas and Quarter Sessions for the county of Macon, and they are hereby required, at the spring and fall terms of said court in each and every year, to draw from their box twelve freeholders, in the manner now prescribed by law for drawing jurors, to serve as jurors of the original pannel at the Superior Courts of Law for the county of Haywood at their respective terms in each and every year, who shall, when drawn, be summoned by the sheriff of Macon to attend the Superior Courts of Haywood as aforesaid, under the same rules, regulations and restrictions as the jurors for the county of Haywood are by law directed to be summoned; and it shall be the duty of said Sheriff to make return thereof to the clerk of the Superior Court of Law for Haywood county on or before the first day of each and every term of said court.

## CHAPTER LXXVII.

An act to authorise the appointment of commissioners to run and mark the dividing line between the counties of Haywood and Buncombe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Courts of Pleas and Quarter Sessions of the counties of Haywood and Buncombe may, whenever they deem it expedient, appoint each of them one or two commissioners from their respective counties, whose duty it shall be, when so appointed, jointly to run and mark the dividing line between said counties, from Jesse Ballow's old place, on Hominy creek, to the main height of Mount Pisgah; and the line so run and marked shall be the dividing line between said counties: *Provided however,* the establishment of this said line shall in no wise affect existing title or titles to lands in either the aforesaid counties.

II. *Be it further enacted,* That each commissioner aforesaid, and such marker as he may appoint, shall receive such compensation for their services as the County Courts, by whom they may respectively have been appointed, shall allow them, to be paid by the county trustee, in like manner with other county claims.

## CHAPTER LXXVIII.

An act concerning the State road in the county of Macon.

*Be 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 State road leading from Waynesville, by Franklin, to Raybun, in Georgia, so far as respects the county of Macon, be, and it is hereby declared to be under the jurisdiction of the County Court of Macon county, in the same manner as all county roads are now by law; and the said County Court, seven acting justices of the peace at least being present, shall have power and authority to hear petitions and make decrees in regard to the location and repairs of said road, under the same rules, regulations and restrictions as are now provided by law for other roads in said county.

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

#### CHAPTER LXXIX.

An act to provide for the passage of fish up the Laurel creek, 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 from and after the first day of February next it shall not be lawful for any person or persons to obstruct the passage of fish up the Laurel creek, in the county of Buncombe, by dams, nets or in any other manner under the penalty of one hundred dollars, recoverable monthly before any justice of the peace, to be sued for by any informer to his own use; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXXX.

An act to amend an act, entitled an act to alter the time of holding the Superior Courts of Mecklenburg and Cabarrus counties.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Superior Courts of Law and Courts of Equity for the county of Mecklenburg shall hereafter be held on the sixth Monday after the fourth Monday of March and September in each and every year; and that this act shall be in force from and after the ratification thereof.

#### CHAPTER LXXXI.

An act to repeal an act, entitled an act to increase the fees of the Registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, passed in the year of our Lord one thousand eight hundred and seventeen, so far as regards the county of Craven.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed in the year of our Lord one thousand eight hundred and seventeen, entitled an act to increase the fees of the Registers of the counties of New Hanover, Cumberland, Brunswick, Carteret and Craven, be, and the same is hereby repealed and made void, so far as regards the county of Craven.

#### CHAPTER LXXXII.

An act requiring the Register of the county of Caswell to keep his office at the court house, or within one mile thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Register of the county of Caswell shall, after July term, eighteen hundred and thirty, keep his office and books at the court house of said county, or within one mile thereof.

II. *Be it further enacted*, That the Register aforesaid not obeying the injunction and command prescribed as aforesaid, shall be liable to indictment in the Superior Court, and upon conviction, shall forfeit his office and appointment; any law to the contrary notwithstanding.

#### CHAPTER LXXXIII.

An act to authorise Thomas L. Cowan, of the county of Rowan, to erect certain gates therein mentioned.

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

Cowau, of the county of Rowan, be and he is hereby authorised to erect two gates across the road passing through his plantation, and crossing the Yadkin river at a place commonly known by the name of John Long's Ferry, on each side of the river, under the rules and regulations now established by law for the erection of such gates.

#### CHAPTER LXXXIV.

An act concerning the elections in the counties of Johnston, Wayne, Lenoir, Greene, Jones, Craven and 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 in future the elections in the counties of Johnston, Wayne, Lenoir, Greene, Jones, Craven and Carteret, for members of the General Assembly and representatives to Congress, shall be held on the first Thursday in August in each and every year, under the same rules and regulations as are now prescribed in each county; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXXXV.

An act for the relief of James D. Justice, of the county of Buncombe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That upon payment to the Public Treasurer, within twelve months, of the sum twenty dollars, and a receipt obtained therefor, it shall be the duty of the Secretary of State to issue to James D. Justice, of the county of Buncombe, a grant for two hundred acres on the top of the Blue Ridge, in the county aforesaid, number eighteen hundred and seventy-eight, and entered by him October fifteenth, eighteen hundred and twenty-five, beginning on a hollow white oak, and runs north sixty degrees, west eighty poles to a small black oak; thence south thirty degrees, west two hundred poles to a stake; thence south sixty degrees, east one hundred and sixty poles, crossing some of the head waters of Green river, to a stake; thence north thirty degrees, east two hundred poles to a stake; thence to the beginning; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXXXVI.

An act concerning the elections in the counties of Davidson, Mecklenburg and New-Hanover.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future in all elections in the counties of Davidson, Mecklenburg and New-Hanover, for members of the Assembly, members of Congress and electors of President and Vice-President of the United States, the polls shall be opened at ten o'clock, A. M. and shall be closed at five o'clock, P. M. *Provided,* that the polls at the court house in the county of Mecklenburg and in the town of Wilmington shall be kept open until sun-down.

II *Be it further enacted,* That it shall not be lawful to commence counting the votes until the polls are regularly closed agreeably to the provisions of this act.

III. *Be it further enacted,* That it shall be the duty of the sheriffs of said counties, when they shall advertise the next election ensuing the passage of this act for members of the Assembly, shall at the same time advertise the provisions of this act so far as respects the times of opening and closing the polls.

IV. *Be it further enacted*, That the sheriff or other officer failing to comply with the provisions of this act, shall be subject to a penalty of fifty dollars recoverable before any jurisdiction having cognizance thereof, to be sued for by any informer, one half to his use, and the other half to the use of the poor of the county.

#### CHAPTER LXXXVII.

An act to extend the provisions of an act, passed A. D. one thousand eight hundred and twenty-eight, entitled an act supplemental to an act to erect that part of Haywood commonly called the Cherokee purchase into a separate and distinct 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 provisions of the third section of the before recited act be, and they are hereby extended to all guardian bonds and bonds of administrators now in the office of the clerk of the County Court of Haywood, given by such guardians or administrators for the management of estates now in the county of Macon.

II. *Be it further enacted*, That upon removal of said bonds as aforesaid it shall be the duty of the clerk of the County Court of Macon to record the same in his office, and to dispose of them in all respects as if originally taken by the County Court of Macon.

III. *Be it further enacted*, That after such removal as aforesaid, it shall be the duty of such guardians and administrators, whose bonds may be so removed, to account to the County Court of Macon, under the rules and regulations now prescribed by law for their accounting to the court by which they may have been appointed.

#### CHAPTER LXXXVIII.

An act amendatory of the several acts heretofore passed appointing commissioners for the town of Ashiboro', in Randolph county, and for the better regulation of the police thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the commissioners heretofore appointed for the purpose of running and laying off the said town viz. Benjamin Elliot, George Hoover Joshua Craven, Hugh M'Cain and Jonathan Worth, be and they are hereby authorised to run and lay off the said town in such manner that the two principal streets intersecting each other at the court house shall be four poles wide, and that all the other streets shall be three poles wide, and that there shall be no street north of the principal street running east and west by the court house, except said principal street running north.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorised to enlarge the town on the north so as to make the boundary line of the said town straight, and on the west not exceeding ten poles; any law to the contrary notwithstanding.

#### CHAPTER LXXXIX.

An act authorising the clerk of the Court of Pleas and Quarter Sessions of the county of Jones to make entries of lands, when directed by the court of said county, when there is no legal entry-taker 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 ratification of this act, in case there be no legal entry taker in said county, it shall and may be lawful for the Court of Pleas and Quarter Sessions of the county of Jones, upon application being made in open court by any per-

gon desirous of making an entry of vacant lands in said county, to direct the clerk of the court aforesaid to make such entry, issue the warrant, and act, when so directed by the court, to all intents and purposes as entry taker; and he shall be entitled to the same fees and be subject to the same rules, regulations and restrictions as entry takers regularly appointed are subject to by law; and such entry so made at the instance of the court shall be valid and effectual in law, as if entered by a regular entry-taker.

#### CHAPTER XC.

An act to repeal an act of one thousand eight hundred and five, chapter 36, entitled an act to amend an act of Assembly now in force for the better regulation of the town of Morganton.

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

#### CHAPTER XCI.

An act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled an act to authorise the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace, and making compensation to such justices for certain purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for any justice of the peace for the town of Newbern to charge any fee for his services rendered on any warrant in any civil case where the defendant in such warrant resides without the limits of said town; nor shall any special justice within such town be compelled to act on any warrant in any civil case where both the parties to such warrant reside without the limits of said town; any law to the contrary notwithstanding.*

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

#### CHAPTER XCII.

An act to amend an act, passed in the year eighteen hundred and twenty-six, to appoint commissioners to superintend the building a 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 William Doss be, and he is hereby appointed a commissioner to superintend the building of a court house in the county of Surry, agreeable to the provisions of the above recited act; and as such shall be vested with full power and authority with the commissioners heretofore appointed*

II. *And be it further enacted, That the County Court of said county be, and hereby is authorised to appoint further commissioners when they shall deem it necessary; and the commissioner or commissioners so appointed shall possess the same power and authority as the commissioners appointed by the above recited act.*

#### CHAPTER XCIII.

An act for the better regulation of the courts of the county 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, the Monday of each and every term of the Court of Pleas and Quarter Sessions of the county of Beaufort be, and the same is hereby set apart expressly for the transaction of such county or other business as can be done in said courts without the intervention of a jury.*

II. *Be it further enacted*, That no person who may be summoned to attend and serve as a juror at any of the said courts shall hereafter be compelled to give his attendance for said duty until the second day of the term of such court; and furthermore, that all acts or clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed.

#### CHAPTER XCIV.

An act to amend an act, passed A. D. one thousand eight hundred and twenty-eight, entitled an act to allow compensation to jurors of the original pannel 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 from and after the ratification of this act, it shall be the duty of the sheriff of Buncombe county to receive jurors' tickets obtained agreeably to the provisions of the above recited act in payment of all taxes due from said jurors and collected by the sheriff; and such tickets so received by him in payment for such taxes shall be vouchers in his settlement with the county trustee.

II. *Be it further enacted*, That the first section of the above recited act, which provides for the imposition of a tax by the County Court for the payment of jurors, be, and the same is hereby continued in force.

#### CHAPTER XCV.

An act to authorise James M'Kee, sheriff of Haywood county, to collect certain taxes therein mentioned.

Whereas doubts have arisen whether the act erecting the county of Macon out of a part of Haywood, passed A. D. one thousand eight hundred and twenty-eight, prevents the collection by the sheriff of Haywood of taxes listed in the county of Haywood in the year one thousand eight hundred and twenty eight, and payable in the year one thousand eight hundred and twenty nine, comprehending as it then did the present county of Macon:

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James M'Kee, sheriff of Haywood, shall and may have authority to collect in the county of Macon all taxes listed in said county, then a part of Haywood, during the year one thousand eight hundred and twenty-eight, and payable in one thousand eight hundred and twenty-nine, in as full and ample manner as if no act had ever been passed erecting a portion of Haywood into a separate and distinct county.

#### CHAPTER XCVI.

An act to legitimate Alexander Cheshire, of the town of Edenton, and county of Chowan.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, Alexander Cheshire, an illegitimate son of John Cheshire and Elizabeth Benson, of the town of Edenton, is hereby declared legitimate; and that he shall be known and called by the name of Alexander Cheshire; and by that name may sue and be sued; plead and be impleaded; and receive and take property by descent or distribution.

#### CHAPTER XCVII.

An act designating the place where the first regiment of the militia of Davidson county shall hereafter hold their musters.

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

*it is hereby enacted by the authority of the same,* That from and after the passage of this act, the militia of the first regiment of Davidson county shall hold their regimental and general musters at the plantation of George Heddrick, sen'r; and that all laws or parts of laws coming within the meaning of this act, be, and they are hereby repealed.

#### CHAPTER XCVIII.

An act concerning the fees of the standard keeper in the county of Rutherford.

Whereas the amount of the fees prescribed by law for standard keeper are such as to prevent the acceptance of that appointment in the county of Rutherford:

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future the standard keeper of the county of Rutherford shall be entitled to the following fees, viz. For every pair of steelyards, twenty cents; for every yard stick or measure of cloth, ten cents; for every bushel, half bushel or other measure of grain, twenty cents; for every measure for liquors, five cents; and for other duties not here prescribed, the rates now established by law.

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

#### CHAPTER XCIX

An act to amend the third section of an act, passed in the year A. D. 1810, relative to the passage of fish up the Pee Dee and Yadkin rivers.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioner or commissioners appointed by the above recited act, who shall fail or neglect to do his or their duty as required by the above recited act, shall forfeit and pay for each and every such neglect the sum of twenty-five dollars, to be recovered by any tribunal having jurisdiction of the same, one half to the use of the informer, and one half to the use of the county in which the same may be sued for.

#### CHAPTER C.

An act to authorise Andrew Welch and William Thomas, of the county of Macon, to erect certain gates therein mentioned.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That Andrew Welch and William Thomas, of the county of Macon, shall and may have power and authority to erect each of them one gate on their respective plantations across the road passing through said plantations and crossing the Tuckesegee river; which gates, when erected, shall be under the same rules and restrictions, and be subject to the same tax as other gates across public roads in this State; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CI.

An act to appoint a committee of Finance for the county of Sampson.

Whereas the laws, or the manner in which they are enforced, to compel the public officers of the county of Sampson to settle and account for monies received by them belonging to said county by virtue of their office, have proved inefficient: 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 John Owen, John Bryan and Archibald Monk, be, and they are hereby appointed a committee, to be called and known by the name of the Committee of Finance for the county aforesaid, whose duty it shall be to settle with all the public officers of said county, in whose hands the public money may be entrusted, annually, or oftener, if necessity should require it.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the committee appointed by virtue of this act, or a majority of them, to notify in writing the officer or officers with whom they may wish to settle, ten days previous to the day appointed for settlement, specifying the time and place at which they will attend for the purpose of making such settlement; and each officer, on receiving said notice as before mentioned, and failing to attend, shall forfeit and pay the sum of one hundred dollars for every default, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the county, and the other half to the use of the poor of said county, to be sued for in the name of said committee, unless they can render sufficient reasons for their non-attendance; and in such case it shall be the duty of the court to remit the forfeiture on payment of costs of suit.

III. *And be it further enacted,* That a majority of the members of the said committee shall be competent to make settlements; and each of the members of the committee shall be entitled to receive for their services two dollars per diem, for every day they may necessarily be employed in making said settlements, to be paid out of any money belonging to said county.

IV. *And be it further enacted,* That it shall be the duty of said committee to make three fair statements of each settlement they may make by virtue of their appointment; one of which shall be filed with the clerk of the Court of Pleas and Quarter Sessions of said county, another to be posted against the court house in some conspicuous place, and the third to be kept for the use of the committee.

V. *And be it further enacted,* That it shall be the duty of said committee to examine and settle the accounts of all officers, who received public monies from the year one thousand eight hundred and twenty up to the fifteenth day of February, one thousand eight hundred and thirty; which last mentioned date shall be the time when the aforesaid committee shall enter into the duties consequent to the above mentioned act.

VI. *And be it further enacted,* That in case of any vacancy in said committee, from death, resignation or otherwise, that the Court of Pleas and Quarter Sessions shall, at their next session after such vacancy may occur, appoint some competent person to fill said vacancy.

VII. *And be it further enacted,* That the persons appointed to form said committee shall, previous to their entering on the duties of their 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 as a member of the committee of Finance for Sampson county, in all business that may come before me, without doing injustice to the county or to the individual, to the best of my knowledge and understanding: so help me God.

## CHAPTER II.

An act to incorporate the Salisbury Vigilant Fire Company.

