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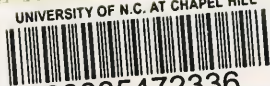
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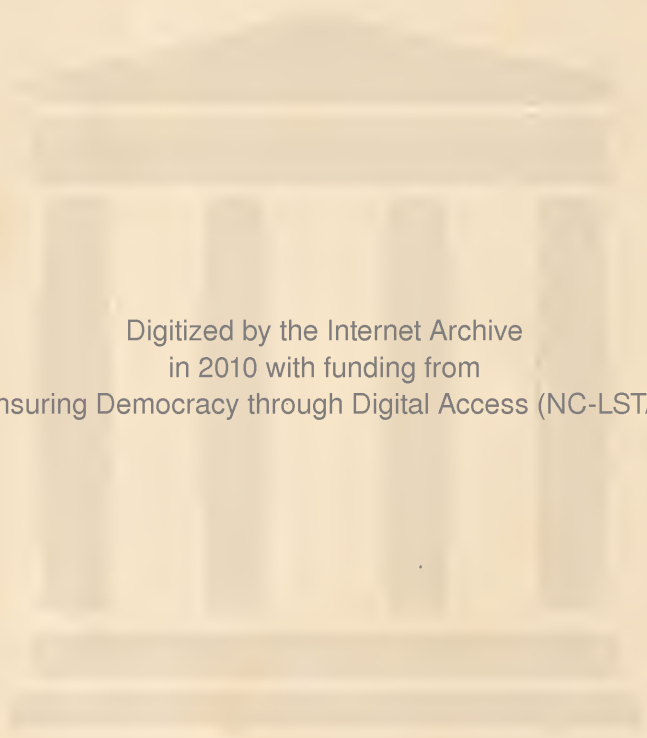
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ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

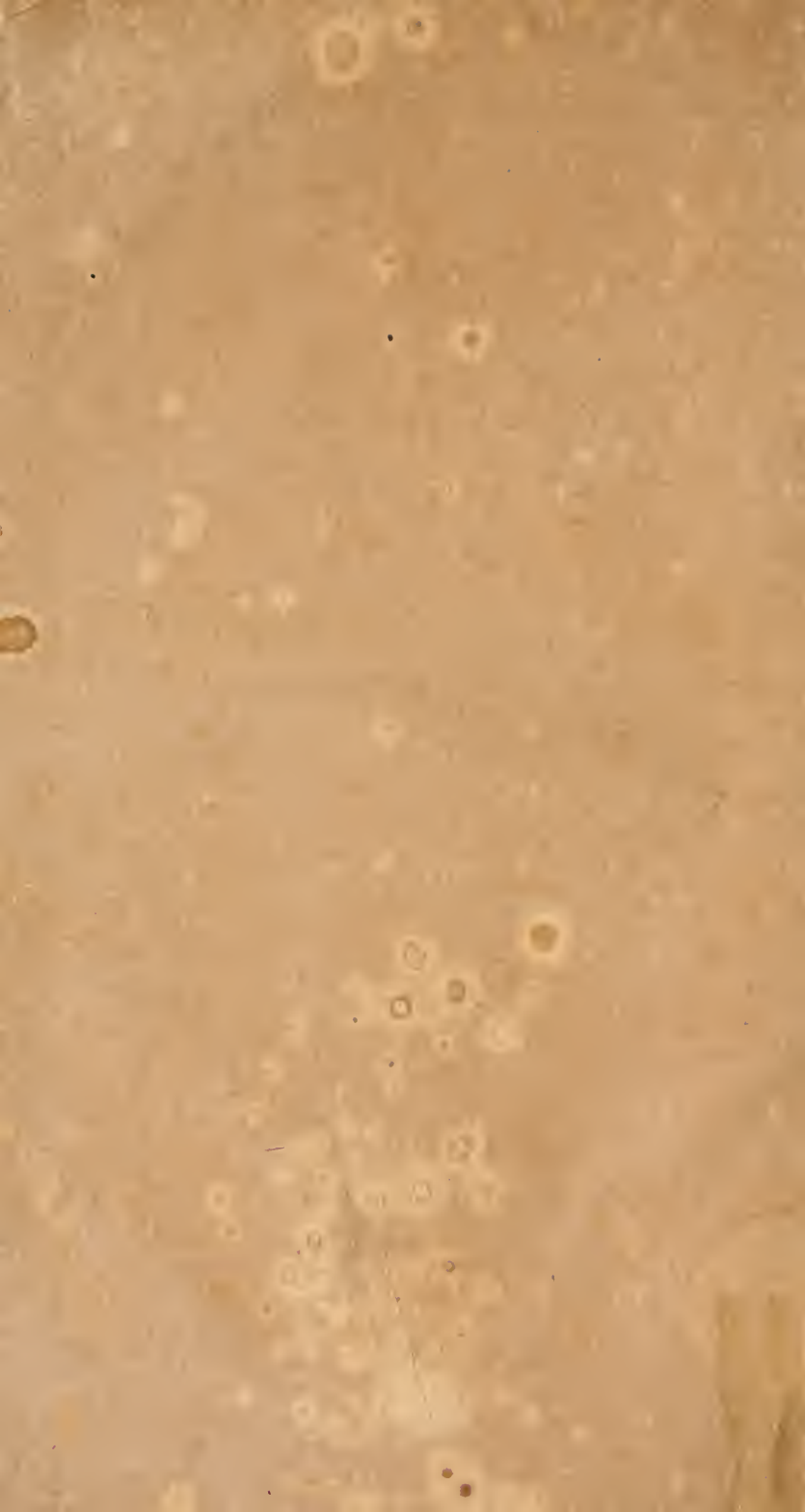
SESSION OF 1830-31.

RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.

.....
.....
1831.



LAWS OF NORTH CAROLINA,

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

MONTFORT STOKES, ESQUIRE, GOVERNOR.

CHAPTER I

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 from and after the passing of this act the clerks of the several County Courts in this State shall receive the following fees, and no other, viz.

For every leading process returned to the first court, including all services, together with dismissal or final judgment, where either happens at the return court, one dollar.

For every indictment, sixty cents.

For each recognizance, twenty cents.

For every reference or continuance of any cause, thirty cents.

For every judgment entered after the return court, seventy-five cents.

For every subpoena, provided the party insert no more than four witnesses in the same, fifteen cents.

For every execution or order of sale, thirty-five cents.

For every scire facias, (provided nothing herein contained shall be construed to repeal any part of the act of one thousand eight hundred and twenty-eight, allowing half fees in cases of scire facias,) sixty cents.

For every copy of record, five cents for each copy sheet of ninety words, not exceeding five copy sheets; and three cents for each copy sheet after five: *Provided*, that the total amount of fees charged for any one record shall not exceed five dollars.

For every order or rule foreign to the cause, with a copy of the same if required twenty cents.

For copy of a will, five cents for each copy sheet of ninety words, not exceeding five copy sheets, and three cents for each copy sheet after five: *Provided*, that the total amount of fees charged for the copy of any will shall in no case exceed five dollars.

For proving and recording at length in bound books kept for that purpose, and filing an inventory, account of sales or account current, exhibited by an executor, administrator or guardian, or for search and certificate of the amount thereof, if the estate be under two hundred dollars, the clerk shall be entitled to receive for his fee twenty cents; if above two hundred dollars and under one thousand, forty cents; if above one thousand, seventy-five cents, and no more.

For entering on the minutes the probate of wills, qualifying executors, making certificates and recording the will in a bound book kept for that purpose, eighty cents.

LAWS OF NORTH CAROLINA.

For granting administration, taking bond and all other services thereon, eighty cents.

For every marriage license and bond, seventy five cents.

For every search of record out of court, ten cents.

For proving or entering the acknowledgment of the conveyance of lands or other estate, and certifying the same, with or without registration and examination of a feme covert without commission, twenty cents.

For proving or taking the acknowledgment of a deed or power of attorney, and certifying the same, including order of registration, twenty cents.

For every commission to examine a feme covert, twenty-five cents.

For every commission to take testimony, twenty-five cents.

For every guardian or other bond taken in court, sixty cents.

For every indenture for binding apprentices, sixty cents.

For every special verdict or demurrer or motion in arrest of judgment, thirty cents.

For every writ of error or appeal, with a transcript of record, one dollar.

For every certificate of witnesses' or jurors' attendance, ten cents.

For affixing the seal of office and writing the necessary certificate on any instrument of writing requiring the same, twenty-five cents.

For every certificate without the seal of office, and when the same is not otherwise directed to be paid, twenty cents: *Provided*, that this shall not authorise the clerk of the Court of Pleas and Quarter Sessions for Craven county to charge any fee for a certificate given according to the provisions of an act to regulate the finances of Craven county, passed A. D. one thousand eight hundred and twenty-eight.

For recording a mark or brand, and giving a certificate thereof, ten cents.

For issuing warrant on entry of land by order of court, forty cents.

For enrolling divisions of estates, for each lot twenty cents.

For taking and recording every prosecution bond, forty cents.

For every certificate of tavern license and bond, with copy of rates, one dollar.

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

For every subpoena founded on petition, fifty cents.

For every petition, by the copy sheet ten cents.

For every writ other than leading process or subpoena ad testificandum, seventy-five cents.

For every order of court authorising the sheriff to issue a license to retailers eighty cents.

For correcting an error in patent, forty cents.

For recording processions certificate, twenty cents.

For every search of entry taker's books, ten cents.

For every copy of location from entry taker's books, ten cents.

For docketing constables' levies, including all services in court, one dollar.

For filing schedule bond, and all other services in court without trial by jury, one dollar.

For trial of issue on schedule bond, seventy-five cents; and the creditor at whose instance the issue is made up, shall be bound to pay the taxed costs of the issue if the defendant be discharged by the court.

For declaration of a foreigner wishing naturalization, copy and seal, one dollar and fifty cents.

For final entry of naturalization, copy of the same, and seal, one dollar and fifty cents.

For docketing appeals and entry of plea or default, eighty cents.

For every guardian notice for renewal of bonds or settlement of accounts, sixty cents.

II. *Be it further enacted*, That the clerks of the Superior Courts of Law in this State shall, for like services, receive the same fees as are by this act allowed the clerks of the County Courts, and no other. Fees of sup^r court clerks.

III. *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 and testaments, inventories and accounts of sales, and accounts current of executors, administrators and guardians, within six months from the time of their probate, shall be liable to an indictment in any court of record within the county wherein he held the office of clerk; and upon conviction, shall be fined at the discretion of the court. Penalty for failing to record wills, &c.

IV. *Be it further enacted*, That at each term of the County Courts in this State, which shall be held after the first day of May in each year, it shall be the duty of the justices present to appoint two or more of their body to examine and ascertain if all the wills and testaments, inventories and accounts of sales, and accounts current of executors, administrators and guardians, which have been admitted to probate within the preceding year, have been duly recorded, and report to their next Court; and in case any failure shall be discovered, it shall be the duty of the county attorney, at the succeeding court, to institute a prosecution against the clerk. Court to appoint two or more justices to examine & ascertain if wills, &c. have been record'd.

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

VI. *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, returnable instant, unless such capias be executed. Case in which no fee shall be charged.

VII. *Be it further enacted* That in all State cases, where there shall be a nolle prosequi entered, or the defendant shall be acquitted, How costs are to be paid in

certain State cases. ted or convicted, and be unable to pay costs, and the court shall not order the prosecutor to pay the costs, the counties shall pay the clerks and sheriffs half the fees allowed by this act, except in capital or clergyable felonies, or prosecutions for forgery, perjury and conspiracy.

Tax fee on civil suits. VIII *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 received by them: *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 or Beaufort; and in the county of Beaufort, no other tax on suits or indictments shall be collected, except those fixed by the act of the last session, providing compensation for the jurors of said county.

Further proviso. IX. *Be it further enacted*, That the several sheriffs in this State shall receive the following fees, and no other, viz.

For every arrest, seventy five cents.

For every bail or replevin bond, twenty five cents.

For service of a copy of declaration in ejectment, sixty cents.

For service of subpoena, with a copy of petition, sixty cents.

For serving a copy of declaration ten cents.

For service of every scire facias, sixty cents: *provided* nothing herein contained shall repeal any part of the act of one thousand eight hundred and twenty-eight, allowing the Sheriffs half fees in cases of scire facias.

For service of notice to arbitrators, referees or commissioners to take an account, thirty cents.

For every attachment levied, seventy-five cents; and if further trouble by moving of goods, to be taxed by the court.

For every replevy bond upon such attachment, twenty five cents.

For every subpoena served, for each person named therein, thirty cents.

For putting a person in the stocks or pillory, fifty cents.

For every commitment, thirty cents.

For every release, thirty cents.

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

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

For every notice to take depositions, thirty cents.

For summoning, empanneling and attending on every jury, in every cause in court, and calling the same, ten cents. Where a special venire shall issue by order of court, for summoning each juror, twenty cents.

For serving and attending on any person on a habeas corpus, per day, one dollar and fifty cents.

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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 body, two and a half per cent.

For all monies collected by him by virtue of any levy, two and a half per centum, and the like commissions for all monies that may be paid the plaintiff by the defendant while such precept is in the hands of said sheriff.

For every writ of possession, one dollar.

For every levy by virtue of an execution, seventy-five cents.

For the execution and decent burial of any criminal, ten dollar.

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

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

For apprehending any criminal, one dollar.

For conveying any criminal to the jail where such criminal ought to be conveyed, ten cents per mile, and five 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 each of said guard.

For each day the sheriff shall maintain said prisoner he shall receive fifty cents.

The expense shall be paid by the respective counties, if such prisoner shall not be liable or able to pay the same.

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

Fees on judgment rendered by a justice.

XI. *Be it further enacted*, That sheriffs of the respective counties in 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.

Fines to be collected by sheriffs.

XII. *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 collected, and the amount from the persons so received.

Sheriffs to return a transcript.

XIII. *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

Clerks to make return.

been fined, amerced or adjudged to have forfeited their recognizances.

Fees for summoning guardians.

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

Clerks to keep a copy of this act posted up.

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.

Not to affect any private act.

XVI. *Be it further enacted*. 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, or shall be so construed as to give the clerks and sheriff any claim to either whole or half fees (as provided in the seventh section of this act) against those counties which were exempted from the payment of such fees before the passage of this act.

Clerks & sheriffs may be allowed for extra services as heretofore.

XVII. *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 heretofore been called extra services, as now authorised by law.

Repealing clause.

XVIII. *And be it further enacted*, That an act, passed at the last session of the General Assembly of the State of North Carolina, entitled "An act fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees," and all other acts coming within the meaning and purview of this act, be, and the same are hereby repealed: *Provided*, that nothing herein contained shall be so construed as to exempt any clerk or sheriff from any penalty which he or they may have incurred under the aforesaid act, passed one thousand eight hundred and twenty-nine.

Proviso.

CHAPTER II

An act to extend the jurisdiction of the Supreme Court in certain cases.

Court to have original cognizance of suits on the part of the State to vacate and repeal letters patent fraudulently obtained.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever it shall be deemed necessary, on the part of the State, to institute proceedings to vacate and repeal any letters patent, for fraud, false suggestion, or other cause, the Supreme Court shall have original cognizance thereof; and such proceedings shall be by bill in equity, or information in the nature of a bill in equity, to be exhibited in the name of the Attorney General for the time being, on behalf of the State; and the proceedings thereupon shall be according to the course and practice in equity causes in the courts of this State.

Gives to the court power to rescind such letters when ascertained to have been obtained by fraud

II. *And be it further enacted*, That when, upon the hearing of any such cause, it shall be ascertained that such grant or letters patent have been obtained by fraud or false suggestion, or against law in any other respect, the said Supreme Court shall have full power, by its decree, to declare the same repealed, rescinded

and annulled; and also to take such order as the court shall deem right and proper for cancelling the enrolment of the same in the office of the Secretary of State.

III. *And be it further enacted*, That when any such bill in equity, or information in nature thereof, shall have been already exhibited in any of the Superior Courts of Equity, and may be now pending therein, the same shall at any time, on motion of either party therein, be, by order of the court in which the same is pending, removed into the Supreme Court; and the said Supreme Court shall, by such order of removal, acquire and have the same cognizance of the cause as if it had been originally commenced in the said court, according to the provisions of the first section of this act.

Any such case now pending in any superior court, may be removed to the supreme court.

CHAPTER III

An act to preserve the public buildings in the city of Raleigh.

Be 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 Treasurer Secretary of State and Comptroller be appointed commissioners, and they or a majority of them be, and are hereby authorised to contract for, and superintend the covering of the State House and the office of the Secretary of State with copper, tin or zinc, or other approved composition, to render the same fire proof: *Provided* the same can be done for two thousand dollars; and if the proposed work cannot be executed for that sum, then the said commissioners shall ascertain the probable cost thereof, and make report to the General Assembly at its next session.

Commissioners to contract for covering the state house & secretary's office with fire proof composition.

Proviso.

II. *And be it further enacted*, That the Commissioners of the Public Buildings be required forthwith to cause the damage done to the State House by the late fire to be forthwith repaired, and the chimneys to be examined and repaired; and further, that they cause a trap door to be made in the upper ceiling of the office of the Secretary of State.

Damage by fire to be forthwith repaired, & trap door to secretary's office made.

III. *And be it further enacted*, That each fire place in the State House be furnished with a fender, and part of the floor adjacent to each be covered with sheet iron.

Fenders to be provided.

IV. *Be it further enacted*, That said commissioners shall cause to be advertised in one of the public prints in the town of Fayetteville and the State Gazette, for the space of four weeks that they will let out the repairs to be made to the Governor's House, the State House and Secretary's office, on some given day, to the lowest bidder, he giving bond, with good security, that the work shall be completed and faithfully executed.

Comrs to advertise repairs to be let to the lowest bidder.

V. *Be it further enacted*, That the Governor be authorised to draw upon the Treasury for the sum necessary to effect the above objects.