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

and it is hereby enacted by the authority of the same, That the persons now associated in the town of Salisbury, under the name of the Salisbury Vigilant Fire company, and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style above mentioned; and by that name shall have regular succession and a common seal; may sue and be sued; and generally shall exercise, possess and enjoy all the rights, privileges and immunities usually granted to other corporations of a similar character in this State; and shall have power to make bye laws and regulations for their own government, the same being not inconsistent with the laws of the State.

II. *Be it further enacted*, That the members of the association hereby incorporated shall be exempt from militia duty, while they continue to act as members, except in times of war, insurrections or invasions.

### CHAPTER CIII.

An act to authorise the County Courts of Pleas and Quarter Sessions of the county of Franklin to appoint wardens of the poor, and to build a poor and work house, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That at the next term of the Court of Pleas and Quarter Sessions of the county of Franklin which shall happen after the first Monday in February next, and once in each and every year thereafter, at the term of said court at which the sheriffs of said county shall be elected, the justices of said courts, a majority being present and consenting thereto, shall appoint five fit and proper persons wardens of the poor for said county, who shall be freeholders, and they shall have the same power and authority, and be subject to the same duties and penalties as are now prescribed by law.

II. *And be it further enacted*, That the justices of the court aforesaid, a majority being present, shall have full power and authority, if they deem the same expedient, to lay and collect a tax sufficient to purchase a suitable tract of land, at some convenient place, within not less than three miles, nor more than seven miles from the town of Louisburg, in said county, for the purpose of erecting thereon a poor and work house, and to cause to be built thereon and kept in sufficient repair buildings of a suitable kind, in which shall be maintained and employed such of the poor of the county as may be unable to obtain for themselves subsistence; and for the purpose of procuring the said land and erecting thereon the proper buildings, the said court is hereby authorised to appoint suitable commissioners to contract for the same, and cause the said buildings to be erected.

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

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

V. *Be it further enacted*, That the court, at the time of laying the county tax, shall have full power and authority to lay a tax upon all the taxable poll and other property of said county subject to pay tax, sufficient to defray the expenses of purchasing the land, erecting the buildings, and furnishing such bedding and implements to labor with, &c. as may be necessary for the poor of said county, payable in one, two and three years.

#### CHAPTER CIV.

An act to establish a poor house in Nash county, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same* That at the Court held for said county after the first day of May next, and annually thereafter, a majority of the acting justices being present, shall appoint nine freeholders as wardens of the poor for said county, who shall have the power and authority, and be subject to the same duties and penalties as are now provided by law.

II. *Be it further enacted*, That said court shall have full power and authority, if they shall think proper to exercise it, an actual majority being on the bench, to lay and collect a tax sufficient to purchase a suitable tract of land within five miles of the court house, or wherever it may be most convenient, for the purpose of erecting thereon suitable poor and work houses, and to cause to be built thereon and kept in good repair buildings in which shall be maintained and employed such of the poor of said county as may be unable to obtain subsistence for themselves: *Provided*, that said wardens may otherwise provide for the support and maintenance of such poor as in their opinion shall be fit subjects.

III. *And be it further enacted*, That the said court shall, at its term in May next, or at any term thereafter, appoint commissioners to contract for suitable land, and for erecting the necessary buildings thereon, if the said court (an actual majority being on the bench) deem this measure advisable.

IV. *And be it further enacted* That until the necessary buildings be erected the wardens shall continue to be governed by the laws now in force; but as soon as said buildings shall be in readiness to receive the persons for whose comfort they shall be erected, then the wardens appointed under this act shall have full power and authority to prescribe such rules and regulations as may be necessary or expedient to preserve the health and promote the comfort, morals and good government of the poor of said county committed to their charge; and to employ such superintendent as may be necessary to manage the poor and work house aforesaid, whose duty it shall be to keep at reasonable and moderate labor such as are committed to their charge, who are able to work, and to treat with all due kindness and humanity, and to provide for them sufficient and suitable diet, clothing, lodging and other necessaries, and to enforce all orders, rules and regulations as the wardens of the poor shall from time to time establish; and in case of the neglect or

refusal to discharge the duties required of said superintendent, he may at pleasure be removed, and shall be further indictable in the County Court, and, upon conviction, shall be fined at the discretion of said court.

V. *And be it further enacted*, That said wardens shall annually, at the term the election thereof is to take place, and before said election shall take place, make a report to said court, containing a full account of their receipts and disbursements, which shall be made satisfactory to said court, be entered on the records, and a copy put up in the court room thereof.

#### CHAPTER CV.

An act to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in preference to other claims.

*Be 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 trustees of Moore, Chowan and Robeson counties are hereby required to retain so much of the county funds, whenever they may receive the same, as will be sufficient to pay the jurors of said counties in preference to all other claims; and that it shall be the duty of said trustees to attend at the court house of said counties on the two last days of each and every court of jury causes, for the purpose of paying off said jurors when discharged.

II. *And be it further enacted*, That if said trustees shall fail to comply with the requisitions of this act, he shall forfeit and pay the sum of fifty dollars, recoverable before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the poor of said county; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CVI.

An act to authorise the Court of Pleas and Quarter Sessions of the county of Currituck to provide for the erection of public buildings, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions of the county of Currituck may, when they deem it expedient, a majority of the acting justices of said county being present, to direct the sheriff of said county to summon a jury of freeholders of said county, consisting of at least twelve, whose duty it shall be, after an oath being administered by the sheriff, to select the portion of land contiguous to the public square whereon the court house now stands, not to exceed three acres, for the use of the county; and to assess impartially the damages rightfully due the owner by the appropriation of said land to the public use; and upon return of the verdict of the jury, signed by each of them under their hands and seals, and accompanied by a platt of the land so condemned, and payment of said damage being made by the county treasurer to the rightful owner of said land, and taking his receipt for the same, and on said owner refusing to receive said money, the treasurer shall deposite the same in the County Court clerk's office, and take his receipt for the same, and the Court of Pleas and Quarter Sessions sanction the same, it shall be the duty of the register of said county to register the said returns, platt and receipt, under the penalty heretofore prescribed by law; and such land shall be vested in the chairman of said court and his successors in office, for the use of said county.

II. *And be it further enacted*, That the said Court be, and the same are hereby authorised, a majority of the acting justices of said county being;

present, when they deem it expedient, to cause to be built a house and other necessary buildings for the accommodation of the jailor and other public officers of said county

II. *And be it further enacted*, That the County Court of Pleas and Quarter Sessions for the county of Currituck, a majority of the acting justices being present, be, and they are hereby authorised to impose a tax not to exceed ten cents in the poll, and four cents on the one hundred dollars valuation of land, for the furtherance of the above mentioned object; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CVII.

An act to incorporate Lincoln Academy, in Beaufort county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Allen Grist, J. O. K. Williams, William Gordan, Charles Holland, William Brinkley, Nathan Brown and Samuel Collins, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of the trustees of the Lincoln Academy; and by that name shall have perpetual succession and a common seal; and shall be able and capable in law to hold all monies, lands or tenements to which they now have right or title, and to take, demand, receive and possess all monies, lands or other donations which they or their successors may acquire, for the use of said academy, and the same to apply according to the will of the donor or donors, or as a majority of the trustees may direct, for the prosperity of said academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have full power and authority to make such rules, regulations and by-laws (not inconsistent with the Constitution and laws of the State) as may to them seem necessary for the good government of said academy and the preservation of order and good morals among the students thereof; and for the due preservation and repairs of all buildings belonging to said seminary, and also to fill all vacancies which may happen among the trustees by death, resignation, removal; which persons, when appointed, shall be possessed of the same powers and capacities as the present trustees.

III. *And be it further enacted*, That the trustees, or a majority of them, (seven of whom shall in all cases constitute a legal majority for the transaction of any business whatever,) shall annually elect from among themselves a president, treasurer and secretary.

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

#### CHAPTER CVIII.

An act to exempt certain persons in the county of Hyde from serving as jurors of the original pannel.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That no person, from and after the passage of this act, residing upon the north side of Broad creek, and between said creek and the head of Pungo river, in the county of Hyde, shall be summoned or compelled to attend and serve as a juror of the original pannel either in the County or Superior Courts of said county; all of whom shall henceforward be exonerated from the performance of said duty; any thing in any other law to the contrary notwithstanding;

## CHAPTER CIX.

An act to amend an act, passed in the year one thousand eight hundred and twenty-five, entitled an act to prevent the falling of timber in, or obstructing the run of Brown creek, in Anson county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the above recited act be and the same are hereby extended from the upper boundary of Malachi Pegue's plantation to the South Carolina line; any law to the contrary notwithstanding.*

## CHAPTER CX.

An act concerning the appointment of commissioners for the county of Franklin and town of Louisburg.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joel King, Nathan Parterson, Peter Foster, Archibald H. Davis and Willie Perry be and they are hereby appointed commissioners of the county of Franklin and the town of Louisburg, in said county, under all the rules and regulations already provided by law*

*II Be it further enacted That in case of the death, resignation or removal of either of the commissioners above named, it shall be the duty of the Court of Pleas and Quarter Sessions of the county of Franklin held next after such death, resignation or removal, to appoint a successor to supply such vacancy; any law, usage or custom to the contrary notwithstanding.*

## CHAPTER CXI.

An act supplementary to an act, passed in the year one thousand eight hundred and twenty-eight, an act, entitled an act for improving the navigation of Black river so far as it is the dividing line between the counties of Sampson and 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 provisions of the afore said act shall extend to Bladen county, on said Black or South river, above Mallet's mills to Cumberland county line.*

## CHAPTER CXII.

An act to amend an act, passed A. D. one thousand eight hundred and twenty-four, entitled an act to establish and regulate a turnpike road in the counties of Rutherford and Buncombe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person attempting to evade the provisions of the above recited act, by going round the gates erected on said road, or in any other manner attempting to evade the payment of toll on said road, shall be subject, for every such attempt, to a penalty of ten Dollars, to be recoverable before any jurisdiction having cognizance thereof; and such recovery, when made, shall enure to the benefit of the owners of the road established by the before recited act.*

## CHAPTER CXIII.

An act to authorise Matthew M. Hughes, of the county of Surry, to erect a dam across Fisher's 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 passage of this act, Matthew M. Hughes, of Surry county, shall have, and he is hereby granted leave to build or erect a dam across Fisher's river, in the county aforesaid; any law, usage or custom to the contrary notwithstanding.*

CHAPTER CXIV.

An act to prevent the felling of timber in, or obstructing the run of Rocky river, in a portion of the county of Chatham.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of February next, it shall not be lawful for any individual to obstruct, by felling trees therein, the run of Rocky river, from Freeman's mill to the intersection of the Fayetteville road with said river at Nathaniel M. Alston's plantation, under the penalty of twenty dollars for every such obstruction, to be recoverable before any jurisdiction having cognizance thereof, by any informer, one half to his use, and the other to the use of the wardens of the poor for the county of Chatham: *Provided*, that nothing herein contained shall be so construed as to prevent the owners of lands on said river from building water fences or mills thereon; nor shall any person incur the penalty herein prescribed who shall fell timber in, or otherwise obstruct the run of said river, in clearing and improving his, her or their lands, provided they shall remove the same within ten days.

CHAPTER CXV.

An act concerning the liability of certain hands in the town of Lincolnton to work on roads.

Whereas, by regulation entered into by the commissioners of the town of Lincolnton, all hands in said town are confined, in their working on roads, to the limits of said town; and whereas many inhabitants therein possess plantations some distance, and work them with a number of slaves who ought to contribute their labor to some portion of the country roads:

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all hands belonging to individuals in the town of Lincolnton, but working on plantations out of it, shall be considered and regarded as hands attached to such plantation, and shall be exempt from any regulations of the commissioners as much as if they lived and resided on such plantation; and it shall be the duty of the County Court, at the first term of said court which shall be held next after the ratification of this act, to assign such hands so working in the country to such roads and overseers as they may think expedient, specially designating such hands, overseer and road; and such hands, for failure or neglect to labor as required by law of other hands in the country, shall be liable to the same penalties as are now provided.

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

CHAPTER CXVI.

An act to compel the clerks of the County Court of Pleas and Quarter Sessions of Gates county to keep the whole of the records, books, papers, &c. belonging to his office, in the office at Gates Court House.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That from and after the first day of March next, the clerk of the County Court of Pleas and Quarter Sessions for the county of Gates shall keep all the papers, books, &c. belonging to his said office in his office at the court house in Gates; and that he shall further keep some proper and suitable person at the office at least two days in every week, for the purpose of issuing orders, copies &c.

II. *And be it further enacted,* That the justices of the County Court next

after the first day of January next, shall appoint such two days in the week, for the attendance of said clerk or deputy, as they may think proper.

III. *And be it further enacted.* That for each neglect of attendance on said days appointed, the clerk of the said court shall forfeit and pay the sum of twenty dollars, to be recovered by any person suing for the same, and to be recovered before any justice of the peace for said county, one half to the person suing, and the other half to be applied for the benefit of the poor.

#### CHAPTER CXVII.

An act to authorise Richard T. Brumby, of the county of Lincoln, to erect a gate on his land.  
*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Richard T. Brumby, of the county of Lincoln, shall, and he is hereby authorised to erect a gate on his land, across the road, leading by the Buffalo Shoal Ford, from Lincolnton to Statesville, subject to the same rules and regulations of all other gates across public roads; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CXVIII.

An act to revive and continue in force an act, passed in the year one thousand eight hundred and twenty-seven, entitled an act to authorise Thomas Brown, of the county of Haywood, now Macon, to erect two gates for one year on the public road leading from Franklin down 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 the above recited act be, and the same is hereby declared to be in full force, and shall continue for one year after the passage of this act, and no longer; any law to the contrary notwithstanding.

#### CHAPTER CXIX.

An act to extend the provisions of an act, passed A. D. one thousand eight hundred and twenty-six, entitled an act to appoint commissioners 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 the provisions of the eighth section of the before recited act, which provides for the creation of a fund for the purposes of said act, be, and the same are hereby continued in full force and effect for the term of two years from the May term next ensuing of the County Court of said county.

#### CHAPTER CXX.

An act for the better regulation of the town of Smithville, in Brunswick county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That five persons, who shall be freeholders, shall be chosen annually by the inhabitants of the town of Smithville, to act as commissioners of said town for one year; and it shall be the duty of the sheriff of the county of Brunswick, by himself or his lawful deputy, on the first Monday in February next, and on the first Monday of January in each and every year thereafter, first advertising the same at the court house in Smithville ten days previous to the election, to appoint two freeholders as inspectors, and to hold an election for that purpose under the same rules and regulations as other elections are held in said county.

II. *And be it further enacted,* That all free persons that have resided in

the town of Smithville three months immediately preceding the day of election hereby authorised, shall be entitled to vote for five persons to act as commissioners of the town of Smithville aforesaid.

III. *And be it also enacted*, That the commissioners, when elected, shall convene as soon as possible, and enter upon the duties of their office, first taking and subscribing the following oath before any justice of the peace for the county of Brunswick: I, A. B. do solemnly and sincerely swear that I will do and execute the office of commissioner for the town of Smithville, to the best of my knowledge and understanding, so help me God.

IV. *And be it further enacted* That the commissioners authorised by this act and their successors in office shall be a body corporate and politic, by the name of the Commissioners of the town of Smithville; and shall have and exercise all the power and authority which was vested in the former commissioners of the aforesaid town.

V. *And be it further enacted*, That if the sheriff shall fail or neglect to hold the election aforesaid according to the provisions of this act, he shall forfeit and pay the sum of fifty dollars to be recovered by an action of debt before any jurisdiction having cognizance thereof, in the name of any one of the commissioners last in office, to the use of the said town of Smithville; and for the service performed by the sheriff as aforesaid, he shall be entitled to receive from the proper officer, out of the funds of the corporation, the sum of five dollars.

VI. *And be it further enacted*, That all clauses of acts that come within the purview and meaning of this act, are hereby repealed.

#### CHAPTER CXXI.

An act to repeal part of an act, passed in the year one thousand eight hundred and nineteen, chapter forty-five, entitled an act to amend the laws now in force respecting the town of Edenton.

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

#### CHAPTER CXXII.

An act to attach captain Alexander's company, of the county of Iredell, to the first regiment of Iredell 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 in future the militia company under the command of captain Milton Alexander, in the county of Iredell, shall be, and it is hereby declared to be attached to the first regiment of the militia of said county; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CXXIII.