Gov't to draw upon the treasurer for money.

CHAPTER IV

An act more effectually to prevent intermarriages between free negroes or free persons of colour and white persons and slaves, 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,

Unlawful for a free negro to marry a white person.

That hereafter it shall not be lawful for any free negro or free person of colour to marry a white person; and any marriage hereafter solemnized or celebrated between any free negro or free person of colour and a white person shall be null and void.

Penalty for issuing license.

II. *Be it further enacted*, That if hereafter any clerk of the Court of Pleas and Quarter Sessions shall knowingly issue any license for a marriage between any free negro or free person of colour and a white person, he shall be guilty of a misdemeanor, and upon conviction before any court having jurisdiction, shall be fined and imprisoned at the discretion of the court; and any clergyman, minister of the Gospel or justice of the peace, who shall knowingly marry any free negro or free person of colour to a white person, shall be guilty of a misdemeanor, and upon conviction in any court having jurisdiction, shall be fined and imprisoned at the discretion of the court.

Penalty for marrying them.

Prohibits intermarrying of slaves & free negroes.

III. *Be it further enacted*, That hereafter it shall not be lawful for any free negro or free person of colour to intermarry or cohabit and live together as man and wife with any slave; and any free negro or person of colour so intermarrying or cohabiting and living as man and wife with a slave, shall be liable to indictment, and upon conviction shall be fined and imprisoned or whipt at the discretion of the court; the whipping not to exceed thirty-nine lashes: *Provided*, that this section shall not extend to any case where an intermarriage or cohabiting or living together took place before the passing of this act.

Proviso.

CHAPTER V

An act to prevent the circulation of seditious publications, and for other purposes.

Publications prohibited.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person shall knowingly bring into this State, with an intent to circulate, or knowingly circulate or publish within this State, or shall aid or abet the bringing into this State, or the circulation or publication within the State, any written or printed pamphlet or paper, whether written or printed in or out of the State, the evident tendency whereof would be to excite insurrection, conspiracy or resistance in the slaves or free negroes and persons of colour within the State, or which shall advise or persuade slaves or free persons of colour to insurrection, conspiracy or resistance, such person so offending shall be deemed guilty of felony, and on conviction thereof in any court having jurisdiction thereof, shall for the first offence be imprisoned not less than one year and be put in the pillory and whipped, at the discretion of the court; and for the second offence shall suffer death without benefit of clergy.

Penalty.

Makes it felony to attempt to excite a spirit of insurrection, &c. by words.

II. *Be it further enacted*, That if any person shall by words endeavor to excite in any slave or slaves or free negro or person of colour a spirit of insurrection, conspiracy or rebellion, such person shall be deemed guilty of felony, and on conviction thereof in any court having cognizance thereof shall be sentenced to receive thirty-nine lashes upon his or her bare back and be im-

prisoned for a year; and for the second offence shall suffer death without benefit of clergy.

CHAPTER VI

An act to prevent all persons from teaching slaves to read or write, the use of figures excepted.

Whereas the teaching of slaves to read and write, has a tendency to excite dissatisfaction in their minds, and to produce insurrection and rebellion, to the manifest injury of the citizens of this State: Therefore, 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 any free person, who shall hereafter teach, or attempt to teach, any slave within this State to read or write, the use of figures excepted, or shall give or sell to such slave or slaves any books or pamphlets, shall be liable to indictment in any court of record in this State having jurisdiction thereof; and upon conviction, shall, at the discretion of the court, if a white man or woman, be fined not less than one hundred dollars, nor more than two hundred dollars, or imprisoned; and if a free person of color, shall be fined, imprisoned, or whipped, at the discretion of the court, not exceeding thirty-nine lashes, nor less than twenty lashes. Free persons prohibited
Penalty.

II. *Be it further enacted,* That if any slave shall hereafter teach, or attempt to teach, any other slave to read or write, the use of figures excepted, he or she may be carried before any justice of the peace, and on conviction thereof, shall be sentenced to receive thirty nine lashes on his or her bare back. Slaves prohibited.

III. *Be it further enacted,* That the judges of the Superior Courts and the justices of the County Courts shall give this act in charge to the grand jurors of their respective counties. C'ts to charge grand jury.

CHAPTER VII

An act to prohibit free persons of colour from peddling and hawking out of the limits of the county in which they respectively reside.

Be 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 free person or persons of colour to hawk or peddle any goods, wares or commodities whatsoever out of the limits of the county in which they reside, unless he or she has a license to do so, granted annually by the County Court of the county where he or she resides; which license shall be granted only when seven or more justices are present, and upon satisfactory evidence of the good character of the applicant; and for issuing such license the clerk shall be entitled to eighty cents. Free persons of color shall not peddle unless licensed by the county court.

II. *Be it further enacted,* That if any free person or persons of colour as aforesaid shall be guilty of a violation of this act, he, she or they shall forfeit and pay the sum of fifty dollars for each and every such offence, to be recovered by warrant before any justice of the peace, in the name and to the use of the wardens of the poor of the county in which the offence may have been committed. Penalty.

Proviso.

ted, and shall moreover be liable to indictment in either the County or Superior Court, and upon conviction shall be fined or imprisoned at the discretion of the court: *Provided however*, that the imprisonment shall not exceed the term of six months.

CHAPTER VIII

An act providing further punishment for harboring or maintaining runaway slaves.

Penalty.

Be 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 entice or persuade any slave to absent him or herself from the service of his or her owner, or from the service of any other person or persons legally entitled to the service of the same, or who shall harbor or maintain any runaway slave, shall be subject to a penalty of one hundred dollars, to be recovered before any justice of the peace, by any person suing for the same, the one half to the use of the informer, and the other half to the use of the wardens of the poor of the county where suit is brought; any law to the contrary notwithstanding.

CHAPTER IX

An act to regulate the emancipation of slaves in this State.

Persons desiring to emancipate their slaves, shall file a petition in the superior court.

Conditions on which court may grant the prayer thereof

Proviso.

Be 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 any inhabitant of this State, desirous to emancipate a slave or slaves, shall file a petition in writing in some one of the Superior Courts of this State, setting forth, as near as may be, the name, sex and age of each slave intended to be emancipated, and praying permission to emancipate the same; and the court before whom such petition shall be filed shall grant the prayer thereof on the following conditions, and not otherwise, viz. That the petitioner shall shew that he has given public notice of his intention to file such petition at the court house of the county and in the State Gazette for at least six weeks before the hearing of such petition; and that the petitioner shall enter into bond, with two securities, each to be good and sufficient, payable to the Governor of the State and his successors in office, in the sum of one thousand dollars for each slave named in the petition conditioned that the said slave or slaves shall honestly and correctly demean him, her or themselves while he, she or they shall remain within the State of North Carolina; and that he, she or they will within ninety days after granting the prayer of the petitioner to emancipate him her or them, leave the State of North Carolina and never afterwards come within the same: *Provided, nevertheless*, that no such emancipation shall in any manner whatever invalidate or affect the rights or claims of any creditor of such petitioner.

Slave emancipated to leave the State within 90 days and never return.

II. *And be it further enacted*, That any emancipation hereafter granted to any slave or slaves, as herein directed, shall be upon the express condition that he, she or they will leave the State within ninety days from the granting thereof, and never will return within the State afterwards.

III. *And be it further enacted*, That it shall hereafter be lawful for any person by his or her last will and testament, to direct and authorise his or her executor or executors to cause to be emancipated any slave or slaves, pursuant to this act; and such bequest or authority shall be good and available in law and equity, and shall justify said executor or executors in emancipating such slave or slaves at any time thereafter, *provided* he, she or they file his, her or their petition, and pursue the directions of this act in the same manner as if he, she or they were the absolute owners of such slave or slaves: *and provided further*, that nothing herein contained shall be taken or held to interfere with the claims of creditors, or exempt any slave directed to be emancipated from liability to the claims of creditors: *and provided further*, that any slave, emancipated by an executor, pursuant to the directions of the testator, shall be emancipated on the same conditions, and under the same liabilities, as herein before set forth: *Provided further*, that no permission shall be granted to any executor or executors to emancipate any slave or slaves under the directions of the last will and testament of his or their testator, before the expiration of two years from and after the probate of said last will and testament, unless the said executor or executors shall enter into bond, with approved security, to the Governor of the State for the time being, in double the value of the slave or slaves proposed to be emancipated, conditioned to be answerable to the creditors of his, her or their testator for the value of the said slave or slaves.

Any person may, by his or her will, direct his or her executor to emancipate any slave.

Proviso.

Further provided so.

Further provided so.

Further provided so.

IV. *And be it further enacted*, That it may be lawful at any time hereafter to emancipate, upon petition filed and under the order of any Superior Court of Law in this State, any slave over the age of fifty years, provided his or her owner shall prove by their own oath or otherwise to the satisfaction of the court and jury that said slave has performed meritorious services, (which meritorious services must consist in more than mere general performance of duty:) *Provided, nevertheless*, that the petitioner shall swear that he or she has not received in money or otherwise the price or value, or any part thereof, of said slave, or been induced to petition for his or her emancipation in consideration for any price paid thereto or to be paid: *And provided further*, that before such slave shall be emancipated the petitioner shall give bond and good security in the sum of five hundred dollars, payable to the Governor and his successors in office, that said slave shall honestly and correctly demean him or herself so long as he or she shall remain in the State, and shall not become a parish charge; which bond may be sued upon in the name of the Governor for the time being to the use of the parish or of any person injured by the mal conduct of such slave.