An act to prevent the falling of timber in, or obstructing the runs of Big and Little Polecat creeks, 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 runs of Big and Little Polecat creeks, in Randolph county, he, she or they shall forfeit and pay the sum of five dollars for each and every offence, to be recovered before any jurisdiction having cognizance thereof, 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 construed to prevent owners of land on said creeks from erecting water fences across the same; nor shall any person incur the penalty herein prescribed, who shall fall inder in or obstruct the runs of said creeks, in clearing and improving their lands provided he, she or they shall remove the same within ten days.

#### CHAPTER CXXIV

An act for the better regulation of the Court of Pleas and Quarter Sessions for 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 the justices of the Court of Pleas and Quarter Sessions for the county of Wayne 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 among themselves five fit persons to hold the said courts 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 laws seven justices are authorised to perform; and they shall in all cases be governed by the same rules, regulations and restrictions as govern other County Courts in the State; and the said justices so elected shall be entitled to receive each a sum not exceeding three dollars, nor less than one dollar per day, which sum shall be fixed by a majority of the justices of said county, for their services during the time they are employed in the discharge of their duties in said court; which shall be paid by the county trustee, upon the certificate of the clerk of said court, shewing how many days any such justice so to be elected as by this act required shall have holden the said court.

III. *And be it further enacted,* That the justices of the Court of Pleas and Quarter Sessions aforesaid shall annually lay a tax sufficient to defray the 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 CXXV.

An act concerning the patrols of Richmond county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That it shall be the duty of each and every captain of a militia company of the county of Richmond, at the musters which may be held by them respectively next after the first day of February next, and every six months thereafter, to appoint six fit and proper persons, of the age of twenty one years at least, and not addicted to habits of intoxication, to act as patrol for six months, one of whom shall be competent to act, and whose duty it shall be to patrol their respective districts at least once in two weeks, and oftener if necessary; and each patrol

so appointed, or any one of them, shall inflict not more than fifteen lashes on the bare back of any negro or mulatto slave whom they find beyond his or her master's or mistress' premises, without a written permission from his or her master, mistress or overseer, designating the place or places to which such slave is permitted to go.

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

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

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

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

#### CHAPTER CXXVI.

An act appointing commissioners to run and mark the dividing line between the counties of Anson and Mecklenburg.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Allen Carpenter and Moses W. Cuthbertson, Esquires, of Anson; and Samuel Black and Azariah Cockburn, Esquires, of Mecklenburg, be, and they are hereby appointed commissioners, with full power to run and mark the dividing line between the aforesaid counties of Anson and Mecklenburg as heretofore established by law; and for that purpose, the said commissioners may, should they deem the same necessary, employ one chain carrier and one marker on behalf of each county; all of whom to be paid as hereafter directed.

II. *Be it further enacted*, That when the commissioners shall have completed the work assigned them in the first section of this act, and made a report of their proceedings to the Courts of Pleas and Quarter Sessions of their respective counties, it shall be the duty of each of said courts, when thereto requested, five justices being present, to allow a reasonable compensation to its commissioners and other persons employed by them in pursuance of this act; which allowance shall be paid by the county trustee, out of any monies in his hands, on the certificate of the clerk of said court.

III. *Be it further enacted*, That should any of the commissioners named in the first section of this act die or refuse to act, it shall be the duty of the Court of Pleas and Quarter Sessions of the county to which such commissioner may belong to appoint another in his stead.

#### CHAPTER CXXVII.

An act more effectually to prevent obstructions to the passage of fish up Rocky river, joining Anson county, from the mouth to the Cabarrus line.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this act, every person or persons, who have built or

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erected any mill dam or any other dam, dams or obstructions, or who may hereafter build or cause to be built any dam or dams on or across the said Rocky river from the mouth thereof to the Cabarrus line shall from the tenth day of February to the tenth day of May in each and every year hereafter open or cause to be opened one fourth part of said river, including the deepest water therein, and the same continue to keep open during the time above specified, under the penalty of forfeiting the sum of ten pounds current money for every twenty-four hours such obstructions shall be suffered to remain, to be recovered before any justice of the peace having cognizance thereof, one half thereof to the use of the county where suit is brought and the other half to the use of the person or persons suing for the same: *Provided* nothing herein contained shall be so construed as to apply to any person or persons who now have, or who may hereafter erect any mill dam across said river, if they shall keep open during the time or times aforesaid a good and sufficient slope or passage for fish up said river to the said Cabarrus line.

II. *And be it further enacted*, That no person or persons shall hereafter erect a fish trap immediately below any slope or passage as aforesaid, so as to take advantage of the swiftness of the sluice to catch fish attempting to ascend the river, under pain of forfeiting as above mentioned; and all traps that now stand immediately below any mill dam as above mentioned shall be taken entirely away during the above period in each year hereafter, or otherwise the owner or owners thereof shall be subject to the above fines and forfeitures, to be recovered as aforesaid.

#### CHAPTER CXXVIII.

An act to amend an act, passed in the year one thousand eight hundred and twelve, entitled an act directing the time and manner that overseers of roads shall be appointed in the county of Richmond.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in future all overseers of roads to be appointed by the County Court of said county shall be appointed at the first term of said court which shall be held after the first day of April next, and annually thereafter; and all business relative to placing hands on the different roads in said county shall be transacted at the said April term, except where the overseers die or remove; in that case any of the County Courts may appoint one to fill the vacancy, who shall hold and exercise said appointment until the said April court.

II. *And be it further enacted*. That the County Court of said county shall not order the laying out any public road, or discontinue or alter such roads as now are or shall hereafter be made, unless upon petition in writing from one or more persons; and the petitioner or petitioners shall give at least twenty days notice in writing to all persons over whose land said road shall pass previous to the County Court which shall be held before the first day of April in each and every year; and the said petitioner or petitioners shall file his or their petitions in the clerk's office of said county until the succeeding court which shall be held after the first of April; and notice thereof shall be posted at the court house door, and in one public place in the captain's district where such laying out, alteration or discontinuing is contemplated, during the intervening period of said courts.

III. *An be it further enacted* That all persons who shall be appointed at said April court to work on roads, shall work on the same for one year, or until the next County Court which shall have power to appoint them; and

no person shall be compelled to work on two roads in the same year.

IV. *And be it further enacted*, That nothing herein shall be so construed as to affect the appointment of the present overseers in said county; but they shall severally build and exercise the appointments of overseers until the first County Court of said county after the first day of April next.

V. *And be it further enacted*, That all laws and clauses of laws, so far as respects the appointment of overseers of roads, and the laying out or discontinuing of roads in said county, be, and the same are hereby repealed.

#### CHAPTER CXXIX.

An act to amend an act, passed in one thousand eight hundred and twenty eight, entitled an act appointing commissioners to alter the plan of the town of Ashboro', in the county of Randolph, and for the better regulation of the police of said town.

Whereas by the aforesaid act a board of commissioners was appointed to alter the plan of the town of Ashboro', and for the better regulation of the police thereof; and whereas the said commissioners have not carried the objects of said act into operation: 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 Jonathan Worth be, and he is hereby appointed one of said board of commissioners in place of the late William Brown, Esq. dec'd; and the said board of commissioners, viz Benjamin Elliot, Jonathan Worth, George Heaver, Joshua Craven and Hugh McCain, are hereby authorised and empowered to run and lay out said town according to, and in strict observance of the provisions of the aforesaid act.

II. *And be it further enacted*, That so much of the fifth section of said act as required the citizens of the town of Ashboro' to elect commissioners on the first Monday in February be, and the same is hereby repealed.

III. *And be it further enacted*, That the citizens of said town shall, on the first Monday in January in each and every year, under the same rules and regulations as laid down in the fifth section of the aforesaid act, elect three commissioners, who shall have the same qualifications, and possess the same powers, and be required to perform the same duties as prescribed in the fifth and sixth sections of the aforesaid act.

#### CHAPTER CXXX.

An act concerning the compensation made to clerks and sheriffs so far as regards the county of Chatham.

Whereas the justices of the Courts of Pleas and Quarter Sessions are by law authorised and empowered, in addition to the regular salaries and fees which appertain to the offices of clerk and sheriff, to allow such further sum as they may think right and proper, by way of compensation for extra services, which said power, so far as relates to the county of Chatham, may be abused: 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 in future it shall not be lawful for the justices of the Court of Pleas and Quarter Sessions for the county of Chatham to make any allowance of money by way of compensation to the clerks of the said courts and sheriffs of said county, on account of extra services performed by them, exceeding the sum of eighty dollars to each of said officers for any one year; any law, usage or custom to the contrary notwithstanding.

## CHAPTER CXXVI.

An act to authorise the setting of guns in the night time in the desert in the counties of Pasquotank and Perquimons.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the ratification of this act, it shall be lawful for the citizens of Pasquotank and Perquimons counties to set guns in the desert in said counties, between sunset and sun rise, for the purpose of destroying beasts of prey.

II. *Be it further enacted* That all laws and clauses of laws heretofore passed in relation to this subject, be and the same are hereby repealed.

III. *Be it further enacted.* That any person violating the provisions of this act, by setting guns in said desert at any other time than specified in this act, shall forfeit and pay the penalty of one hundred dollars, to be recovered before any justice of the peace, by any informer, one half to his use, and the other half to the use of the poor of the county in which such suit may have been instituted.

## CHAPTER CXXXII

An act to make compensation to the jurors of the county of Brunswick.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all jurors of the original venire, as well as all talisman jurors, who shall be summoned to attend the Superior and County Courts of Brunswick county, and shall actually serve as jurors aforesaid, shall be entitled to receive, for each and every day's attendance, the sum of one dollar; and every juror of the original venire shall receive further at the rate of one dollar for every thirty miles travelling to and from court; which compensation to the jurors aforesaid, for attendance and travelling, shall be paid by the county trustee of said county, out of the funds set apart for county purposes, on the certificate of the clerk of the court in which said juror of the original venire or talisman juror shall have served; which certificate shall be granted by the clerk of the court aforesaid under the rules and regulations now prescribed by law.

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

## CHAPTER CXXXIII

An act to repeal an act, passed at the session of one thousand eight hundred and twenty-eight; entitled an act to authorise the County Courts of the counties of Ashe and Wilkes to keep in repair the road by Jefferson, by the imposition of tolls on said 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 above recited act be, and the same is hereby repealed.

## CHAPTER CXXXIV.

An act concerning the Oxford Academy.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a board, consisting of any seven members, or the president and any five members, shall be competent to do and perform any act which is now required to be done by a greater number.

## CHAPTER CXXXV.

An act concerning the County Courts of Martin county.

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

*it is hereby enacted by the authority of the same,* That the County Courts of Martin shall be held on the second Monday in January, April, July and October, and not the second Monday in March, June, September and December as heretofore.

II. *Be it further enacted,* That all process issuing from the ensuing December term of the County Court of Martin, shall be issued returnable to the April term appointed by the provisions of this act.

III. *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 CXXXVI.

An act respecting jurors 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 from and after the passing of this act, no person who may be summoned to attend and serve as a juror at any of the courts of the county of Hyde, shall hereafter be compelled to attend for said duty until the second day of the term of such courts; any thing in any other law to the contrary notwithstanding.

#### CHAPTER CXXXVII.

An act authorising Alexander Murchison, William Murchison and Duncan Murchison to erect a bridge across Lower Little river, in Cumberland county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Alexander Murchison, William Murchison and Duncan Murchison, be, and they are hereby authorised and empowered to erect a bridge across Lower Little river, in Cumberland county, at some convenient place on their own lands, above their mills on said river, under the same rules, regulations and restrictions as are prescribed by law for the other bridges on said river: *Provided,* that nothing herein contained shall be so construed as to authorise them to receive or collect tolls without first having obtained permission from the Court of Pleas and Quarter Sessions for that purpose.

#### CHAPTER CXXXVIII.

An act to amend the second section of an act, passed in the year one thousand eight hundred and fifteen, chapter eight hundred and ninety-three, relative to the cleansing of lots, &c. in 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 after the passing of this act, it shall be incumbent on those persons living in the town of Edenton, and owning low and sunken lots, to have the ditches opened and cleansed out by the fifteenth of May, and continue cleansed until the twentieth of October in each and every year, under the same penalty now imposed in the above recited act, after notice from the commissioners; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CXXXIX.

An act empowering the County Court of Onslow to authorise Solomon E. Grant to erect a gate across the main road at Onslow Court House.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing this act, the Court of Pleas and Quarter Sessions for the county of Onslow, at the time of electing the sheriff of said county, a majority of

the justices of the peace for said county being on the bench and agreeing thereto, are hereby empowered to authorise Solomon E. Grant to erect a public gate on his own land, across the main road at Onslow Court House, at or near, and to the eastward of the dwelling house of said Grant.

II. *And be it further enacted*, That said gate, when erected by the authority aforesaid, shall be under the same rules, regulations, restrictions and penalties as other gates erected across public roads.

#### CHAPTER CXL.

An act to authorise the Court of Pleas and Quarter Sessions for the county of Caswell to enlarge the court house square in said county, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions for the county of Caswell, a majority of the acting justices of said county being present, be, and they are hereby authorised to enlarge the court house square in said county, to such extent, and upon such terms, as said court may deem consistent with the convenience and interest of the citizens of said county.

II. *And be it further enacted*, That should the said court be unable to enlarge the said square to such extent and upon such terms as they may deem the convenience and interests of said county to require, that then and in that case the said court be authorised and empowered to purchase land elsewhere, near the centre of said county, for that purpose, and to erect a court house and jail thereon.

III. *And be it further enacted* That if the funds of said county not otherwise appropriated be insufficient to make such extension or purchase, that the said court (a majority of the acting justices of said county being present) be, and they are hereby authorised and empowered to levy a tax for that purpose, not exceeding ten cents on each poll and three cents on each hundred dollars worth of land and town lots.

#### CHAPTER CXLI.

An act to repeal part of an act, passed at the last session, chapter seventy-four, entitled an act to compel the clerks of the County and Superior Courts and register of the county of Chatham to keep their respective offices at Pittsboro', in said county, and for other purposes.

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

II. *Be it further enacted* That it shall hereafter be the duty of the register of the county of Chatham to attend the County and Superior Courts of said county, with the books and papers belonging to said office, and upon failing to comply with this act shall forfeit and pay the sum of fifty dollars, to be recovered before any justice of the peace for said county, one half to the use of the informer, and the other half to the use of the poor of said county; any law to the contrary notwithstanding.

#### CHAPTER CXLII.

An act to amend an act, passed last session, entitled an act to establish separate elections in the county of Person.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter there shall be an election held at Joel Tap's and at John Mason's, in addition to

the separate elections heretofore held in Person county, and shall be under the same rules and regulations as the other elections in said county.

II. *And be it further enacted*, That it shall hereafter be the duty of the sheriff of said county to cause a return to be made at the court house of said county from the several elections on the day succeeding the day on which the votes have been given, between the hours of eleven in the forenoon and four in the afternoon; and that it shall be his duty to ascertain the result of the election, and announce it at the court house door.

III. *And be it further enacted*, That the second section of the act, passed last session, entitled an act to establish separate elections in the county of Person, is hereby repealed, any law to the contrary notwithstanding.

#### CHAPTER CXLIII.

An act to authorise Nathan G. Blount to erect a spiral wheel in 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 Nathan G. Blount, of the town of Kinston in the county of Lenoir, be, and he is hereby authorised and empowered to erect a spiral wheel, to be worked by the waters of said river, and to be placed in said river adjoining his own lands near the town of Kinston, to be located at the junction of the high and low lands next below where said Blount resides: *Provided however*, that nothing in this act shall be construed to authorise said Nathan G. Blount to obstruct a larger portion of said river than twenty four feet from the bank of the river at low water.

II. *Be it further enacted*, That the privileges hereby granted, and the use of the waters for the purposes herein set forth, are hereby vested in the said Nathan G. Blount and his assigns for the term of twenty years, and no longer: *Provided always, and be it further enacted*, that after the expiration of ten years, it shall be lawful for the General Assembly to repeal this act and vacate the grant hereby made, if, in their judgment, the same should be productive of public inconvenience.

#### CHAPTER CXLIV.

An act to incorporate the Philodemic Association, 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 Robert Jones, Jesse A. Bynum, Edward B. Freeman, Thomas Osby, Jesse Simmons, Doctor Reid and others their associates, be, and they are hereby constituted a body politic and corporate, by the name and style of the President and Members of the Philodemic Association; and by that name shall be capable in law to sue and be sued; plead and be impleaded; acquire estate, real and personal, by donation, purchase, bequest or otherwise; enact such bye laws and regulations as they may deem expedient for the promotion of the objects of the incorporation; and enjoy in every other respect all rights, privileges and immunities incident to bodies corporate of the like nature: *Provided* said corporation shall not be entitled to hold real property exceeding one thousand dollars; nor for any other purpose, but that for which said body is incorporated: *Provided further*, that the corporate rights and privileges created by this act shall cease and determine on the first day of January, one thousand eight hundred and forty.

#### CHAPTER CXLV.

An act to incorporate Bethmont Academy, in the county of Orange.

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

It is hereby enacted by the authority of the same, That Rev. Elijah Graves, Samuel Jackson, George W. Morrow, Wm. Thompson, Wm. Morrow, sen'r, James Thompson, Elijah Pickard and Samuel Crawford be, and they are incorporated, by the name and style of the Trustees of Bethmont Academy, and by that name shall be capable in law to sue and be sued, plead and be impleaded, acquire by purchase, gift or otherwise, to them and their successors estate real or personal for the use of the academy, and enjoy all other powers, privileges and immunities incident to bodies corporate of the like nature.

II. *Be it further enacted* That in case of a vacancy occurring by death, resignation or otherwise of said trustees the remainder, or a majority of them, may appoint successors to the same, who shall have the same powers and authority as the trustees constituted by the provisions of this act.

#### CHAPTER CXLVI.

An act to amend an act, passed Anno Domini one thousand eight hundred and seventeen, entitled an act to prevent persons from obstructing the passage of fish up Newbegun creek 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 Court of Pleas and Quarter Sessions for the county of Pasquotank to appoint three commissioners, whose duty it shall be to explore and mark off with stakes the channel of Newbegun creek in said county; and any person leaving one third of the channel so marked out open in the setting of any net, seine or hedge, shall not be subject to the penalties of the above recited act.

II. *Be it further enacted,* That the payment of these commissioners shall be vested in the County Court of Pasquotank, to act in relation to it as they may deem expedient.

#### CHAPTER CXLVII.

An act to revive an act, passed in the year one thousand eight hundred and twenty-eight, entitled an act to authorise the committee of Finance of Iredell county to settle with the commissioners of the town of Statesville.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the before recited act be and the same shall hereby stand revived, and shall continue in force from year to year; any law to the contrary notwithstanding.

II. *Be it further enacted* That it shall be the duty of the committee of Finance of said county to examine into and adjust the accounts of the commissioners that may be hereafter appointed, as well as those that have been heretofore appointed for the aforesaid town, under the rules and regulations prescribed by the before recited act.

#### CHAPTER CXLVIII.

An act appointing trustees for Union Academy, in the county of Duplin.

Whereas the trustees appointed under the act for the incorporation of Union Academy, in the county of Duplin, have died, resigned or in some other manner ceased to be trustees;

*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 Elias Faison, John Hill, Owen Kenau, John Wright, John Kner Hill, Joseph T. Rhodes, Thomas Hooks, John Shine, John B. Wright, Daniel Newton, James

Hicks and William Wright, be, and they are hereby constituted and appointed a board of trustees for Union Academy, in the county of Duplin; and shall be entitled to all the powers, privileges and immunities to which the trustees of said academy are declared to be entitled in the original act of incorporation.

II. *Be it further enacted*, That all laws or clauses of laws contravening the meaning and purview of the aforesaid act, be, and are hereby repealed.

#### CHAPTER CXLIX

An act to **make** a reasonable compensation to the board of wardens, and their clerk, of the poor of the county of Hyde for their services.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That the board of wardens for the poor of the county of Hyde shall in future be fully authorised to receive and retain for themselves, and their clerk, as a compensation for their services, at the rate of five per cent. out of all monies they may receive as county wardens.

II. *And be it further enacted*, That any two, that now are, or hereafter may be appointed county wardens, or their successors, shall receive out of the money that may arise from the five per cent. at the rate of twelve per cent as a compensation for their extra services, receiving and paying away the said money, and the residue to be equally divided between said board and clerk; any law, usage or custom to the contrary notwithstanding.

Read three times and ratified in General Assembly, this 7th day of January, 1830. }  
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WM. J. ALEXANDER, S. H. C.  
 D. F. CALDWELL, S. S.

A true copy.

WM. HIEL, *Secretary*.

## RESOLUTIONS,

PASSED BY THE GENERAL ASSEMBLY OF 1829—30.

Whereas it appears from the report of the commissioners appointed by resolution of the last General Assembly to examine the account of the State against the United States, and the old standing accounts on the books of the Comptroller's Office, that many entries have been omitted to be made on the books of the Comptroller; and in consequence of such omission, many old accounts remain incomplete and unbalanced:

*Resolved, therefore,* That the statement of balances of the different debts due to and from the State, which accompanied the report of said commissioners, be placed on file in the Comptroller's Office; and that the Comptroller be, and he is hereby authorised and required to make the proper entries on the books of his office, as suggested in said statement, so that each account on the books of his office shall exhibit the true state of the case.

Whereas during the late war with Great Britain this State, in time of actual or threatened invasion by the enemy, was compelled to incur heavy expense, in calling out and maintaining the militia for defence against the common enemy, and the account for these expenditures has not yet been fully adjusted and paid by the United States:

*Therefore be it resolved,* That his excellency the Governor be directed to request of the Government of the United States a speedy settlement of the account and payment of the balance which may appear to be due to the State, with interest thereon; and to effect a settlement of the account with greater facility, and to bring about a final adjustment of the claim,

*Resolved further,* That his excellency the Governor be authorised and required to send some fit person as agent to Washington City, vested with full powers to adjust, liquidate and settle all claims of the State against the United States, for expenditures made in defence of the country against the common enemy during the late war. And to enable such agent to support the claim of the State, he is hereby authorised and required to carry with him all necessary documents, accounts and vouchers now in any of the public offices.

*Resolved further,* That the Senators and members of the House of Representatives from this State be requested to aid in obtaining speedily a fair and equitable settlement of the whole claim.

*Resolved further,* That his excellency the Governor be authorised to allow such agent a suitable compensation, not exceeding six dollars for every day he may be necessarily employed in adjusting and settling the accounts, and a like sum for every thirty miles which he may travel in going to and returning from Washington City, to be paid on the warrant of the Governor, out of any money in the Treasury not otherwise appropriated.

*Resolved,* That the further sales of land called the Cherokee lands, and which are covered either by the grant issued in the year one thousand seven hundred and ninety-seven to Holdiman and Esselman, or by the grants issued in the year one thousand seven hundred and ninety six to Cathcart and Stedman, be suspended until the further order of the Legislature.

*Resolved further,* That until the further directions of the Legislature, the Public Treasurer is hereby directed to abstain from collecting any money due upon bonds given for land sold by the commissioners of the State, and lying within the county of Macon, or for land lying within the county of Haywood, where the same is covered by either of the above described grants to Cathcart and Stedman, except in cases where the Treasurer shall deem it necessary to the security of the debt, or the present securities shall require suit to be brought; in either of which cases the principal debtor shall be at liberty to renew his bond upon giving other security, to be approved of by the Treasurer, or by some person appointed by him to take them; and in all cases where the money is not collected, the interest shall continue to run.

*Resolved further,* That the Governor of the State be authorised, if in his opinion he shall deem it necessary, to employ an additional counsel to aid in the defence of the suits now pending in the Federal Court, brought under the title claimed under the grants issued in the year one thousand seven hundred and ninety six to Cathcart and Stedman, and also to aid and assist the counsel already employed in such other suits as

may be brought under said grants or under that issued in one thousand seven hundred and ninety seven to Holdiman and Esselman.

*Resolved further,* That the Attorney General be directed, together with such counsel as have and may be retained, forthwith to institute proceedings by scire facias or otherwise, as in their discretion they may choose to test the validity of the grants in question.

*And be it further resolved,* That the Governor of the State be at liberty, and he is hereby authorised to draw his warrant or warrants upon the Public Treasurer for such sums as may be necessary to carry into execution the duty hereby enjoined him; and that the Public Treasurer pay the same out of any unappropriated funds in the Treasury, and that he be allowed the same in the settlement of his public accounts.

Whereas the attempts heretofore made by the citizens of this State to render navigable the rapid and shoal streams which pass through the upland parts of the State, have in a great measure failed, owing to the unsuitableness of the plans and modes of operating heretofore pursued, without regard to the nature of the country and the character of the rivers attempted to be improved; and whereas modern experience, more especially in England, and in other parts of these United States, have demonstrated that the channels of rivers are the best canals already formed by nature, the art of the engineer only being required to check and controul their rapid currents: And men of experience having recommended the construction of dams so as to still the current over the rapids, and thereby hold up the water to a proper depth even for steam boat navigation, with locks adapted to the purpose of ascending the dams, all which can be accomplished at a rate of expense greatly below any reasonable estimate that can be made either for the completion of artificial canals or railways: South Carolina being desirous to prosecute the work already begun on Broad river, in conjunction with the work to be done by this State: To the end therefore that such plans of improvement may be brought fairly before the public for the observation and reflection of ingenious men,

*Resolved,* That a survey be made of Main Broad river, within this State, with just and proper estimates of the probable expense of the above description of work; and that Joshua Foreman, Theoderick Birchett and Joseph M. D. Carson, be, and they are hereby appointed a board of commissioners to employ a suitable artist for the above purposes, a drawing of the plans of said improvements, with an estimate of the probable expense, to be made and reported to the next General Assembly, at a rate of compensation such as that body may or may not think proper to make.

*Resolved,* That the committee of Finance be authorised and instructed to burn such amount of the Treasury notes in the Treasurer's Office as they may consider unfit for circulation; and that they report the amount to the Legislature.

*Resolved* That the Public Treasurer be instructed to call upon the Cashiers of the different banks of this State, their branches and agencies, for a statement setting forth the amount of money due their respective Banks and branches by the Directors and Stockholders of each institution; likewise the amount due by the individuals of this State who are not interested in said institutions; and that he is hereby required to call upon the said Cashiers of each Bank for a further statement, exhibiting the true amount of notes that are now due to said Banks as stock notes, or stand secured by pledge of stock; and report the facts to the present General Assembly.

*Resolved,* That the Board of Internal Improvement be instructed to procure, if possible, from the Cape Fear Navigation Company, a release to the State of all their privileges under their charter in such tributary streams of the Cape Fear river as remain unimproved by them.

*Resolved,* That our Senators in Congress be instructed, and our Representatives be requested to use their utmost endeavors to procure the repeal of the salt tax.

Whereas the act of Congress, entitled an act to incorporate the subscribers to the Bank of the United States, does not provide for the offence of selling or attempting to sell any counterfeit or altered order, check or draft upon said bank or any of its branches,

or any cashier thereof, knowing the same to be counterfeit or altered; nor for the offence of receiving any counterfeit or altered note or bill purporting to be issued by order of the President, Directors and Company of said Bank or any of its branches; nor for receiving any counterfeit or altered order, check or draft upon said bank or any of its branches, or any of the cashiers thereof, knowing the same to be counterfeit or altered; and whereas the aforesaid offences are of late frequently committed,

*Resolved*, That our Representatives in Congress be requested, and our Senators be instructed to call the attention of Congress to this subject, for the purpose of amending the act so as to provide for the said offences.

*Resolved*, That copies of the preamble and resolution be immediately transmitted to our Representatives and Senators.

*Resolved*, That it is inexpedient to continue the annual appropriation made for the education and support of Miss Udney M. Blakely, and that the same be discontinued.

*Resolved*, That the document furnished by the Comptroller in pursuance of an order of the House of Commons, exhibiting the amount paid on each permanent species of taxation by the several counties of this State, from the year one thousand seven hundred and ninety-two to one thousand eight hundred and twenty-eight inclusive, be filed in the office of the Comptroller.

*Resolved further*, That James Grant be allowed the sum of seventy-five dollars for furnishing said document.

*Resolved*, That his excellency the Governor be requested to deliver to the Public Treasurer his check on the cashier of the State Bank of North Carolina, for the sum of two thousand one hundred and thirteen dollars and ninety cents, now on deposit in said bank to the credit of the Governor of this State.

*Resolved further*, That the Public Treasurer be directed to bring the said amount into his account, to the credit of the State of North Carolina.

*Resolved*, That the Public Treasurer be directed to pay, on account of the salary of the late Chief Justice Taylor for the year one thousand eight hundred and twenty-nine, the sum of eight hundred and eighty-six dollars and ninety-nine cents; of which the sum of four hundred and sixty-eight dollars and nineteen cents shall be paid to the assignee of the deceased, and the residue to his administrator.

*Resolved*, That William R. Hill be appointed Librarian for the ensuing year, and that he receive a compensation of one hundred dollars per annum for his services.

Whereas the Public Treasurer, Secretary of State and Comptroller were appointed by resolution of the last General Assembly a committee to examine into all the old standing accounts on the Comptroller's books, and report to this Legislature, which duties have been performed:

*Resolved, therefore*, That the Public Treasurer pay to each one of said committee the sum of seventy-five dollars, as a compensation for their services, and that he be allowed a credit therefor in the settlement of his accounts.

*Resolved*, That the Board of Internal Improvement, if they shall deem it expedient, do order a survey of Trent river, running through the county of Jones, from the town of Trenton up to the mouth of Tuckehoe creek, and Black river, in the county of Sampson, so far as it is the dividing line between the counties of Sampson and Cumberland; and that the surveyor make a report to said Board, and the Board report the same to the next Legislature.

*Resolved*, That the bond given by James Bryson as due one year after date, ought to have been taken, according to the terms of sale, payable four years after the date thereof; and that the Public Treasurer collect and receive payment on the same as if it had been made payable four years after the thirty-first of October, A. D. eighteen hundred and twenty-two, and that a receipt be granted on the payment of the bond as for the fourth instalment.

*Resolved*, That the Public Treasurer be, and he is hereby authorised to pay to William Davidson, Esquire, from the county of Mecklenburg, one hundred and twenty dollars, for the especial use and benefit of Thomas Walker, a revolutionary soldier of said county; and that the same be allowed in the settlement of his accounts.

*Resolved*, That the Public Treasurer of the State be, and he is hereby directed to surrender up and deliver over to Stephen Pearson, of Wake county, two bonds, each, for the sum of

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sixty-eight dollars and sixty-six cents, due on the 20th days of February, 1830 and 1831, executed to secure the payment of part of the purchase money for a negro by the name of Jim Jordan, who is since dead, sold by the commissioners on the part of the State, being part of the property conveyed by the representatives of the late Treasurer Haywood.

*And be it further resolved,* That the said Treasurer be, and he is hereby directed to pay to the said Stephen Pearson the sum of seventy-five dollars and twenty-four cents, being the remainder of the purchase money for said negro Jim Jordan, which has heretofore been paid into the Treasury of the State by the said Stephen Pearson; and that the said Treasurer be allowed the same in the public settlement of his accounts.

*Resolved,* That the Public Treasurer pay to Benjamin H. Blount, late sheriff of Nash county, fifteen dollars and sixty cents, for insolvents for the year 1827; and that he be allowed the same in the settlement of his public accounts.

Whereas it appears from the Comptroller's settlement with John Black, sheriff of Cumberland county, that two thousand two hundred and eighty dollars and eighty-five cents was the amount of taxes for which he ought to have accounted; and whereas it appears that he has paid into the Treasury on the tenth of October, one thousand eight hundred and twenty nine, the sum of two thousand two hundred and ninety-nine dollars and twenty three cents, a sum greater than he ought to have paid:

*Be it therefore resolved,* That on the said John Black's accounting for the amount of taxes on unlisted property, billiard table, &c. as by law he is bound to do, and as by the Comptroller's settlement with him it appears he has done, that the penalty incurred for failing to settle on the first day of October be remitted; and that the Public Treasurer be authorised and directed to refund to him the surplus money that he has paid into the Treasury, allowing him his mileage, commissions and insolvents, in the same manner as if he had settled at the time prescribed by law; and that the Public Treasurer be allowed the same in the settlement of his accounts.

*Resolved,* That the Secretary of State be, and he is hereby authorised to correct an error in a certificate of survey of a tract of land sold by the commissioners appointed to sell the land lately acquired by treaty from the Cherokee Indians, to George Rish, for one hundred acres and twenty three poles, so as to make the same in section No. seventy four, and district No. fifteen, instead of section No. seventy four and district No. seventy four; and that, when so correct, he issue a grant thereon, on the Treasurer's receipts for the full amount of such purchase being filed with said certificate of survey.