How slaves may be emancipated for meritorious services.

Proviso.

Further provided so.

V. *And be it further enacted* That if any slave shall refuse or neglect to leave the State within ninety days after permission to emancipate him or her has been granted as aforesaid by any Superior Court, or shall ever come within the State after having left it, it shall be the duty of any justice of the peace of any

Any emancipated slave who shall be convicted of violating the provisions of

this act, shall
be sold by or-
der of court.

county wherein said slave may be found, to issue a warrant to arrest said slave and shall, upon proper proof being made of his or her having violated the provisions of this act, commit him or her to the jail of the county, there to remain until the next ensuing term of the Court of Pleas and Quarter Sessions, where an issue shall be made up and immediately tried, whether the accused has violated the provisions of this act; and upon the finding of the jury that said accused has violated the provisions of this act, he, she or they shall by the said Court of Pleas and Quarter Sessions be ordered to be sold; which sale shall vest an absolute right of property in the purchaser in and to the accused, and the proceeds thereof be equally divided between the informer and the wardens of the poor of the county.

If any slave
shall fail to
leave the state,
&c. any per-
son may bring
suit on the
bonds given in
pursuance of
this act.

VI. *And be it further enacted*, That if any slave shall refuse or neglect to leave the State as aforesaid, or shall ever come within the same after having left it, it shall and may be lawful for any person to bring suit in the name of the Governor, for the joint use of himself and the wardens of the poor of the county, and to be applied by them to the support of the poor of said county, upon the bond which may have been given in pursuance of the provisions of this act.

Duty of grand
juries & prose-
cuting officers.

VII. *Be it further enacted*, That it shall be the duty of all grand juries within this State to make presentment of all slaves who may hereafter be emancipated, who may violate the provisions of this act of Assembly; and upon such presentment it shall be the duty of the prosecuting officer of the county wherein the presentment may be made, to prosecute such slave as herein before provided.

Repealing
clause.

VIII. *Be it further enacted*, That all laws and clauses of laws heretofore passed relative to the emancipation of slaves, be, and the same are hereby repealed.

CHAPTER X

An act to prevent the gaming of slaves, and to prevent free persons from gaming with them or suffering them to game in their houses.

Any slave con-
victed of gam-
ing, to receive
not more than
39 lashes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any slave or slaves to play at any game of cards, dice, nine-pins, or any game of hazard or chance, for any money, liquor or any kind of property, whether the same be staked or not; and any slave so offending shall, upon conviction before a justice of the peace, receive a whipping on his or her bare back, not exceeding thirty-nine lashes.

Persons pro-
hibited from
gaming with
slaves.

II. *Be it further enacted*, That it shall not be lawful for any white person or free negro, mulatto or person of mixed blood, descended from negro ancestors to the fourth generation inclusive, (though one ancestor of each generation may have been a white person,) to play at any game of cards, dice, nine pins or any game of chance or hazard, whether for money, liquor, or any kind of property, or not, with any slave or slaves; and any white person so offending shall be deemed guilty of a misdemeanor, and

upon conviction shall be fined or imprisoned at the discretion of the court: *Provided* said imprisonment shall not exceed six months; and any free negro, mulatto or person of mixed blood as aforesaid, so offending, shall, upon conviction before any court having jurisdiction, receive a whipping, not to exceed thirty-nine lashes on his or her bare back.

Proviso.

III. *Be it further enacted*, That if any white person, free negro, mulatto, or person of mixed blood as aforesaid, shall knowingly suffer any slave or slaves to play at any game of cards, dice, nine pins, or any game of chance or hazard, whether for money, liquor, or any kind of property, or not, in his or her house, or in the yard, field or garden attached or belonging to his or her house, he or she shall be liable to indictment in any court having jurisdiction, and upon conviction the white person so offending shall be fined or imprisoned at the discretion of the court, not exceeding six months; and the free negro, mulatto or person of mixed blood as aforesaid shall receive a whipping on his or her bare back, not to exceed thirty nine lashes; and if the person convicted be a retailer of spiritous liquors by the small measure, he or she shall forfeit his or her license, and be forever incapable of receiving a license to retail spiritous liquors by the small measure.

No persons to allow slaves to game in their houses, &c.

Penalty.

IV. *Be it further enacted*, That it shall be the duty of the patrol, whenever they shall see or receive information of the gaming of slaves within their district, to proceed to disperse them; and the patrol shall have power to apprehend any slave so gaming and inflict upon him or her a whipping, not to exceed fifteen lashes. And nothing in this section shall prevent any such slave from being punished as prescribed in the first section of this act.

Duty of the patrol.

V. *And be it further enacted*, That the above recited act shall not go into operation till the tenth day of May next.

When to take effect.

CHAPTER XI

An act to explain and amend an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year one thousand eight hundred and twenty-two, so far as it respects exhibitions of artificial curiosities.

Whereas doubts have arisen whether models of useful inventions, when exhibited for reward, are artificial curiosities within the meaning of the above recited act:

Preamble.

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That nothing contained in the above recited act shall be so construed as to impose a tax upon any exhibition of models of useful inventions, for such exhibitions, whether made for reward or otherwise.

Models of useful inventions not to be taxed.

CHAPTER XII

An act to amend an act, passed in the year one thousand eight hundred and twenty-six, entitled an act concerning the entry of land 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 it shall and may be lawful for entry takers to receive entries of marsh or swamp land when the quantity of land in any one marsh or swamp does not exceed two thousand acres: *Provided, however*, that this act shall not be construed to extend to any swamp or marsh lands which have been surveyed by engineers in the employment of the State with a view to the draining and reclaiming the same.

CHAPTER XIII

An act to authorise and direct the Public Treasurer to make sale of certain lands owned by the 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.

Terms of sale. That the Public Treasurer sell at public or private sale, on a credit of one, two and three years, with interest from the day of sale, requiring bond and security, to be approved of by him the following property, to wit: the Bushy Branch tract of land, and the Blacksmith's Shop and Stable lots in the city of Raleigh, which were purchased by the State at the sale of the property of the late John Haywood Esquire; also the Machine tract of land, purchased by the State at the sale made by the sheriff of Wake by virtue of an order of sale at the instance of the State against the heirs and devisees of the said Haywood: *Provided*, that each of said tracts or parcels of land be valued by the Governor, Treasurer, Secretary of State and Comptroller, or a majority of them; and in no case is the Treasurer authorised to make sale of said land, or any part thereof, at a smaller sum than the valuation as aforesaid.

Lands to be sold.

Proviso.

CHAPTER XIV

An act to amend an act, passed in the year one thousand eight hundred and twenty six, entitled "an act to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, 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.

Time within which free persons of colour, who migrate from this State, may return, limited to 90 days. That if at any time hereafter, any free negro or person of colour, who may be a resident of this State, shall migrate from this State and go into any other State, and shall be absent for the space of ninety days or more, it shall not be lawful for such free negro or person of colour to return to this State; and if any free negro or person of colour shall violate this law, he shall be liable to the same penalties as are prescribed by the above recited act, for the punishment of free negroes and persons of colour who migrate to this State: *Provided* That no person shall incur the penalties or disabilities prescribed in this act, if he or she shall have been prevented from so returning to this State by sickness or other unavoidable occurrence.

Proviso.

CHAPTER XV

An act to amend an act, passed in the year one thousand eight hundred and twenty six, entitled "an act to prohibit trading with slaves, except in the manner therein prescribed"

Be 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 word "and," immediately following the words white oak heading, in the first section of said act, shall be construed "or."

CHAPTER XVI

An act for the regulation of the patrol.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be the duty of the County Court of each county in this State, should the court deem it necessary, at the first court that shall happen after the first day of January in each and every year, or any subsequent court, to appoint a patrol committee, of three persons in each captain's district in said county, whose duty it shall be to employ a patrol, of such number of persons as they may think necessary, to patrol their district.

County Courts shall appoint patrol committees.

II. *And be it further enacted,* That it shall be the duty of the said County Courts, at the same term, to lay a tax of not more than ten cents on each taxable slave in said county; which tax shall be levied and collected by the sheriffs of the several counties in the same manner as other taxes, and be applied under the direction of the County Courts to defray the expenses of the patrol.

County Courts to lay a tax to defray expenses.