*Resolved,* That the Public Treasurer of this State is instructed and required to pay to Ab-salom Williams, of the county of Davidson, twelve dollars, being the amount to which he is entitled by being detained by sickness four days on his return home from the last session of the Legislature; and that he be allowed the same in his public settlement.

*Resolved,* That Presley C. Person, late sheriff of Franklin county, be released from the penalty incurred by his failing to settle with the Public Treasurer by the first day of October, and that he be permitted to settle his account for the taxes of 1828, as of the first day of October, 1829, and that he be allowed his commissions and mileage; and that the Public Treasurer pay whatever sum may be due him on the settlement hereby directed to be made.

*Resolved,* That the Public Treasurer be, and he is hereby authorised and directed to pay to James Calloway, agent of David Grabeal, the sum of ten dollars, on account of that sum having been paid a second time and by mistake for the entries of land; and the Treasurer be allowed the same in the settlement of his public accounts.

*Resolved,* That the Secretary of State be authorised and required to issue a grant to John Lowrie, of Burke county, for three hundred acres of land, entered November the 9th, 1816, No. 6607, lying and being on both sides of the Blue Ridge, beginning on a torred white oak on the west side of the Blue Ridge, and runs east 110 poles to a buck-eye; then south 10°, east 30 poles to a chesnut oak; then south 66 poles to two sourwoods and chesnut oak; thence west 240 poles with Gillaspie's line to a stake on Tigert's line; thence north with Tigert's line 120 poles to Tigert's corner white oak; thence east with Riddick's line 110 poles to the beginning; surveyed by Joseph Dobson, August 18th, 1819.

Whereas it appears, according to the books of the Comptroller, that Archibald S. Brown, sheriff of Robeson, is charged with the sum of four hundred dollars, the penalty prescribed by law for failing to settle his public tax account for the year one thousand eight hundred and twenty eight, on the first October, one thousand eight hundred and twenty nine; and it also appearing that the said Archibald did, on the thirteenth of October, one thousand eight hundred

and twenty nine, pay six hundred and ten dollars and fifty six cents into the Treasury office, which is more than he is liable to pay after deducting his commissions and allowing for insolvents:

*Be it therefore resolved,* That the said Archibald be released from the penalty of four hundred dollars, and that the Comptroller settle his account in the same manner as if he had settled on the first of October, and that on the settlement being made, that the Public Treasurer pay to the said Archibald whatever he may have overpaid; and the same shall be allowed him in the settlement of his accounts.

*Resolved,* That the Public Treasurer be directed to pay Dirk Lindeman the sum of thirty-one dollars, for binding and lettering twenty eight volumes of the Laws, Journals and Reports belonging to the State Library, as per the annexed account; and that he be allowed the same in the settlement of his account.

*Resolved,* That the Treasurer be directed to pay to Ezekiel Ellis fourteen dollars, as assistant door keeper to the Senate during the sickness of Thomas B. Wheeler; and that the same be allowed him in the settlement of his public accounts.

*Resolved,* That the Treasurer be directed to pay to Merritt Hutchins thirteen dollars, for carrying a writ of election to the sheriff of Caswell county during the present session, a distance of sixty-five miles; and he be allowed the same in the settlement of his public accounts.

*Resolved,* That the Public Treasurer pay to Matthew J. Coman forty-five dollars and eighty cents, it being for services rendered in carrying a writ of election to the sheriff of Hyde county.

*Resolved,* That the Secretary of State be, and he is hereby required to issue a grant to Edward Ward, of Onslow county, for one hundred acres of land in said county, on warrant No. 105, and also a grant to said Edward Ward, for eighty acres of land, on warrant No. 48, when surveyed and returned to his office.

*Resolved,* That the Treasurer pay to Ransom Hinton, clerk of Wake Superior Court, twenty three dollars and seventy five and a half cents; and that he be allowed the same in the settlement of his public accounts.

*Resolved,* That the Public Treasurer be directed to pay to William Thompson the sum of twenty dollars and eighty cents, for crape furnished this Legislature the present session; and that he be allowed the same in the settlement of his public accounts.

*Resolved,* That the Public Treasurer be directed to pay to Richard Roberts the sum of five dollars and thirty-five cents, being the sum expended by him in furnishing sundry articles for the use of the House of Commons.

*Resolved,* That the Public Treasurer pay Alexander Nicholson, of Richmond county, the sum of six dollars and fifty cents, it being an amount overpaid by him as purchase money for vacant land in said county of Richmond.

*Resolved,* That the Governor of the State be, and he is hereby directed to loan to some responsible applicant of the New Hope Navigation Company, in the county of Chatham, such instruments belonging to the State as may be necessary to survey and level New Hope creek.

Whereas Joseph Ross and Thomas G. Scott were appointed auctioneers for the city of Raleigh for the year 1825 and 1827, and that the said Ross and Scott paid the sum of thirty-three dollars and fifty-three cents into the Public Treasury of the State more than they were bound to do by law:

*Resolved therefore,* That the Public Treasurer refund unto the said Ross and Scott the sum of thirty-three dollars and fifty-three cents; which sum was improperly paid into the Treasury.

*Resolved,* That the sum of thirteen dollars and fifty cents be allowed to Gabriel Holmes, sheriff of New Hanover county, for settling his public account for the taxes of 1828, and the further sum of two dollars and fifty cents for comparing the poll of the fifth Congressional district, to fill the vacancy occasioned by the death of the Honorable Gabriel Holmes; and that the Treasurer pay the same.

*Resolved,* That the Secretary of State be, and he is hereby directed to issue a grant to James Riley, of the county of Davidson, for one hundred and ten acres of land, lying in the said county upon the waters of Lick creek, bounded as follows: beginning at a pine on the said James

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Wiley's line; running thence west twenty-two chains to a post oak; thence south fifty chains to a pine; thence east twenty-two chains to a stake; thence north to the beginning.

*Resolved*, That the Secretary of State be, and he is hereby authorised and required to issue a grant to George Miller for eight acres of land, in the county of Cabarrus, agreeably to a survey made of said land by Jacob Williams, surveyor for said county, and stated in said survey as number one thousand four hundred and twenty six: Provided, however, this resolution have effect only after the payment of the purchase money for the same to the Public Treasurer.

*Resolved*, That the Governor of this State transmit immediately the act of Assembly to incorporate the Lake Drummond and Orapeake Canal Company to the Governor of the State of Virginia, at their present session, and request a confirmation thereof by the Legislature of said State.

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| <p style="text-align: center;"><b>NAVIGATION</b></p> <p>Authorising the President and Directors of the Board of Internal Improvements to contract for the re-opening and improving Currituck Inlet, 18</p> <p>Amending the charter of the Catawba Navigation Company, 21</p> <p>Incorporating the Lake Drummond and Ocrakee Canal Company, 31</p> <p>Concerning the Cross Canal leading from the Great Dismal Swamp Canal, near the head of the woods in Camden county, to the White Oak Spring Marsh, in Gates county, 58</p>  | <b>STATE HOUSE AND ARSENAL.</b>   |
|   | <p>Providing for the repairs of the State House and Arsenal, 8</p> <p>To prevent disfiguring the walls of the State House, 27</p>   |
|   | <b>TOWNS.</b>   |
|   | <p>For the better regulation of Washington, 36</p>  |
| <p style="text-align: center;"><b>POOR.</b></p> <p>Amending the act of 1828, entitled an act concerning the poor of Moore county, 40</p> <p>Authorising the justices of Iredell to purchase a tract of land, and erect such buildings as will be suitable for the comfortable accommodation of the poor of the county, 43</p> <p>Concerning the wardens of the poor of Gates county, 61</p> <p>Authorising the County Court of Franklin to appoint wardens of the poor, and to build a poor and work house, 71</p> <p>Establishing a poor house in Nash county, 72</p> <p>Making compensation to the wardens of the poor of Hyde county, 88</p>   | <b>REGISTERS.</b>   |
|   | <p>Repealing the act of 1817, to increase the fees of the registers of New Hanover, Cumberland, Brunswick, Carteret and Craven, so far as regards the county of Craven, 64</p> <p>Requiring the register of Caswell to keep his office at, or within a mile of the c. h. ib</p>   |

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|--|--------------|--|--------------|
| Amending the act of 1827, providing for the incorporation of the town of Lexington, in Davidson county,  | 40           | of the town of Morganton,  | 67           |
| Amending the act of 1824, entitled an act for the better regulation of the town of Greensboro', in Guilford county,  | 46           | For the better regulation of the town of Smithville, in Brunswick county,  | 77           |
| For the better regulation of the town of Murfreesboro',  | 50           | Repealing part of the act of 1819, chap. 45, to amend the laws respecting the town of Edenton,   | 78           |
| Amendatory of the several acts heretofore passed appointing commissioners for the town of Ashboro', in Randolph county, and for the better regulation of the police thereof, | 66           | Amending the act of 1828, entitled an act appointing commissioners to alter the plan of the town of Ashboro', in the county of Randolph, & for the better regulation of the police of said town, | 82           |
| Repealing the act of 1805, chap. 36, to amend the act for the better regulation  |              | Amending the 2d section of the act of 1815, chap. 893, relative to the cleansing of lots, &c. in Edenton,  | 84           |

# TREASURER'S REPORT.



*The Honorable the General Assembly of the State of North Carolina.*

## TREASURY DEPARTMENT.

In obedience to the directions of the act of Assembly of 1827, entitled "An act concerning the Public Treasury," the Public Treasurer submits the following

### REPORT AND ESTIMATES:

The balance of cash remaining in the Public Treasury to the first of November, 1828, as reported to the General Assembly of that year, and for which the Public Treasurer is charged in the books of this office, amounted to \$93,343 59½

The receipts at the Treasury from the 1st of November, 1828, to the first of November, 1829, the end of the present fiscal year, have consisted of the following sums, to wit:

|   |             |
|---|-------------|
| Cash received for arrears of taxes, per exhibit A,  | \$1,820 92½ |
| Ditto additional return of taxes, per exhibit B,  | 477 89      |
| Ditto John Haywood, late Public Treasurer, by his executors, per exhibit C,   | 1,599 26    |
| Ditto balance due for sales of public land near Raleigh, per exhibit D,   | 1,291 37    |
| Ditto John M'Rae, for money loaned,   | 2,000 00    |
| Ditto bonds for sale of lands & negros, per exhibit E,  | 9,581 60    |
| Ditto rent of public land,  | 100 00      |
| Ditto interest,   | 532 93      |
|   | 17,403 97½  |
| Bank of Newbern, for tax of 1 per centum on 6,182 shares of stock, for 1829, and payable 1st October,   | 6,182       |
| Bank of Cape Fear, for tax of 1 per centum on 5,928 shares of stock, for 1829, and payable 1st October,   | 5,928       |
|   | 12,110      |
| Dividend on 2,762 shares of stock in the State Bank of North Carolina, at 2 1-2 per centum, for 12 months ending 31st Dec'r, 1828,  | 6,910       |
| Ditto 10 shares of stock in the Bank of Cape Fear, at 2 per cent. for 6 months ending 31st December, 1828,  | 20          |
| Ditto 155 shares of stock in the Bank of Newbern, at 2 per centum, for six months ending the 31st December, 1828,   | 310         |
| Ditto 10 shares of stock Bank of Cape Fear, at 2 per centum, for six months ending 30th June, 1829,   | 20          |
| Ditto 153 shares of stock Bank of Newbern, at 2 per centum, for 6 months ending 30th June, 1829,  | 310         |
|   | 7,570 00    |
| Dividend on stock in Buncombe Turnpike Company, payable 2d February, 1829,  | 400 00      |
| Amount of taxes received of Sheriffs, the revenue of 1828, payable in the Treasury 1st October, 1829, and, not otherwise appropriated,  | 64,337 55   |
|   | 101,821 52½ |
| An aggregate of   | 195,165 12½ |
| Deduct disbursements at the Treasury from the 1st of November, 1828, to the 1st of November, 1829, for which vouchers have been delivered to Comptroller, and by him allowed, | 121,151 00  |
|   | 74,014 12½  |

The disbursements during that period, and thus deducted, consists of the following items:

|   |              |
|---|--------------|
| General Assembly  | \$9,704 63   |
| Executive Department  | 3 046 77     |
| Treasury Department   | 2,606 25     |
| Comptroller's Department  | 1,278 70     |
| Department of State   | 1,374 30     |
| Adjutant General's Office   | 223 05       |
| Public Printers   | 900 00       |
| Executive Council   | 87 00        |
| Judiciary   | 23,878 51    |
| Arsenal   | 200 00       |
| Sheriffs for settling taxes   | 937 50       |
| Congressional elections   | 527 31       |
| Electoral elections   | 1,396 07     |
| Electors  | 391 47       |
| Repairs of State House  | 279 47       |
| Public Library  | 112 50       |
| State Bank of North Carolina for deferred payment   | 3,356 24     |
| Pensioners  | 880 00       |
| Miss Udney M. Blakely   | 600 00       |
| Surveying and selling Cherokee lands  | 1,165 50     |
| Romulus M. Saunders, commissioner,  | 47 48        |
| Roanoke Navigation Company, 1st, 2d and 3d instalments, as directed to be paid by resolution of 1828, | 15 000 00    |
| Governor's House  | 748 50       |
| Expenses for surveying and selling land and negroes of the late Public Treasurer                      | 3 00         |
| Contingencies   | 4 476 31     |
| Treasury Notes burnt  | 17,781 89    |
| Money burnt   | 150 35       |
| Bogue Banks   | 18 00        |
|   | <hr/>        |
|   | \$121,151 00 |

For the enumeration and brief statement of the disbursements on account of the "allowances or drafts made by the General Assembly, and warrants issued by the Governor," as required by the 11th section of the act of the Assembly of 1827, the printed statement of the Comptroller, prepared for the use of the members of the present General Assembly, is respectfully referred to. The enumeration and specification of the disbursements therein stated, agree with the vouchers on which payments have been made by the Public Treasurer, and with the entries in the books of his office.

In addition to the receipts and disbursements as Public Treasurer, there have been received from the first of November, 1828, to the first of November, 1829 the funds of Internal Improvement, Literary and Agricultural. The following estimates will shew the receipts and disbursements as treasurer of each fund, during that period.

#### INTERNAL IMPROVEMENT.

The balance of cash remaining in the hands of the Public Treasurer, as reported to the Assembly of 1828, to the first of November of that year,

\$6,559 00

|   |                               |
|---|-------------------------------|
| Cash received on sundry notes given for purchases of Cherokee lands, appropriated by law to this fund,  | 4,182 70½                     |
| Do. Dividend on 1304 shares of stock in the Bank of Newbern, at 2 per centum, ending 31st December, 1828, which, is appropriated to this fund,  | \$2,608 00                    |
| Do. do. on 1358 shares of stock, Bank of Cape-Fear, at 2 per centum, ending 31st December, 1828,  | 2,716 00                      |
| Do. do. on the above shares of stock Bank of Newbern, at 2 per centum, to 30th June, 1829,  | 2,608 00                      |
| Do. do. on the above shares of stock Bank of Cape Fear, at 2 per centum, to 30th June, 1829,  | 2 716 00                      |
|   | <hr/> 10,648 00               |
| <b>Aggregate of receipts</b>  | <b>\$21,389 70½</b>           |
| Deduct disbursements from the 1st November, 1828 to the 1st of November, 1829, as particularly enumerated in exhibit marked H, for which vouchers have been delivered to Comptroller, | 12,949 22½                    |
| Balance remaining to the first of November, 1829,   | <hr/> <b>\$8,440 48</b> <hr/> |

#### LITERARY FUND.

|  |                |
|--|----------------|
| The balance of cash remaining on hand to the first of November, 1828, as reported to the General Assembly of that year,                                | 2,075 39       |
| The receipts from the 1st of November, 1828, to the first of November, 1829, as Treasurer of this fund, have consisted of the following items, to wit: |                |
| Entries of vacant land,  | \$4,400 09     |
| Tavern tax,  | 2,716 36       |
| Auction tax received of Sheriffs,  | 643 78         |
| Dividend on stock appropriated to this Fund—   |                |
| Bank of Newbern, on 359 shares, at 2 per centum, to 31st Dec. 1828   | \$718 00       |
| Do. on the above shares, to 30th June, 1829,   | 718 00         |
| Bank of Cape Fear, on 704 shares, at 2 per centum, to 31st December, 1828,   | 1,408 00       |
| Do. on the above shares, to 30th June, 1829,   | 1,408 00       |
|  | <hr/> 4,252 00 |
| Dividend on stock owned by this fund:  |                |
| State Bank of North Carolina, on 282 shares, at 2½ per centum, for 12 months, to 31st December, 1828,  | \$705 00       |
| Bank of Newbern, on 141 shares, at 2 per centum, to 31st December, 1828,   | 282 00         |
| Do. on the above shares, to 30th June, 1829,   | 282 00         |
| Bank of Cape Fear, on 50 shares, at 2 per  |                |

|   |              |                     |
|---|--------------|---------------------|
| centum, to 31st December, 1828,   | 100 00       |                     |
| Do. on the above, to 30th June, 1829,   | 100 00       |                     |
|   |              | 1.469 00            |
| Dividend, Cape Fear Navigation Company for the<br>year 1828, paid 11th February, 1829,  | \$561 70     |                     |
| Do. for 1829, paid 3rd July, 1829,  | 392 86       |                     |
|   |              | <u>754 56</u>       |
| Appropriated by law to this fund,   |              | 754 56              |
| Balance on hand to first of November, 1829,   |              | 16,308 18           |
| AGRICULTURAL FUND.  |              |                     |
| Amount received on balances reported to be due from Clerks and Clerks and Mas-<br>ters, and on the returns made during this year, from the first of November, 1828,<br>to first of November, 1829, per exhibit G, | 1,129 31     |                     |
| The balance on hand to the 1st November, 1828, as reported to the<br>last General Assembly,   | 251 62½      |                     |
|   |              | <u>1,380 93½</u>    |
| Deduct disbursements during that period, for which vouchers have been<br>delivered to Comptroller and allowed, per exhibit G,   | 659 87       |                     |
|   |              | <u>721 06½</u>      |
| Making a balance of   |              | 721 06½             |
| Which, by act of Assembly of 1825, is transferred to the Literary Fund,<br>when added, makes that Fund amount to  |              | <u>\$17,029 24½</u> |
| From the foregoing estimates, the cash remaining in the Public Treasury to the first of No-<br>vember, 1829, and for which the Treasurer is accountable, consists of the following sums:                          |              |                     |
| Amount of cash on hand as Public Treasurer,   | \$74,014 12½ |                     |
| Ditto Treasurer of the Board of Internal Improvement,   | 8,440 48     |                     |
| Ditto ditto Literary Fund,  | 16,308 13    |                     |
| Ditto ditto Agricultural Fund,  | 721 06½      |                     |
|   |              | <u>99,483 84½</u>   |
|   | Aggregate,   | 99,483 84½          |
| There has been deposited in the Banks of this State, and remains<br>to the credit of the Public Treasurer to the 1st of November,<br>1829, the following sums:  |              |                     |
| State Bank of North Carolina at Raleigh,  | \$43,840 92  |                     |
| Bank of Newbern do.   | 22,260 43    |                     |
| Bank of Cape Fear at Fayetteville,  | 12,269 80    |                     |
|   |              | <u>78,371 15.</u>   |
| Treasury Notes remaining in the vaults,   | 21,112 69½   |                     |
|   |              | <u>\$99,483 84½</u> |

In pursuance of the act of last session, directing sales of the several tracts of land purchased by the State at the sale of the land and negroes of the late John Haywood, Esq. sales have been made, as will appear from exhibit F, amounting to 7,191 dollars. Bonds have been taken, payable in one, two and three years, with interest from the day of sale, (except where the purchaser elected to make them payable in one and two years,) which are on file in this office. A report of the sales has been made to the Comptroller, and the respective purchasers are properly charged in the books of this office. The amount which the State gave for the several tracts of land is 6,300 dollars. The sales under this act of Assembly exceed the price given by the State, the sum of 891 dollars.

The appropriation of 6,000 dollars to the Clubfoot and Harlows Creek Canal Company, was paid as directed by resolution of the Assembly, in one

and two instalments; on the payment of each, bonds with sureties were given by the president of the company; and the conveyances, as directed by the act of Assembly, have been executed by the company, and are on file in this office.

The receipts on the bonds assigned by the executors of the late John Haywood, Esquire, to be applied in part payment of the judgment, the State against him in Wake County Court, will appear from the exhibit C. But a small part of the bonds have been collected. On this judgment scire facia's were issued against the devisees under the will of the said John Haywood. At February term of Wake County Court, 1829, judgment was rendered against the real estate, and the same condemned in the hands of the devisees. The devisees being minors, were, by law, entitled to a stay of twelve months on the judgment, which will be out at the County Court of said county, to be held the third Monday of February next. From which term an order of sale will issue, commanding the sheriff to sell the land for cash. Unless some person is appointed, with authority to bid on behalf of the State, or power is given to the sheriff to sell on a credit, the land, although valuable, will not sell for its value.

The suits that have been commenced against the sureties of the late Public Treasurer, are now at issue in Wake Superior Court, under the management of the Attorney General and Gavin Hogg, Esquire.

The commissioners appointed by the act of the Assembly of last session, for selling the reversionary interest of the State in the lands formerly occupied by the Tuskarora Indians, have according to the provisions of the act, made a report of the sales to the Public Treasurer, with the bonds taken from the purchasers, amounting to \$2 977 87, payable in instalments of one and two years from the 17<sup>th</sup> of March, 1829, which are on file in this office. The greater part of the bonds are for sums under one hundred dollars. By the act, it is made the duty of the Public Treasurer to collect them as they become due. No authority is given for him to place them in the hands of an attorney or agent for collection. The duties of the Treasury office will not admit of his personal attention. It is respectfully submitted, whether directions should not be given for the bonds to be put in the hands of the Solicitor of that district for collection, in case payment is not made in a reasonable time after they become due.

The books containing the accounts of the sales of the Cherokee lands, have been copied as directed by the resolution of the last session of the Assembly. They have been examined and certified by the Secretary of State, and the originals deposited in his office.

The demand against Doctor Fabius J. Haywood has been liquidated as authorized by the resolution of the last session of the General Assembly. He has given bonds with surety in three instalments, each for the sum of \$261 75, making the sum of \$785 25, with interest from the 20<sup>th</sup> August, 1828, payable the tenth of January, 1830, 1 and 2; which sum has been passed to the credit of John Haywood, Esquire, late Public Treasurer. Also the demand against John Hallaway, as surety for Susan Schaub and David Royster, has been liquidated as directed by resolution of the last session of the General Assembly in his behalf, and four bonds have been given with surety, each for the sum of \$337 75, payable the first of January, 1830, 1, 2 and 3, with interest from the 20<sup>th</sup> August, 1829; for which he is charged in the books of this and the Comptroller's office.

The amount of the Treasury Notes remaining in circulation, according to

|   |                            |
|---|----------------------------|
| the report of the Public Treasurer to the last session, and redeemable at the Treasury on the first of November, 1828 was | \$155 530 20 $\frac{1}{2}$ |
| The amount burnt by the committee of Finance of last session, according to their report, was                              | 17 781 89                  |

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Which deducted, with the amount on hand, shews the amount of Treasury Notes now in circulation of those directed by acts of Assembly to have been issued to be

\$116 635 61 $\frac{1}{2}$

The mutilated state of the notes, has and will continue to increase the demand for payment, which, with the contingent charges of government for the next fiscal year, may reduce the funds of the Treasury so low, as to require some aid before the receipt of the revenue of the ensuing year. In this event, it would be well for some provision to be made to authorize a loan to be obtained from some of the Banks of the State on the deposit of Treasury Notes or otherwise.

The regulations of the Treasury Department by the act of 1827, have been found on experiment to be wise and salutary. The accountability is well guarded by the monthly settlements, and checks on the disbursements introduced by the system in keeping the books of the office. The duties of the office, however, are considerably increased thereby, added to those required of the Public Treasurer in attending to the demand for payment of the Treasury Notes, which of late has been great, on account of their mutilated state, and again issuing them, when asked for, is respectfully made known, under the hope that provision will be made for giving such assistance as will enable the Public Treasurer faithfully to discharge the duties of the office.

The receipts and disbursements on account of the Agricultural Fund and disbursements of the Board of Internal Improvement, will appear by the exhibits G and H.

The account of the balances due to the State from the first of November, 1828, to the first of November, 1829 and statements of the different branches of the revenue and allowances to the Sheriff's for insolvents, as allowed by the Comptroller, and the Exposés or Statements of the affairs of the Banks of the State, as filed by them during the last year, are herewith submitted.

All which is respectfully submitted.

WM. ROBARDS, Public Treasurer.

*November 16th, 1829.*

(A)

Statement of cash received in the Treasury from the first of November, 1828, to the first of November 1829, on account of arrears of taxes.

| Sheriffs.           | Counties.  | Yrs in which<br>Tax was due. | Amount<br>paid. |     | Total. |     |
|---------------------|------------|------------------------------|-----------------|-----|--------|-----|
|                     |            |                              | D.              | C.  | D.     | C.  |
| Calvin R. Blackmon  | Wayne      | 1827                         | 947             | 16  |        |     |
| John Eistwood       | Greene     | 1821                         | 42              |     |        |     |
| Alexander L. Harvey | Bladen     | 1826                         | 178             | 87½ |        |     |
| Ditto               | Do         | 1827                         | 632             | 48  |        |     |
| Parham Kirk         | Montgomery | 1826                         | 20              | 41  |        |     |
|                     |            |                              |                 |     | 1820   | 92½ |

I. WETMORE, Cl'k T. D.

(B)

Statement of cash received in the Treasury from the first of November, 1828, to the first of November, 1829 on additional returns of taxes.

| Sheriffs.          | Counties.  | Years in which<br>Tax was due. | Amount<br>paid. |    | Total. |    |
|--------------------|------------|--------------------------------|-----------------|----|--------|----|
|                    |            |                                | D.              | C. | D.     | C. |
| John W. Hamilton   | Cabarrus   | 1826                           | 87              | 09 |        |    |
| John V. Sumner     | Gates      | "                              | 9               | 29 |        |    |
| Samuel Hunter      | Buncombe   | "                              | 14              | 10 |        |    |
| Alfred Gallaway    | Brunswick  | "                              | 6               | 59 |        |    |
| William R. Hinton  | Wake       | 1827                           | 27              | 98 |        |    |
| Plukney Caldwell   | Iredell    | "                              | 3               | 46 |        |    |
| William C. Clanton | Warren     | "                              | 10              | 63 |        |    |
| George Williamson  | Caswell    | "                              | 38              | 52 |        |    |
| William Carson     | Rutherford | "                              | 2               | 43 |        |    |
| Henry Canstler     | Lincoln    | "                              | 17              | 49 |        |    |
| Richard G. Cowper  | Hertford   | "                              | 34              | 13 |        |    |
| Elijah Clark       | Craven     | "                              | 1               | 97 |        |    |
| Wilham Crawford    | Richmond   | "                              | 17              | 02 |        |    |
| James W. Doak      | Guilford   | "                              | 10              | 14 |        |    |
| Salathiel Stone    | Stokes     | "                              | 24              | 64 |        |    |
| William Kenneday   | Davidson   | "                              | 1               | 26 |        |    |
| Henry S. Spencer   | Hyde       | "                              | 17              | 90 |        |    |
| Benjamin H. Blount | Nash       | "                              | 16              | 28 |        |    |
| Thomas D. Watts    | Orange     | 1824-5-6-& 7                   | 52              | 05 |        |    |
| William Huggins    | Jones      | 1827                           | 1               | 50 |        |    |
| Lewis Bond         | Bertie     | "                              | 12              | 29 |        |    |
| Horace D. Bridges  | Chatham    | "                              |                 | 38 |        |    |
| Samuel A. Laspeyre | Brunswick  | "                              | 9               | 24 |        |    |
| Thomas D. Wright   | Surry      | "                              | 1               | 43 |        |    |
| John Gambill       | Ashe       | "                              | 5               | 15 |        |    |
| Presley C. Person  | Franklin   | "                              | 8               | 30 |        |    |
| Absalom Myers      | Anson      | "                              | 46              | 63 |        |    |
|                    |            |                                |                 |    | 477    | 89 |

I. WETMORE, Cl'k T. D.

Statement of cash received in the Treasury, of John Haywood, late Public Treasurer, on the bonds assigned by his executor, George W Haywood, to the State, from the first of November, 1828, to the first of November, 1829.

| From whom received.        | due          | Time paid.       | Amount paid. |    | Total.  |    |
|----------------------------|--------------|------------------|--------------|----|---------|----|
|                            |              |                  | D.           | C. | D.      | C. |
| Theophilus Hunter          | note         | 24th Nov. 1828   | 380          | 04 |         |    |
| Ransom Hinton              | do           | 26th Dec. 1828   | 17           | 50 |         |    |
| A. W. & George W. Mordecai | do           | 12th Jan'y, 1829 | 62           | 90 |         |    |
| Pleasant Henderson         | do           | do               | 31           | 85 |         |    |
| Ann White                  | do           | do               | 46           | 25 |         |    |
| Samuel H. Smith            | do           | 30th Dec. 1828   | 14           | 30 |         |    |
| Henry M. Miller            | do           | 13th Jan'y, 1829 | 110          | 85 |         |    |
| E. L. Brooks               | do           | 17th Feb'y, do   | 18           | 78 |         |    |
| Wyatt Harrison             | do           | 19th do do       | 100          |    |         |    |
| Charles Manly              | do           | 21st do do       | 77           | 46 |         |    |
| Wyatt Harrison             | do           | 23rd do do       | 20           | 32 |         |    |
| E. A. A. Haywood           | do           | 4th March do     | 64           | 80 |         |    |
| ditto                      | do           | 16th do do       | 23           | 55 |         |    |
| Williams & Haywood         | do           | 1st April do     | 44           | 45 |         |    |
| Joseph Pickett             | do           | 20th do do       | 115          |    |         |    |
| E. A. A. Haywood           | do           | 1st May do       | 10           | 03 |         |    |
| Joseph Pickett             | do           | do do do         | 27           | 55 |         |    |
| John Bell                  | do           | 11th do do       | 40           | 45 |         |    |
| William Battle             | do           | 19th do do       | 42           | 38 |         |    |
| Randolph Webb              | do           | 26th do do       | 106          | 67 |         |    |
| John D. Barr               | do           | 3rd June do      | 11           | 40 |         |    |
| William B. Dunn            | do           | 30th do do       | 15           | 20 |         |    |
| Sherwood Haywood           | do           | 2nd July do      | 20           | 34 |         |    |
| John Nutt                  | do           | 27th do do       | 11           | 17 |         |    |
| E. Ellis                   | do           | do do do         | 20           |    |         |    |
| James Newsom               | do           | 5th August do    | 83           | 33 |         |    |
| E. Ellis                   | do           | 5th Sept. do     | 15           | 51 |         |    |
| Jos Pickett                | do           | 30th do do       | 1            | 08 |         |    |
| Wm M'Pheeters              | part of note | 8th Oct. do      | 65           |    |         |    |
|                            |              |                  |              |    | 1599 26 |    |

I. WETMORE, Clk T. D.

(D)

Statement of cash received in the Treasury on balances due for sales of Land near Raleigh, from the first of November, 1828, to the 1st of Nov. 1829, and the different debts now due.

| Debtors.  | Am't of principal & interest paid. |    | Am't of principal due. | Remarks. |  |
|---|------------------------------------|----|------------------------|----------|--|
|   | D.                                 | C. |                        |          | D.   |
| John Holloway and others                                | 256                                | 82 |                        |          |  |
| James M. Henderson and B Daniel                         | 230                                | 34 |                        |          |  |
| Ditto   | 240                                | 54 |                        |          |  |
| Benj S. King & Thos P. Devereux                         | 272                                | 98 |                        |          |  |
| Josiah Dilliard & Merritt Dilliard                      | 89                                 | 80 |                        |          |  |
| David Royster and John Holloway                         | 61                                 | 48 |                        |          |  |
| William Ruffin s adm'r                                  | 139                                | 41 |                        |          |  |
|   | 1291 57                            |    |                        |          |  |
| Dan'l L. Barringer, Willie B. White and Thomas G. Scott |                                    |    | 636                    | 37       | Judgment in Wake County Court.   |
| George Luther, William Lightfoot, Thomas Hill           |                                    |    | 65                     | 00       | Considered insolvent.  |
| David Royster, John Holloway                            |                                    |    | 198                    | 17       | According to resolution of 1828, John Holloway has entered into bonds for these two debts. |
| Susan Schaub, John Holloway and Samuel Goodwin          |                                    |    | 1152                   | 11       |  |
|   |                                    |    | 2051 65                |          |  |