III. *And be it further enacted,* That it shall be the duty of the patrol to visit the negro houses in their respective districts as often as may be necessary, to inflict a punishment not exceeding fifteen lashes on all slaves they may find off their owner's plantation without a proper permit or pass. It shall also be the duty of the patrollers to visit all suspected places, and suppress all collections of slaves; it shall also be their duty to be diligent in apprehending all runaway negroes in their respective districts; to be vigilant and endeavor to detect all thefts, and bring the perpetrators to justice, and also all persons guilty of trading with slaves. The patrol committee shall hear all complaints lodged against the patrollers for abuse or neglect of duty, and shall have full power and authority to discharge any one or more of the patrollers, and employ others, at any time when they may think it expedient. The patrols thus employed shall have as full powers as those heretofore appointed by the County Courts; and if, upon taking up a negro and chastising him as now directed by law, he shall behave insolently, they may inflict further punishment for his misconduct, not exceeding thirty nine lashes.

Duties of patrol.

Duties of patrol committee.

Powers of patrol.

IV. *Be it further enacted,* That nothing herein contained shall be construed to prevent the County Courts from appointing such patrols as they may deem proper.

V. *Be it further enacted* That it shall be the duty of the several County Courts of this State to adopt rules and regulations for the government of the patrols of their county, pursuant to the authority given them by the act passed in the year one thousand eight hundred and two, chapter fifteen.

Duty of court to adopt rules for the patrol.

VI. *Be it further enacted,* That any person who shall be appointed a patrol under this act, and who shall refuse or neglect to serve, shall be subject to a penalty of twenty dollars, to be sued

Penalty for refusing to serve on patrol.

for by the patrol committee of his particular district, and when recovered, shall be paid over by them to the county trustee, to form a fund in aid of the tax for the support of the patrol.

CHAPTER XVII

An act to amend an act, entitled an act to authorise the County Courts in this State to direct the Sheriff to sell any slave that may be taken up and confined in any jail as a runaway after certain length of imprisonment and public notice, passed in the year one thousand eight hundred and eighteen.

Be 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 runaway slave, confined in any jail of this State under the provisions of the aforesaid act, and his or her owner be unknown, and the said slave should die, or by the regular process of law be removed from said jail before a sale of said runaway slave is effected according to the directions of said act, then and in either of said cases it shall be the duty of the Court of Pleas and Quarter Sessions of the county where said slave was confined to direct the county trustee to pay all the expenses of his or her imprisonment out of the county funds: *Provided*, that the jailer shows to the court that he has complied with the law requiring advertisement of runaways.

II. *Be it further enacted*, That in case the trustee of any county, by the order of the Court of Pleas and Quarter Sessions therein, should pay the expenses of the confinement of any runaway slave in pursuance of the provisions of the first section of this act, and the owner thereafter become known, it shall be the duty of the said trustee to recover for the use of the county, from the owner or his representative, the amount he may have previously paid on account of said runaway slave.

CHAPTER XVIII

An act to establish a Superior Court of Law and Court of Equity in the county of Macon, 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 of Macon be, and the same is hereby added to the sixth Judicial Circuit, and that there shall be a Superior Court of Law and Court of Equity held in the court house of said county on the second Monday after the fourth Monday in September next, and on the second Monday after the fourth Mondays of March and September annually thereafter with the same powers and jurisdiction of all the other Superior Courts of Law and Equity in this State.

II. *Be it further enacted*, That a clerk and clerk and master in equity of the said courts shall be appointed by the Judge holding the same at the first term thereof. The said clerk and clerk and master in equity shall take the same oaths and give the like bonds as are now prescribed by law in like cases; and the County Court of said county of Macon shall appoint thirty jurors to attend the court hereby established, in the same manner that jurors are appointed to attend the other Superior Courts of this State.

Cases in which county shall pay expense of imprisonment

Proviso.

Expense thus paid, to be recovered from the owner should he become known.

To what circuit added, & time when court shall be held.

Judge shall appoint clerks, and the county court shall appoint jurors

III. *Be it further enacted,* That all civil causes in the Superior Courts of Law and Equity for Haywood county now pending, the plaintiff's in which causes reside in Macon county, and also all actions of ejectment trespass quare clausum figit for or concerning lands lying in Macon county, shall be transferred to the Superior Courts of Law and Equity of Macon county.

What causes shall be transferred from Haywood to Macon.

IV. *Be it further enacted,* That the Superior Courts of the several counties herein after mentioned shall, after the next Spring circuit, be opened and held on the days following in each and every year, to wit: in the county of Buncombe, on the third Monday after the fourth Mondays of March and September; in the county of Rutherford, on the fourth Monday after the fourth Mondays of March and September; in the county of Lincoln, on the fifth Monday after the fourth Mondays of March and September; in the county of Iredell, on the sixth Monday after the fourth Mondays of March and September; in the county of Mecklenburg, on the seventh Monday after the fourth Mondays of March and September; in the county of Cabarrus, on the eighth Monday after the fourth Mondays of March and September; and all process and proceedings of every kind, depending in and issued from any of the said Superior Courts at the time when the alteration of the terms thereof above prescribed shall take effect, shall stand continued and be returnable accordingly; any law to the contrary notwithstanding.

Alters the time of holding the sup'r courts of Buncombe, Rutherford, Lincoln, Iredell, Mecklenburg & Cabarrus.

V. *Be it further enacted,* That nothing in this act contained shall be so construed as to prevent the trial of any cause in the Superior Court of Haywood at the next term thereof.

Trial of causes in the s. court of Haywood.

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

Repealing clause.

CHAPTER XIX

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the above recited act be extended to the first day of January, one thousand eight hundred and thirty five as to all entries made since the year one thousand eight hundred and fifteen; and that this act be in force from and after the ratification thereof.

CHAPTER XX

An act for the distribution of "A System of Instruction for the militia Infantry" and "A System of Exercise and Instruction of Field Artillery, including Manœuvres for Light or Horse Artillery," among the several militia officers of this State.

Whereas, to secure a uniformity of instruction and practice between the militia and regular army of the United States, a proportionate number of copies of "A System of Instruction for the militia Infantry," and also "A System of Exercise and Instruction of Field Artillery, including Manœuvres for Light Horse Artillery," have been transmitted by the Secretary of War

Preamble.

to the Governor of this State for distribution: Therefore

Manner and proportions in which the Governor shall distribute to the militia officers the works named in the title of this act.

Be 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 be, and he is hereby authorized and directed to distribute to the several militia officers of this State the said copies of "A System of Instruction for the militia Infantry," and also "A System of Exercise and Instruction of Field Artillery, including manœuvres for Light or Horse Artillery," in the manner and proportions hereinafter directed, to wit: to each major general one copy of each system; to each brigadier general one copy of each system; to the colonel commanding the regiment of artillery, twenty-seven copies of the "System of Exercise & Instruction of Field Artillery, including manœuvres for Light or Horse Artillery;" and to the colonels commanding the several regiments of the North Carolina militia, the following number of copies of the "System of Instruction for the militia Infantry," to wit: the first regiment, twenty seven copies; the second regiment, thirty six copies; the third regiment, thirty copies; the fourth regiment, twenty seven copies; the fifth regiment, twelve copies; the sixth regiment, twenty four copies; the tenth regiment, thirty copies; the ninth regiment, thirty copies; the forty first regiment, twenty four copies; the forty fourth regiment, thirty copies; the thirty third regiment, thirty six copies; the thirty fourth regiment, twenty one copies; the eighty fifth regiment, twenty four copies; the thirty second regiment, thirty six copies; the fifty third regiment, thirty copies; the fifty fourth regiment, twenty seven copies; the forty second regiment, twenty four copies; the forty third regiment, twenty seven copies; the fifty first regiment, twenty one copies; the ninety third regiment, fifteen copies; the forty fifth regiment, thirty six copies; the forty seventh regiment, thirty six copies; the forty eighth regiment, thirty copies; the forty ninth regiment, twenty seven copies; the fifty fifth regiment, thirty copies; the fifty sixth regiment, twenty one copies; the fifty ninth regiment, thirty three copies; the thirty seventh regiment, twenty seven copies; the thirty eighth regiment, twenty seven copies; the fiftieth regiment, thirty nine copies; the fifty seventh regiment, thirty three copies; the fifty eighth regiment, thirty six copies; the sixty seventh regiment, thirty six copies; the sixty fifth regiment, twenty seven copies; the sixty sixth regiment, twenty seven copies; the ninety first regiment, thirty three copies; the sixty third regiment, fifty one copies; the sixty fourth regiment, twenty four copies; the eighty seventh regiment, thirty copies; the eighty eighth regiment, twenty seven copies; the fifty second regiment, thirty six copies; the eighty ninth regiment, thirty copies; the sixty eighth regiment, thirty nine copies; the sixty ninth regiment, thirty three copies; the sixtieth regiment, twenty seven copies; the sixty first regiment, twenty four copies; the sixty second regiment, thirty nine copies; the seventieth regiment, thirty nine copies; the forty sixth regiment, thirty six copies; the seventy second regiment, thirty copies; the seventy third regiment, thirty three copies; the seventy fourth regiment, twenty seven co-