I. WETMORE, Clk T. D.

(E)

Statement of cash received in the Treasury on the bonds due for the sales of land and negroes from the first of November, 1828, to the first of November 1829.

| Names.                    | Bonds paid.    | Principal. |    | Interest. |    | Total. |    |
|---------------------------|----------------|------------|----|-----------|----|--------|----|
|                           |                | D.         | C. | D.        | C. | D.     | C. |
| Durrell Rogers and others | 1st bond       | 125        | 34 | 8         | 56 | 133    | 90 |
| Charles Manly             | do do          | 171        | 66 | 10        | 29 | 181    | 95 |
| Robert Boyd               | do do          | 131        | 66 | 8         | 96 | 140    | 62 |
| Etiza E. Haywood          | do do          | 794        | 67 | 64        | 19 | 858    | 86 |
| Archibald M'Eachen        | do do          | 330        | 34 | 19        | 26 | 349    | 60 |
| Jonathan Haratson         | do do          | 421        | 33 | 35        | 58 | 456    | 71 |
| Stephen Pearson           | do do          | 68         | 67 | 4         | 57 | 73     | 24 |
| William H. Haywood        | do do          | 213        |    | 18        | 10 | 231    | 10 |
| John Dunn                 | do do          | 89         | 35 | 6         | 78 | 96     | 11 |
| Alfred M. Haywood         | do do          | 120        |    | 7         | 40 | 127    | 40 |
| John Rex                  | 1, 2 & 3 do    | 225        |    | 13        | 60 | 238    | 60 |
| John S. Haywood, &c.      | 1st do         | 734        | 92 | 58        | 58 | 793    | 50 |
| Peter Evans               | do do          | 435        |    | 29        | 50 | 464    | 50 |
| Fobius J. Haywood.        | do do          | 117        |    | 7         | 80 | 124    | 80 |
| Minton James              | do do          | 15         | 67 | 1         | 17 | 16     | 84 |
| Junius Sneed              | do do          | 57         |    | 3         | 42 | 60     | 42 |
| Martin Pickett            | part of 1st do | 1000       |    |           |    | 1000   |    |
| Edmund H. Whitfield       | 1st do         | 133        | 67 | 8         | 42 | 142    | 09 |
| James Boyd                | do do          | 66         | 66 | 4         | 22 | 70     | 88 |
| Micajah T. Hawkins        | do do          | 100        | 34 | 6         | 36 | 106    | 70 |
| John Stuart               | do do          | 133        | 33 | 8         | 31 | 141    | 64 |
| Alfred Williams           | do do          | 132        |    | 8         | 80 | 140    | 80 |
| William Hogan             | do do          | 907        |    | 63        | 49 | 970    | 49 |
| George E. Badger          | do do          | 200        |    | 13        | 55 | 213    | 55 |
| Henry M. Miller           | do do          | 120        | 33 | 7         | 41 | 127    | 74 |
| Wyatt Harrison            | do do          | 116        | 67 | 6         | 89 | 123    | 56 |
| Bennet Flanner            | do do          | 96         | 67 | 6         | 58 | 103    | 25 |
| Abner Pasteur             | do do          | 100        |    | 7         | 15 | 107    | 15 |
| Rufus Haywood             | do do          | 148        | 34 | 9         | 90 | 158    | 24 |
| John C. Stanly            | do do          | 25         |    | 1         | 75 | 26     | 75 |
| George W. Mordecai        | do do          | 1000       |    | 42        | 50 | 1042   | 50 |
| William Polk              | 1, 2 & 3 do    | 1251       |    | 37        | 94 | 1288   | 94 |
|                           |                | 9581       | 60 | 530       | 83 | 10112  | 43 |

I. WETMORE, Cl'k T. D.

(F)

Statement of the sales of several tracts of Land belonging to the State of North Carolina, made by the Public Treasurer in pursuance of the act of Assembly of 1828.

|   | D. C.     | D.      |
|---|-----------|---------|
| The Meallow or Pigeon House tract, containing, according to the survey as made by the Commissioners in 1828, 307 acres, to George W. Mordecai to the use of Henry, Ellen, Jacob and Margaret Mordecai, heirs of Moses Mordecai, |           | 2000    |
| The lower part of the Walnut tract on the north side of the creek, containing, according to the survey of the commissioners, 335 acres, to Edward Rigsby.   | 1879 12   |         |
| The upper part of the above tract, containing, according to the survey as above, 200 acres, to Martha Jones,  | 1121 88   |         |
|   |           | 3001    |
| These two tracts make the one sold to James F. Taylor by the commissioners in 1828, and is described as the Walnut tract on the north side of the creek, and declared null and void by the act of 1828.                         |           |         |
| The tract on the south side of Walnut creek, containing by survey as aforesaid, 262 acres, to Alfred M. Haywood,  |           | 939     |
| The Grove tract near Raleigh, containing by the survey of commissioners, 159 acres, to Col. Wm. Polk,   |           | 1251    |
|   |           | 7191    |
| Bonds have been taken and are now on file in the Treasury Office, as follows:   |           |         |
| George W. Mordecai and Ann W. Mordecai,   |           |         |
| 1. Bond with interest from 15th January, 1829, due 15th January, 1830,  | 1000 00   |         |
| 2. Do. interest as above, due 15th January, 1831,   | 1000 00   |         |
| Edward Rigsby, Burwell Sims and Willie J. Fowler,   |           |         |
| 1. Bond with interest from 24th January, 1829, due 24th January, 1830,  | \$626 37½ |         |
| 2. Do. interest as above, due 24th January, 1831,   | 626 37½   |         |
| 3. Do. interest as above, due 24th January, 1832,   | 626 37½   |         |
|   |           | 1879 12 |
| Martha Jones, William Bustin and Mat. C. Whitaker,  |           |         |
| 1. Bond with interest from 24th January, 1829, due 24th January, 1830,  | \$373 96  |         |
| 2. Do. interest as above, due 24th January, 1831,   | 373 96    |         |
| 3. Do. interest as above, due 24th January, 1832,   | 373 96    |         |
|   |           | 1021 88 |

|   |   | D.    | C. | D.      |
|---|---|-------|----|---------|
| Alfred M. Haywood, William H. Haywood, Charles Manly and John S. Haywood, |   |       |    |         |
| 1.  | Bond with interest from 24th January, 1829, du 24th January, 1830,    | \$313 | 00 |         |
| 2.  | Do. interest as above, due 24th January, 1831,                        | 313   | 00 |         |
| 3.  | Do. interest as above, due 24th January, 1832,                        | 313   | 00 |         |
|   |   | <hr/> |    | 959 00  |
| Col. Wm. Polk and George E. Badger,                                       |   |       |    |         |
| 1.  | Bond with interest from 17th February, 1829, due 17th February, 1830, | \$417 | 00 |         |
| 2.  | Do. interest as above, due 17th February, 1831,                       | 417   | 00 |         |
| 3.  | Do. interest as above, due 17th February, 1832,                       | 417   | 00 |         |
|   |   | <hr/> |    | 1251 00 |
|   |   |       |    | <hr/>   |
|   |   |       |    | 7191    |

*Statement of Purchase by the State, and Sales under the act of 1828.*

|                               | FIRST SALE. | SECOND SALE. | DIFFERENCE. |
|-------------------------------|-------------|--------------|-------------|
| Meadow or Pigeon House Tract, | \$1800      | \$2000       | \$200       |
| Walnut Tract on North side,   | 2725        | 3001         | 276         |
| Grove do                      | 1050        | 1251         | 201         |
| Walnut do. on South side,     | 725         | 939          | 214         |
|                               | <hr/>       | <hr/>        | <hr/>       |
|                               | 6300        | 7191         | 891         |

Shewing that the sales under the act of 1828, exceed the prices given by the State 891 dolls.

The Bushy Branch Tract, the Stable and Blacksmith's Shop Lots, were offered for sale—no bids were made. The inclosures around the lots were much pillaged, and unless placed under the superintendence of some one, the whole of the planking and fences in a short time would have been taken away. It was considered most advisable to rent them, which was accordingly done to Mrs. E. A. A. Haywood for four dollars—that being the highest sum which could be gotten—she covenanting to keep the inclosures in repair.

Wm. ROBARDS, Public Treasurer.

February 20th, 1829.

(G)

Statement of receipts and disbursements on account of the Agricultural Fund, from 1st November, 1828 to 1st November, 1829.

RECEIPTS.

| Date.   | Whom received.          | Official Character. | Counties.   | Sum. |    |
|---------|-------------------------|---------------------|-------------|------|----|
|         |                         |                     |             | D.   | C. |
| 1828    |                         |                     |             |      |    |
| Nov. 12 | Benj E. Cook            | Cl'k Sup'r Court    | Warren      | 5    | 67 |
| 17      | Henry Blount            | do County do        | Nash        | 2    | 07 |
| 18      | Lewis M Cowper          | do do do            | Hertford    | 8    | 75 |
|         | John W Harrison         | do do do            | Nurthampton | 5    | 39 |
|         | William Williams        | do do do            | Greene      | 1    | 50 |
| 19      | Thomas Searcy           | do Sup'r do         | Rackingham  | 4    | 80 |
|         | Philip Hooks            | do County do        | Wayne       | 4    | 54 |
|         | Janes S. Spears. former | do Sup'r do         | Calarrus    | 7    | 36 |
|         | Theoderic F. Burchett   | C. & M. do do       | Rutherford  |      | 72 |
|         | Lawson Henderson        | Cl'k do do          | Lincoln     | 12   | 25 |

|          |                      |         |        |    |             |      |    |
|----------|----------------------|---------|--------|----|-------------|------|----|
|          | Vardy M'Bee          | do      | County | do | Lincoln     | 2    | 68 |
|          | Jesse Harper         | do      | do     | do | Randolph    | 8    | 83 |
| 20       | Robert Martin        | do      | do     | do | Wilkes      | 3    | 80 |
| 21       | James Morris         | do      | Sup'r  | do | Rutherford  | 1    | 20 |
|          | Isaac Craton         | do      | County | do | do          |      | 60 |
| 22       | E. A. Rhodes         | do      | do     | do | Bertie      | 30   | 83 |
|          | Alex. M'Dowell       | do      | do     | do | Bladen      | 8    |    |
| 24       | John Hanner          | do      | do     | do | Guilford    |      | 60 |
|          | Farquhar Martin      | do      | Sup'r  | do | Montgomery  | 12   | 41 |
|          | John B. Martin       | do      | County | do | do          | 8    | 38 |
| 27       | Walter R. Lenoir     | do      | Sup'r  | do | Wilkes      | 235  | 05 |
| 28       | Ransom Sanders       | do      | County | do | Johnston    | 9    | 08 |
| 29       | Gilbert Rumley       | do      | do     | do | Carteret    | 9    | 70 |
| Dec. 1   | Elisha B Smith       | do      | Sup'r  | do | Halifax     | 53   | 34 |
|          | Caswell Drake        | do      | County | do | Warren      | 7    | 54 |
|          | Benj. S. King        | do      | do     | do | Wake        | 24   | 47 |
|          | Thomas F Davis       | do      | do     | do | New Hanover | 5    | 43 |
|          | W. L. Chesson        | do      | do     | do | Washington  | 6    | 40 |
| 4        | John Giles           | do      | do     | do | Rowan       | 34   | 19 |
|          | Ditto                | do      | do     | do | do          | 3    | 20 |
|          | Ditto                | do      | do     | do | do          | 2    | 80 |
| 6        | Smith Patterson      | do      | County | do | Franklin    | 4    | 50 |
| 8        | Joseph Wood          | do      | Sup'r  | do | Randolph    | 2    | 80 |
| 10       | Samuel Ferebee       | do      | do     | do | Currituck   | 8    |    |
| 12       | James M. Hutchinson  | do      | do     | do | Mecklenburg | 9    | 42 |
|          | Ditto former         | do      | do     | do | Cabarrus    | 7    | 54 |
| 18       | Arch'd M'Bride       | do      | do     | do | Moore       | 4    | 24 |
| 23       | Blount Coleman       | do      | do     | do | Lenoir      | 8    | 60 |
| 1829     |                      |         |        |    |             |      |    |
| Jan'y 16 | Ransom Hinton        | do      | do     | do | Wake        | 83   | 37 |
| 16       | Nicholson Washington | do      | do     | do | Wayne       | 11   | 55 |
| April 6  | Mark M. Henderson    | do      | do     | do | Granville   | 82   |    |
| 8        | John H. Drake        | do      | do     | do | Nash        | 155  |    |
| Sept. 10 | Mark M. Henderson    | do      | Sup'r  | do | Granville   | 1    | 41 |
| 21       | Isaac Craton         | do      | County | do | Rutherford  | 1    | 40 |
| 25       | Abraham Simonton     | do      | do     | do | Iredell     | 1    | 50 |
| 26       | Robert Galloway      | do      | do     | do | Rockingham  | 3    | 65 |
| 28       | Stephen K. Sneed     | do      | do     | do | Granville   | 8    | 62 |
|          | H. Bryan             | do      | do     | do | Jones       | 96   | 89 |
| Oct. 1   | Joseph Williams      | do      | Sup'r  | do | Surry       | 1    | 67 |
| 2        | Cornelius Dowd       | do      | County | do | Moore       |      | 60 |
| 3        | James Pearsall       | do      | do     | do | Duplin      | 10   | 66 |
| 13       | Arch'd M'Queen       | do      | Sup'r  | do | Robeson     | 8    | 68 |
| 19       | Sam'l Johnson        | C. & M  | do     | do | Franklin    |      | 75 |
| 20       | John H. Drake        | Clerk   | do     | do | Nash        | 32   | 24 |
|          | J. Goolet            | C. & M. | do     | do | Washington  | 45   | 72 |
|          | Duncan Rose          | Clerk   | do     | do | Person      | 16   | 92 |
|          |                      |         |        |    |             |      |    |
|          |                      |         |        |    |             | 1129 | 31 |

## DISBURSEMENTS.

|         |    |   | D.  | C.     |
|---------|----|---|-----|--------|
| 1828    |    |   |     |        |
| Nov.    | 19 | Cash paid Benj. W. Millner  |     | 2 40   |
|         | 19 | do Joseph Howard and others   | 11  | 91     |
|         | 19 | do John Alred   |     | 4 12   |
|         | 19 | do Michael Farlow   |     | 1 15   |
|         | 19 | do Thomas Hancock and J. Brookshaw  |     | 2 50   |
|         | 19 | do Francis Jones  |     | 3 54   |
|         | 19 | do W. Leach and Thos. Johnson   |     | 4 33   |
| Dec.    | 1  | do Henry S. Taylor  |     | 4 50   |
|         | 4  | do Craven Lassiter  |     | 1 20   |
|         | 4  | do John Scott   |     | 4      |
|         | 6  | do Isaac Lane   |     | 3 90   |
|         | 7  | do Alexander M'Dowell   |     | 1 40   |
|         | 15 | do Benj. Brittain   |     | 3      |
|         | 15 | do Mark Brittain  |     | 6 60   |
| 1829    |    |   |     |        |
| January | 4  | do Thomas Ruffin  |     | 2 55   |
|         | 7  | do Nathaniel Brown  |     | 3 97   |
|         | 7  | do James F. Taylor's administrator  | 12  |        |
|         | 10 | do William Person   |     | 4 94   |
| Feb'y   | 11 | do Joseph Gales & Son for printing 1500 copies of a volume on agriculture, including Professor Mitchell's Report, under act of 1822, on warrant of the Board, | 400 |        |
|         | 16 | do Willie Carpenter   |     | 1 26   |
| March   | 14 | do Ludwell and Jno. Fullaloves, atto.   |     | 54 92  |
|         | 30 | do Woodson Clements   |     | 3 15   |
|         | 31 | do Thomas Brook's ex'r  |     | 3 50   |
| May     | 12 | do Nathan Hooker  |     | 1 40   |
| June    | 1  | do James Hereford and wife  |     | 78 13  |
|         | 3  | do Hugh Campbell  |     | 4 60   |
|         | 3  | do Win. M'Kissack   |     | 1 90   |
|         | 9  | do Thomas Ruffin  |     | 1 33   |
|         | 22 | do William Hill, atto.  |     | 19 07  |
| Sept.   | 14 | do William C. Clanton   |     | 30     |
|         | 17 | do John Thompson  |     | 3      |
|         | 26 | do J. W. May  |     | 4      |
|         | 28 | do Nathaniel Robards  |     | 2 30   |
|         | 28 | do William Robards  |     | 2      |
| Oct.    | 3  | do Thomas Witherspoon   |     | 1      |
|         |    |   |     | <hr/>  |
|         |    |   |     | 659 87 |