pies; the seventy fifth regiment, twenty four copies; the seventy first regiment, forty five copies; the seventy sixth regiment, twenty four copies; the seventy seventh regiment, twenty seven copies; the seventy eighth regiment, twenty four copies; the seventy ninth regiment, twenty one copies; the eightieth regiment, twenty one copies; the eighty first regiment, twenty seven copies; the eighty second regiment, twenty four copies; the eighty third regiment, twenty seven copies; the eighty fourth regiment, twenty four copies; the eighty sixth regiment, twenty four copies; the ninetieth regiment, twenty one copies; the ninety second regiment, fifteen copies; the thirtieth regiment, thirty three copies; the thirty ninth regiment, thirty three copies; the twenty fourth regiment, thirty three copies; the thirty first regiment, thirty nine copies; the twenty fifth regiment, twenty four copies; the twenty sixth regiment, twenty one copies; the fortieth regiment, thirty three copies; the twenty eighth regiment, thirty nine copies; the twentieth regiment, twenty seven copies; the twenty first regiment, thirty copies; the thirteenth regiment, thirty copies; the fourteenth regiment, fifteen copies; the fifteenth regiment, twenty seven copies; the sixteenth regiment, thirty six copies; the twenty ninth regiment, thirty three copies; the thirty fifth regiment, thirty copies; the thirty sixth regiment, forty two copies; the twenty second regiment, thirty copies; the twenty third regiment, twenty four copies; the seventeenth regiment, twenty four copies; the eighteenth regiment, forty two copies; the nineteenth regiment, forty five copies; the twenty seventh regiment, twenty four copies; the twelfth regiment, forty two copies; the eleventh regiment, twenty four copies; the eighth regiment, eighteen copies; and the seventh regiment, twenty one copies.

II. *Be it further enacted*, That the Governor be, and he is hereby directed to deliver the copies of the systems aforesaid, apportioned in the manner aforesaid, to the agent or agents employed to distribute the acts of the General Assembly, whose duty it shall be to deposite with the clerks of the several County Courts in this State so many of the copies aforesaid as the officer or officers of such county may be entitled, and take a receipt from the clerk of the County Court for the same; and the said agent or agents shall receive as a compensation for their services the sum of fifty dollars. And any agent or agents employed as aforesaid, refusing or neglecting to comply with the requisitions of this act, shall forfeit and pay the sum of one hundred dollars for each and every offence, to be recovered in the name of the Governor, before any jurisdiction having cognizance thereof, by any person suing for the same.

III. *Be it further enacted*, That the clerks of the several County Courts be, and they are hereby required to receive and take into their charge such number of the systems aforesaid as the agent or agents may deliver to them, and give a receipt to the said agent or agents for the same, and to deliver over the same to the proper officers, upon application by them made; and any clerk of any of the County Courts of this State refusing to receive the co-

Governor to deliver copies of the systems thus apportioned, to the agents employed to distribute Acts, whose duty it is made to deposit them with the clerks of the c. courts.

Duty of clerks

pies aforesaid from the hand of the agent or agents, or receiving the said copies, shall refuse or neglect to deliver the same over to the proper officers upon application by them made, for each refusal or neglect, such clerk shall forfeit and pay the sum of one hundred dollars, to be recovered in the name of the Governor, before any jurisdiction having cognizance thereof, by any person suing for the same.

Duty of colonels to apply to clerks for the said copies and distribute them among the officers of their regiments.

IV. *Be it further enacted*, That the colonels commanding regiments, or in case of the death, resignation or removal of any of the said colonels, then the officer highest in rank in such regiment, shall make application to the clerks of their County Courts respectively for the copies of the system aforesaid and shall distribute the same among the officers of their regiment, that is to say, one copy to each commissioned officer belonging to such regiment, reserving one copy for their own use; and the said "System of Instruction for the militia Infantry," when so distributed, shall be held and deemed the property of such regiments, for the use of the officers and their successors in office. And the said general officers, of regiments and of companies, on their resignation, shall hand over said copies to their successors in office, and on failing to do so, shall forfeit the sum of five dollar, for each copy in their possession, to be recovered by warrant, before any justice of the peace, upon the complaint of the officer in command; and in case any officer shall die with one or more of the said copies in possession, it shall be the duty of his executor or administrator, on application of the officer in command of the said regiment or company, to deliver the same under the above penalty for each copy of said book, to be recovered as above.

Officer's hand over said copies to their successors.

CHAPTER XXI

An act concerning the distribution of the public arms to the police authorities, and to provide in case of invasion or insurrection.

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

Specified places where arms shall be distributed.

That the arms now at Edenton, and those that were in the hands of the volunteer companies in the counties of Pasquotark and Perquimons, be distributed by the Adjutant General, with the advice and consent of the Governor in writing, in such portions as he may deem expedient, with the police authorities of Elizabeth City, Washington, and Halifax, and Edenton; and that he cause to be sent from the arsenal at Fayetteville and Raleigh, or either place, to Wilmington and Newbern, not exceeding three hundred muskets to each place, and to Tarborough not exceeding two hundred muskets, as soon as arrangements can be made with the police authorities of those places to receive them, upon their giving bond, with approved security, if required, for the safe keeping and preservation of said arms, to be used by the militia in case of emergencies.

Other police authorities or senior colonel may procure arms on petition.

II. *And be it further enacted*, That in case any police authority, or the senior colonel of any county in this State, shall petition the Governor for any number not exceeding sixty-five mus-

sets, he is hereby authorised to furnish them with that many, tioning to Governor.
provided they give bond, with approved security, if required, for the safe keeping and preservation of them: *Provided*, that no Proviso.
 one county shall receive a greater number than the sixty five, except those places already named in this act, unless it is in case of insurrection or invasion.

III. *And be it further enacted*, That in case of insurrection or invasion, or a probability thereof, the Governor is authorised to distribute the public arms of the State, and to send them to such places as he may deem necessary and expedient. And he is hereby authorised to issue his warrant, upon a proper voucher being introduced, upon the Treasurer of the State for such sums as are necessary to carry the provisions of this act into effect. Provides for cases of invasion or insurrection.

IV. *And be it further enacted*, That this act shall be in force from and after the passage thereof. When to take effect.

V. *Be it further enacted*, That the Governor be authorised and required, whenever he shall deem it expedient, to make such provisions as he may think necessary for guarding and protecting the different arsenals in this State. Governor authorised to provide for the safety of the arsenals.

CHAPTER XXII

An act for the more perfect administration of justice in capital cases.

Whereas inconveniences have been experienced because of the expiration of the terms assigned to the Superior Courts before the conclusion of trials for capital offences in which they may be engaged: 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 so much of any law or laws as fixes the duration of, or assigns a period to the close of the term of any Superior Court, be repealed so far as to authorise the Judge to continue the said court, or adjourn the same from day to day, for the purpose of finishing the trial and the reception of the verdict, and rendering the judgment of the law thereon, in any capital case whereof the trial may have previously commenced. Repeals the laws fixing a period to the term of a superior court, &c

CHAPTER XXIII

An act concerning the North Carolina Catawba Company.

Whereas an act, passed in the year one thousand eight hundred and twenty-one, chapter twenty-one, entitled an act to amend the first section of an act, passed in the year one thousand eight hundred and sixteen, entitled an act concerning the navigation of the Catawba river, the object of which was to extend the privileges therein recited to the North Carolina Catawba Company; but which has failed in its effect, by the same being therein styled the Catawba Navigation Company; and whereas the act passed in the year one thousand eight hundred and twenty-five, chapter thirty-one, entitled an act giving further time to the North Carolina Catawba Navigation Company to complete the navigation of the Catawba river the object of which was to extend the privileges therein recited to the aforesaid North Caro- Preamble.

lina Catawba Company, has in like manner failed of its effect, by the mis-recital therein of the name and style of the said company; and whereas the act, passed in the year one thousand eight hundred and twenty-nine, entitled an act to amend the charter of the Catawba Navigation Company, the object of which was to extend the privileges therein recited to the aforesaid North Carolina Catawba Company, has in like manner failed to effect the intention of the Legislature, by the mis-recital of the name and style of the said corporation:

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 before recited acts do, and shall constitute a part of the charter of the said North Carolina Catawba Company; and that all the proceedings of the said corporation, by virtue of and under the authority of the said acts, are and shall be as valid in law and equity, to all intents and purposes, as if the said North Carolina Catawba Company had been correctly named, written and styled therein.

CHAPTER XXIV.

An act for the relief of the University of North Carolina.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the President and Directors of the Literary Fund be, and they are hereby authorised and required to loan to the Trustees of the University of North Carolina twenty-five thousand dollars, for the term of five years, in three instalments: one of nine thousand dollars, payable after the passage of this act; one of eight thousand, payable in three months thereafter; and one of eight thousand, payable in six months thereafter: *Provided*, the said Trustees shall cause to be executed by the President of their Board a bond, under their corporate seal, for the said sum, bearing interest from date, and payable within the period aforesaid.

II. And be it further enacted, That the sum loaned as aforesaid shall, and the same is hereby declared to be a lien upon all the estate, both personal and real, of which the said trustees are possessed or in any wise entitled, or which shall hereafter accrue to them, until the whole of the principal and interest of the sum loaned as aforesaid shall be fully satisfied by the said Trustees to the said President and Directors.