I. WETMORE, Clk T. D.

(H)

Statement of Disbursements at the Public Treasury of North Carolina on account of the Fund for Internal Improvements, from 1st November, 1828, to 1st November, 1829.

| 1828  |    |   | Dollars. | Cts. |
|-------|----|---|----------|------|
| Nov.  | 5  | Cash paid Alanson Nash to defray expenses on Cape Fear river below Wilmington,  | 75       |      |
|       | 12 | do Hinton James, Superintendent, to defray expenses below Wilmington,   | 400      |      |
|       |    | do Andrew Joyner, Member of Board,  | 41       | 80   |
|       |    | do Cadw'r Jones, do do  | 13       | 40   |
|       | 26 | do Gov. Iredell, do do  | 6        |      |
|       |    | do do do do   | 15       |      |
|       |    | do Joseph Gales, Sec'y do   | 12       |      |
|       | 27 | do Alanson Nash, balance due him for his salary and expenses up to 22d November, 1828,  | 195      | 97   |
| Dec.  | 9  | do Charles Phelps, for services surveying swamp lands in July and November, 1828,   | 136      | 27   |
|       |    | do Joseph Gales & Son, for printing and stationary,   | 34       | 90   |
|       |    | do Cadw'r Jones, Member of Board,   | 22       | 40   |
|       |    | do Andrew Joyner, do do   | 31       | 50   |
|       | 10 | do Joseph Gales, Sec'y do   | 15       |      |
| 1829  |    |   |          |      |
| Jan'y | 4  | do refunded Benj. S. Brittain, a purchaser of Cherokee lands, by act of General Assembly, session 1821,<br>Principal, \$54 37½<br>Interest, 26 75 | 81       | 12½  |
| Feb'y | 5  | do James Manney, President of Club foot and Harlows Creek Canal Company a loan by act of Assembly, session 1828.                                  | 3000     |      |
|       | 13 | do James Mebane, Superintendent of Works on Cape Fear above Wilmington, out of the State's subscription to stock in Cape Fear Navigation Company, | 500      |      |
|       | 13 | do Gov. Owen, member of the Board, \$15 00  |          |      |
|       |    | do Andrew Joyner, do do \$1 50  |          |      |
|       |    | do Cadw'r Jones, do do 25 90  |          |      |
|       |    | do Marsden Campbell do do 27 00   |          |      |
|       |    | do Joseph Gales, Sec'y do 21 00   | 120      | 40   |
|       | 27 | do Hinton James, Superintendent of Public Works below Wilmington,   | 500      |      |

| 1829  |    |  | Dollars. | Cts. |
|-------|----|--|----------|------|
| March | 9  | Cash paid H. James, Superintendent, to defray expenses of dredging machine,  | 400      |      |
|       |    | do do do do  | 216      | 16   |
|       | 23 | do James Mebane, Superintendent of works on Cape Fear above Wilmington, out of State's last subscription to stock in Cape Fear Nav. Company,   | 500      |      |
|       | 27 | do Alanson Nash, Civil Engineer, in full of services rendered the State during the late General Assembly,                                      | 75       |      |
| April | 15 | do H. James, Superintendent of works on Cape Fear below Wilmington, to defray expenses incurred in working dredging machine, &c.               | 400      |      |
| May   | 12 | do James Mebane, Superint'nt of works on Cape Fear above Wilmington,   | 500      |      |
|       | 14 | do Gov Owen, member of Board, \$ 9 00  |          |      |
|       |    | do Andrew Joyner do 25 50  |          |      |
|       |    | do Cadwallader Jones do 16 20  |          |      |
|       |    | do Marsden Campbell do 36 00   |          |      |
|       |    | do Joseph Gales, Sec'y do 9 00   |          |      |
|       |    |  | 95       | 70   |
| June  | 6  | do Hinton James, Superintendent, for expenses incurred in working dredging machine,  | 400      |      |
|       | 27 | do James Mebane, Superint'nt of works on Cape Fear above Wilmington, on account of works in present operation,                                 | 500      |      |
| July  | 3  | do H. James, Superintendent, to defray expenses working dredging machine,  | 400      |      |
|       | 11 | do James Manney, President of Clubfoot and Harlows Creek Canal Company, balance of loan authorised by act of Assembly of session 1828,         | 3000     |      |
|       | 27 | do H. James, for the use of Ned Williams being a balance due him for work under an order of the Board on an embankment near Campbell's Island, | 182      |      |
|       |    | do Marsden Campbell, member of Board,  | 7        | 60   |
|       |    | do Joseph Gales, Secretary do 36   |          |      |
| Aug.  | 19 | do James Mebane, Comm'r for works on Cape Fear above Wilmington,   | 500      |      |
| Sept. | 2  | do Gov Owen, member of the Board,  | 36       |      |
|       | 30 | do James Mebane, Superintendent of the works on Cape Fear above Wilmington, on account of works in operation.                                  | 500      |      |
|       |    |  | 12949    | 22½  |

I. WETMORE, CLK T. D.

Statement of the nett amount of the different branches of Revenue, and the cash received thereon and from other sources, not appropriated to other funds and payable in the Treasury from the first of November, 1828, to the first of November, 1829.

| Branches of revenue of 1828, and from whom cash has been received. | Amount due |                  | Aggregate amount. |                  | Amount paid. |                  |
|--|------------|------------------|-------------------|------------------|--------------|------------------|
|  | D.         | C.               | D.                | C.               | D.           | C.               |
| Tax on land  | 24585      | 26               |                   |                  |              |                  |
| do town property   | 1363       | 15               |                   |                  |              |                  |
| do polls   | 27446      | 87               |                   |                  |              |                  |
| do stud horses   | 1505       | 62               |                   |                  |              |                  |
| do gates   | 184        | 80               |                   |                  |              |                  |
| do artificial curiosities  | 423        | 00               |                   |                  |              |                  |
| do natural ditto   | 324        | 30               |                   |                  |              |                  |
| do billiard tables   | 940        | 00               |                   |                  |              |                  |
| do stores  | 6196       | 88               |                   |                  |              |                  |
| do pedlars   | 902        | 40               |                   |                  |              |                  |
| do fines for failing to settle                                     | 1600       | 00               |                   |                  |              |                  |
|  |            |                  | 65472             | 28               | 64337        | 55               |
| do Bank of Newbern   | 6182       | 00               |                   |                  |              |                  |
| do do Cape Fear  | 5928       | 00               |                   |                  |              |                  |
|  |            |                  | 12110             | 00               | 12110        | 00               |
| Dividend of State Bank   | 6910       | 00               |                   |                  |              |                  |
| do Bank of Newbern   | 620        | 00               |                   |                  |              |                  |
| do do Cape Fear  | 40         | 00               |                   |                  |              |                  |
|  |            |                  | 7570              | 00               | 7570         | 00               |
| Arrears of taxes   | 1820       | 92 $\frac{1}{2}$ |                   |                  |              |                  |
| Additional returns   | 477        | 89               |                   |                  |              |                  |
| John Haywood, late Public Treasurer                                | 1599       | 26               |                   |                  |              |                  |
| Sales of land near Raleigh   | 1291       | 37               |                   |                  |              |                  |
| Bonds for sales of land and negroes                                | 9581       | 60               |                   |                  |              |                  |
| Buncombe Turnpike Company  | 400        | 00               |                   |                  |              |                  |
| John M'Rae for money loaned  | 2000       | 00               |                   |                  |              |                  |
| Rent of public land  | 100        | 00               |                   |                  |              |                  |
| Interest   | 532        | 93               |                   |                  |              |                  |
|  |            |                  | 17803             | 97 $\frac{1}{2}$ | 17803        | 97 $\frac{1}{2}$ |
|  |            |                  | 102,956           | 25 $\frac{1}{2}$ | 101,821      | 52 $\frac{1}{2}$ |

I. WETMORE, Cl'k T. D.

Statement of Insolvents allowed by Comotroller to the Sheriffs in their settlements of the taxes of 1828.

| Sheriffs.          | Counties.               | Amount. |    |
|--------------------|-------------------------|---------|----|
|                    |                         | D.      | C. |
| Nathan Harrison    | Buncombe                | 1       | 60 |
| Samuel C. Tate     | Burke                   | 10      | 00 |
| Elijah Clark       | Craven                  | 23      | 60 |
| Thomas Marshall    | Carteret                | 14      | 40 |
| W. D. Rascoe       | Chowan                  | 3       | 40 |
| Issac Baxter       | Curruuck.               | 7       | 00 |
| Luke G. Lamb       | Camden                  | 9       | 40 |
| Horace D. Bridges  | Chatham                 | 28      | 60 |
| William Kennedy    | Davidson                | 8       | 00 |
| Wyatt Moye         | Greene                  | 8       | 50 |
| James W. Doak      | Guilford                | 29      | 60 |
| John V. Sumner     | Gates                   | 10      | 80 |
| James Simmons      | Halifax                 | 32      | 60 |
| Richard G. Cowper. | Heriford                | 21      | 00 |
| Samuel Huggins     | Jones                   | 4       | 80 |
| Pinkney Caldwell   | Iredell                 | 14      | 00 |
| Allen S. Balleuger | Johnston                | 3       | 60 |
| John Coulter       | Lincoln                 | 9       | 40 |
| Samuel Shepherd    | Martin                  | 13      | 40 |
| James Wood         | Northampton             | 15      | 40 |
| Samuel W. Vick     | Nash                    |         | 60 |
| Joshua A. Pool     | Pasquotank              | 17      | 40 |
| James S. Clark     | Pitt                    | 18      | 40 |
| Fielding Slater    | Rowan                   | 41      | 40 |
| William Carson     | Rutherford              | 16      | 60 |
| Wm. Crawford       | Richmond                | 11      | 40 |
| Thomas B. Wright   | Surry                   | 23      | 60 |
| Salathiel Stone    | Stokes                  | 27      | 80 |
| Wm C. Clanton      | Warren                  | 16      | 00 |
| W. R. Hinton       | Wake                    | 27      | 10 |
| Calvin R. Blackmon | Wayne 1826, 1827, 1828, | 61      | 60 |
| Joel Vannoy        | Wilkes                  | 16      | 80 |
|                    |                         | 547     | 80 |

I. WETMORE, Clk T. D.

*An Exhibit, shewing the situation of the State*

|  | Dollars.         | C.        |
|--|------------------|-----------|
| Specie   | 40,702           | 64        |
| Foreign notes and bills of exchange                    | 460,993          | 30        |
| Foreign Bank credits                                   | 130,521          | 49        |
| Augusta and State Bank stock, taken for debt           | 28,340           |           |
| Due from State of North Carolina                       | 83,906           | 11        |
| Due from individuals                                   | 2,305,102        | 07        |
| Stock unpaid   | 1,450            |           |
| Real estate in banking houses and lands taken for debt | 180,740          | 09        |
| Internal bills and checks                              | 15,211           | 28        |
|  | <b>5,246,966</b> | <b>98</b> |

*State of the Bank of Cape Fear,*

|                            | Dollars.         |
|----------------------------|------------------|
| Capital Stock paid in      | 795,000          |
| Notes in circulation       | 263,893          |
| Deposites                  | 63,229           |
| Dividends unpaid           | 21,556           |
| Amount due to Banks        | 169,398          |
| Profit and loss or surplus | 60,138           |
|                            | <b>1,373,214</b> |

*Bank of North Carolina, 19th May, 1829.*

|  | Dollars.         | Cts.      |
|--|------------------|-----------|
| Capital stock  | 1,600,000        |           |
| Notes in circulation   | 910,554          | 25        |
| Due to foreign Banks   | 299,441          | 26        |
| Profits reserved to cover bad debts, and losses on banking houses, | 197,455          | 92        |
| Due to depositors  | 239,515          | 55        |
|  | <b>3,246,966</b> | <b>98</b> |

**CHAS. DEWEY, Cash'r.**

*Monday morning, 5th January, 1829.*

|  | Dollars.         |
|--|------------------|
| Specie   | 48,426           |
| Notes of the Bank of the United States               | 2,852            |
| Funds at the North                                   | 116,055          |
| Due by Banks in North Carolina                       | 934              |
| Notes of other Banks and deposites, bearing interest | 73,929           |
| Notes of other Banks on hand, not at interest        | 29,824           |
| Bills of Exchange                                    | 24,437           |
| Real estate, including banking houses, &c.           | 80,756           |
| Debt, consisting of notes discounted and judgments   | 996,001          |
|  | <b>1,373,214</b> |

**JOHN HILL, Cash'r.**

*State of the Bank of Cape Frar, on Wednes-*

|                                       | Dollars.  |
|---------------------------------------|-----------|
| Capital stock paid in                 | 795,000   |
| Notes of this Bank in circulation     | 207,553   |
| Deposites, (or sums due individuals,) | 46,116    |
| Dividends unpaid                      | 22,445    |
| Amount due to Banks                   | 144,512   |
| Profit and loss, or surplus.          | 58,025    |
|                                       | <hr/>     |
|                                       | 1,273,621 |

*Statement of the affairs of the Bank of New-*

|   | Dollars.  | C. |
|---|-----------|----|
| To stock  | 800,000   |    |
| " Deposites   | 99,609    | 61 |
| " Debts due other Banks                                 | 309,268   |    |
| " Amount of notes of the Bank of Newbern in circulation | 534,751   |    |
| Surplus   | 30,759    | 72 |
|   | <hr/>     |    |
|   | 1,774,388 | 33 |

*State of the affairs of the Bank*

|                                      | Dollars.  | C. |
|--------------------------------------|-----------|----|
| Bills receivable                     | 1,427,216 | 31 |
| Due from other Banks                 | 39,795    | 12 |
| Property of the Bank, real and other | 82,648    | 20 |
| Specie                               | \$31,065  | 00 |
| Bills of exchange and foreign notes  | 44,908    | 90 |
|                                      | <hr/>     |    |
| Balance                              | 75,973    | 90 |
|                                      | 156,408   | 95 |
|                                      | <hr/>     |    |
|                                      | 1,782,042 | 48 |

Day morning, the 1st of July, 1829.

|   | Dollars.  |
|---|-----------|
| Specie and notes of the Bank of the United States | 85 380    |
| Funds at the North                                | 73,156    |
| Deposit certificates, bearing interest            | 56,725    |
| Due by Banks in North Carolina                    | 1,615     |
| Notes of other Banks on hand                      | 27 771    |
| Bills of exchange                                 | 26 674    |
| Real estate including banking houses, &c.         | 81 217    |
| Debt—notes discounted, judgments, &c.             | 921 103   |
|   | <hr/>     |
|   | 1 273,021 |

JOHN HILL, Cash'r.

Year for period ending 31st December 1828.

|   | Dollars.  | C. |
|---|-----------|----|
| By amount of bonds, notes, &c. due the parent Bank, its Branches and Agencies   | 1,613 914 |    |
| " Stock taken to secure debts due the institution                               | 4,620     |    |
| " Specie, including available funds equivalent to specie                        | 86,087    | 33 |
| " Real estate, including banking houses and lands, to secure debts due the Bank | 46,000    |    |
| " Bank furniture and utensils   | 3,367     |    |
| " Amount due from other Banks   | 20,400    |    |
|   | <hr/>     |    |
|   | 1 774,388 | 33 |

M. C. STEPHENS, Cash'r.

of Newbern, 30th June, 1829.

|                           | Dollars.  | C. |
|---------------------------|-----------|----|
| Capital Stock             | 800,000   |    |
| Bank notes in circulation | 521,998   |    |
| Deposites                 | 126,608   | 52 |
| Due to other Banks        | 312 435   | 96 |
| Dividends unpaid          | 21,000    |    |
|                           | <hr/>     |    |
|                           | 1,782,042 | 48 |

The above Exhibit is as correct a one as can be furnished at this time, from the unsettled state of the books and accounts of the late Cashier, which are still under the investigation and revision of an able accountant.

JNO. W. GUION, Cash'r.

