III. And be it further enacted, That the President and Directors be, and they are hereby authorised and required to direct the Public Treasurer to pay over to the said Trustees the sum aforesaid out of the Literary Fund, whenever the said Trustees shall signify in writing their assent to the terms expressed in the second section of this act, and shall cause to be executed the bond as herein before directed.

IV. Be it further enacted, That the Public Treasurer shall not pay to the Trustees of the University the aforesaid sum of twenty-five thousand dollars, or any part thereof, until the said Trustees signify in writing by the President, under their corporate

real, their assent, that the Legislature may at any subsequent session modify or alter the charter of said institution so as to assume to the State the management of said institution, and the possession and disposition of all its property, real and personal.

V. *Be it further enacted*, That said Trustees are hereby required to apply the money borrowed by them under the provisions of this act, or such portion thereof as is necessary, to the discharge of all debts for which they may have heretofore given any mortgage or other lien upon their property, either real or personal, or any part thereof.

How the trustees shall apply the money borrowed.

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

To take immediate effect

CHAPTER XXV

An act to amend an act, passed in the year one thousand eight hundred and twenty-nine, entitled "An act to vest the right of electing Sheriffs in the several counties within this 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 before recited act be so amended as to require the sheriffs elect as aforesaid to prepare and tender to the court such bonds as are now, or may hereafter be required by law, on or before the second day of the court, at or before four o'clock in the afternoon of the said second day of the court; and in case a majority of the justices of the peace of such county shall not be present, then and in that case the sheriff elect as aforesaid shall give bond at or before two o'clock of the third day of the court, under the same rules and regulations as are now prescribed by law; and in case any sheriff elect as aforesaid shall refuse or neglect to comply with the provisions of this act, the court (a majority of the justices of the peace being present) shall proceed to elect a sheriff under the same rules and regulations as are prescribed in the above recited act.

Time within which sheriff elect shall execute his bonds; and in case of failure, justices to appoint another.

II. *Be it further enacted by the authority aforesaid*, That hereafter no person shall be eligible to the office of sheriff in any county in this State, who has been or hereafter shall be sheriff of such county, and has failed to settle with, and fully pay up to every officer the taxes which by law were due from him; nor shall any court permit any such former sheriff to give bond for, or re-enter upon the duties of said office, until he has produced before said court the receipt in full of every officer aforesaid for such taxes.

Persons who shall not be eligible to the office of sh^{er}iff.

III. *Be it further enacted by the authority aforesaid*, That no person shall be eligible to the office of sheriff, who shall not have possessed the freehold mentioned in the before recited act for the space of six months next before and immediately preceding the day of his election, and shall continue to hold said freehold during his term of office.

Further disqualifications.

IV. *Be it further enacted by the authority aforesaid*, That the return of votes given for sheriff, which by the before recited act is required to be made to the clerk of the County Court separate and apart from the votes given for members of Assembly, shall

How return of votes shall be made.

be made by the receiving officers to such clerk within the time fixed by law for making the returns of election for members of Assembly.

Clerks' duty. V. *And be it further enacted,* That it shall be the duty of clerks to attend on such day and place to receive said returns of the votes for sheriff.

Persons disqualified to vote. VI. *And be it further enacted,* That no person who shall have been convicted of felony or the crimen falsi, shall be capable of voting for a sheriff.

CHAPTER XXVI

An act to explain and amend the act of one thousand eight hundred and twenty-two, relative to insolvent debtors.

Preamble: Whereas doubts have arisen as to the manner in which a person may be discharged, against whom a jury have found fraud or concealment, and who is adjudged, under the act of one thousand eight hundred and twenty-two, to be imprisoned until a full and fair disclosure is made:

Manner in which a debtor may be discharged, against whom a jury have found fraud or concealment. *Be 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 debtor, upon the finding of a jury that there is fraud or concealment, now is, or hereafter may be adjudged to be imprisoned until a full and fair disclosure be made, such debtor, upon making a full and fair disclosure in writing of all the money, property or effects, and upon giving the necessary notice, shall be discharged according to the provisions of the act of one thousand eight hundred and twenty two, by taking the following oath: I, A. B. do solemnly swear that the disclosure now by me made and subscribed doth contain a full and true account and discovery of all the estate, goods and effects unto me in any way belonging, and of all debts unto me owing, or to any person in trust for me, and of all securities or contracts, whereby any money may become payable, or any benefit accrue to me, or to any person in trust for me; and that I, or any person in trust for me, have not any land, money or other estate in possession, reversion or remainder, not hereby fully disclosed; and that I have not, directly or indirectly, sold, assigned or otherwise disposed of in trust or concealed any land, money or other estate, not herein fully disclosed, whereby to secure the same, or to expect or receive any profit or advantage thereof: So help me God.

How property contained in disclosure shall be disposed of. II. *Be it further enacted.* That the money, debts and other property, contained in such disclosure, shall be vested and disposed of in the same manner as is now provided by law for the money, debts or other property contained in the schedules filed by insolvent debtors.

Circumstance which may exclude a debtor from the privileges of this act. III. *Be it further enacted* That no debtor shall be entitled to the benefit of this act, provided the creditor shall give bond and security to the jailor for the jail fees of such debtor, in case the debtor shall not be able to pay the same

How to pre- IV. *Be it further enacted,* That should the creditor, at whose instance the debtor was arrested, think that a full and fair disclo-

sure is not made by said debtor in writing, it shall and may be lawful for the creditor to have an issue made up under the direction of the court, and tried in the same manner as in cases where there is a suggestion of fraud or concealment of property, money or effects; and in the event of the jury finding against the debtor, his imprisonment shall be continued, as is provided by the act to which this is an amendment

ced in case
the creditor
should think a
full disclosure
has not been
made.

CHAPTER XXVII

An act directing the manner in which jurors may be summoned in certain cases.

Whereas doubts exist whether the judges of the Superior Courts of Law have the authority to issue, during the time of any of said courts, special writs of venire facias, to some day of said term, for the purpose of compelling the attendance of a sufficient number of jurors on the trial of any person charged with a capital offence; and whereas it is highly expedient and necessary that they should possess such authority:

Preamble.

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any judge of the Superior Courts shall deem it necessary to a fair and impartial trial of any person or persons charged with a capital offence, he is hereby authorised and empowered to issue to the sheriff of the county in which such court may be, a special writ of venire facias, commanding him to summon such number of the freeholders of said county which he, the judge, may deem sufficient, (such number being designated in said writ,) to appear on some specified day of said term, as jurors of said court; and it shall be the duty of the sheriff to proceed forthwith to execute said writ, and return it to the clerk of said court on the day to which the same shall be returnable, with the names of the jurors he shall have summoned.

Judge may is-
sue a special
writ of venire
facias.

II. *Be it further enacted,* That if any sheriff shall neglect or fail duly to execute and return such writ of venire facias, he shall be fined by the court not exceeding one hundred dollars; and all jurors so summoned, shall attend from day to day, until discharged by the court, under the same rules, regulations and penalties as are now prescribed by law for other jurors; any law, usage or custom to the contrary notwithstanding.

Penalties, &c.

CHAPTER XXVIII

An act to repeal part of the second section of an act, passed in the year one thousand eight hundred and six, chapter seven hundred and eight, entitled an act to revise the militia laws of this State.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as exempts Quakers, Moravians, Dunkards and Menonists, religiously scrupulous of bearing arms, from militia duty, shall be, and the same is hereby repealed from and after the first day of August next.

Part act re-
pealed.

II. *Be it further enacted,* That every inhabitant of this State of any religious denomination, subject to militia duty, but who from scruples of conscience shall be averse to bearing arms, and

Persons con-
scientiously
opposed to
bearing arms.

may be exempt on paying a tax in lieu thereof.

shall refuse personal military service, shall be exempt therefrom, except in time of insurrection or invasion, on paying annually the sum of two dollars and fifty cents for such exemption.

To whom and when persons claiming exemption, shall make known their intention

III. *Be it further enacted*, That any person claiming the benefit of the aforesaid exemption, shall, at the usual time of taking the lists of taxable property, make known his intention to the magistrate receiving the same, whose duty it shall be to report the name of every such person in the list returned by him to court, and to give such person a certificate of that fact, and of his consequent exemption from military duty.

Tax \$2 50, to be collect'd by the sheriff.

IV. *Be it further enacted*, That the sheriffs shall collect the said sum of two dollars and fifty cents of every person reported as aforesaid, and account for the same to the Public Treasurer in like manner with other public taxes.

Appropriated to the literary fund.

V. *Be it further enacted*, That all sums of money received under the provisions of this act shall form a part of the Literary Fund, and be applied by the Public Treasurer accordingly.

Persons claiming exemption, to be put on the muster roll.

VI. *Be it further enacted*, That all persons claiming exemption from military duty under this act, shall be enrolled and kept on the muster roll, and returned with the return of militia to the Adjutant General.

CHAPTER XXIX

An act to repeal the second section of an act, entitled "an act to limit the term of office of certain officers therein named," passed in the year one thousand eight hundred and twenty-two, and also to amend said act.

2d section repealed, except as to clerks of sup. courts.

Be 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 second section of an act, passed in the year one thousand eight hundred and twenty-two, entitled "an act to limit the term of office of certain officers therein named," be, and the same is hereby repealed and made void, except so far as respects the clerks of the Superior Courts of Law in this State.

Officers who may be removed.

II. *And be it further enacted*, That each and every officer mentioned in the first section of the aforesaid act, (except clerks of the Superior Courts,) passed in the year one thousand eight hundred and twenty-two, who was in office at the passage of said act, and who has continued in office until this time, may be removed from office by the courts to which they belong, or by which they were respectively appointed: *Provided*, that no Court of Pleas and Quarter Sessions in this State shall remove any officer belonging to said court, or who was appointed by such court, unless a majority of the acting justices of the peace in and for said county shall concur in the removal of such officer.

Proviso.

3 months' notice of intended removal to be given.

III. *And be it further enacted*, That no clerk of the Supreme Court, clerk or master in equity, or clerk of the Court of Pleas and Quarter Sessions, county solicitor, register, surveyor or entry-taker shall be removed from office until he shall have had three months' notice in writing of his intended removal; which notice shall be signed by one of the judges, if the officer to be removed be an officer of the Supreme Court or Court of Equity; and

if the officer intended to be removed, be an officer of any Court of Pleas and Quarter Sessions in this State, or shall have been appointed by any Court of Pleas and Quarter Sessions, five justices at least of the Court of Pleas and Quarter Sessions to which the officer belongs, or by which he was appointed, shall sign the notice to be served on the officer intended to be removed.

IV. *And be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby declared null and void. Repealing clause.

CHAPTER XXX

An act to amend the several laws now in force in this State regulating quarantine.

Whereas it has been highly necessary and essential to the welfare and safety of the good people of this State that merchant vessels, or ships coming by sea from other States or countries, with free persons of colour, acting as mariners or stewards, or in any other employment or capacity, on board such vessel or vessels, should perform quarantine, and that means be adopted to prevent such persons of colour from coming into this State, or from communicating with the coloured people of this State: 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 all ships or vessels coming into any port of this State by sea from any port or place in any other State or country, having on board any free negro or free person of colour, not being an inhabitant or inhabitants of this State, employed as a steward, cook, mariner, or in any other capacity, or as a passenger, shall be subject to quarantine for the space of thirty days; nor shall it be lawful for any negro or person of colour residing in this State to go on board such ship or vessel while riding quarantine, or to have communication with any such coloured person on board of such vessel for any purpose whatever while she is so riding quarantine. Vess'ls having on board free negroes from another State, subject to quarantine thirty days; nor shall any person of color go on board such vessels.

II. *And be it further enacted*, That whenever any ship or vessel shall arrive at any port in this State, having on board any free negro or person of colour as aforesaid, it shall be the duty of the pilot conducting said ship or vessel, and of the captain, commander or chief officer on board such ship or vessel to stop and moor her at the usual quarantine ground of such port; and if any captain, commander or chief officer of any such ship or vessel as aforesaid shall refuse or neglect to stop and moor his ship or vessel as aforesaid, he shall forfeit and pay the sum of five hundred dollars, to be recovered by and in the name of any persons suing for the same, and shall be liable to indictment, and on conviction shall be fined and imprisoned at the discretion of the court before whom he may be tried. Commanders to moor such vessels at the usual quarantine ground.

III. *And be it further enacted*, That if any free negro or person of colour on board any ship or vessel coming into any port in this State from any other State or country shall before the expiration of thirty days from the arrival of the vessel on board which he or she may be, shall go on shore, or if any slave or free negro Penalty.
If any such negro shall go on shore, &c. the captain shall forfeit \$500.

or person of colour residing in this State shall have any communication by words or writing with such free person of colour while on board such ship or vessel, the captain, commander or chief officer of such ship or vessel shall forfeit and pay the sum of five hundred dollars, to be recovered by and in the name of any person suing for the same.

Any free negro coming on shore, shall be apprehended and imprisoned.

IV. *And be it further enacted*, That if any free negro or person of colour so coming in such ship or vessel, shall come on shore or have any communication with any person of colour residing in this State while the said ship or vessel shall be riding quarantine as aforesaid, such negro or person of colour shall be immediately apprehended and committed to the common jail of the county where he, she or they may be apprehended; and the magistrate or intendant of police of any city or town within this State or any judge or justice of any Superior or inferior Court of this State is hereby authorised to issue a warrant or warrants to any sheriff or constable within this State for the apprehension of such free negro or person of colour, and to commit him, her or them to any common jail within this State as aforesaid, there to remain until the said ship or vessel shall be actually departing from the waters of this State, or shall be hauled off from the wharf and ready to proceed to sea, or until he, she or they shall be otherwise discharged by law.

Punishment of negroes communicating with any person of color so coming into this State.

V. *And be it further enacted*, That if any negro or person of colour shall communicate with any free negro or person of colour so coming into this State, while the said ship or vessel is riding quarantine as aforesaid, such negro or person of colour so offending shall be forthwith arrested by a warrant to be issued by the authorities, and in manner herein before provided and directed; and if a slave, on conviction thereof before any intendant, judge or justice as aforesaid, before whom the said warrant shall be made returnable, shall be sentenced to be whipped not exceeding thirty nine lashes; and if a free negro or person of colour, shall be indicted in any court having cognizance thereof, and on conviction shall be punished by thirty-nine lashes on his or her bare back.

When the vessel is ready to sail, the capt. shall carry off such person of color, &c.

VI. *And be it further enacted*, That when said vessel is ready to sail, the captain of the said vessel shall be bound to carry away the said free negro or person of colour, and to pay the expenses of his detention; and in case such captain shall refuse or neglect to pay the said expenses, and carry away the said free negro or person of colour, he shall be liable to indictment, and on conviction shall be fined five hundred dollars.

Any such person of color, who shall not depart, liable to indictment, &c.

VII. *And be it further enacted*, That every free negro or person of colour coming into this State as aforesaid, and who shall not depart the State, in case the captain refusing or neglecting to carry him away within ten days after the vessel in which he came has departed, shall be liable to indictment, and on conviction before any court having cognizance thereof shall be whipped not exceeding thirty-nine lashes, and be further liable to the penalties now by law in force against free persons of colour coming into this State.

VIII. *And be it further enacted*, That all free negroes or persons of colour, and all other persons, shall be exempt from the operations of this act, where such free negroes or persons of colour have arrived within the limits of this State by shipwreck or stress of weather or other unavoidable accident; but such free negroes or persons of colour and other persons nevertheless shall be subject to all the penalties of this act, and all others imposed on free persons of colour coming into this State, if the requisites of the same be not complied with within one month after such shipwreck, stress of weather or other unavoidable accident.

Case in which persons shall be exempt from the operations of this act.

IX. *And be it further enacted*, That this act shall not be construed to extend to any free American Indian.

Not to extend to an American Indian.

X. *And be it further enacted*, That the foregoing sections of this act shall not be in force until the first day of June next.

When to be in force.

XI. *And be it further enacted*, That no part of this act shall be construed to extend to any national vessels of war, or to any free negro or person of colour employed on board thereof.

Not to extend to national vessels.

XII. *And be it further enacted*, That the city councils or corporate authorities of the cities or towns of this State respectively be, and they are hereby authorised and empowered by ordinance or otherwise to ordain and make such other provisions and regulations as may be necessary for carrying into full effect the provisions and true intent and object of the foregoing sections of this act: *Provided*, that the same be not contrary to the Constitution or laws of this State.

Powers of city & town authorities.

CHAPTER XXXI

An act to authorize the appointment of commissioners to take the acknowledgment and proof of deeds, and instruments under seal, and depositions.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Governor of this State be, and he is hereby authorised to name, appoint and commission one or more commissioners in each or such of the other States in the United States, or in the District of Columbia, or any of the Territories, as he may deem expedient; which commissioner shall continue in office during the pleasure of the Governor of this State, and shall have authority to take the acknowledgment or proof of any deed, mortgage or other conveyance of any lands, tenements or hereditaments, lying or being in this State, or any other writing, under seal, to be used in this State. And such acknowledgment or proof, taken or made in the manner directed by the laws of this State, and certified by the commissioner before whom the same shall be taken or made, shall have the same force and effect, and be as good and available in law for all purposes, as if the same had been made or taken before one of the justices of the Supreme Court of the United States, or judge of any court of supreme jurisdiction in any of the United States.

Authorises the Governor to appoint commissioners in any State or Territory.

II. *Be it further enacted*, That every commissioner appointed by virtue of this act, shall have full power and authority to administer an oath or affirmation to any person who shall be willing

Powers of commissioner.

or desirous to make such oath or affirmation before him; and to take depositions, and to examine witnesses, under any commission or commissions, emanating from any of the courts of this State, relating to any cause depending or to be brought in any of said courts; and every deposition, affidavit or affirmation, made before such commissioners, shall, and is hereby declared to be as good and effectual, to all intents and purposes, as if taken before an officer resident in this State, and competent to take the same.

III. Be it further enacted, That every commissioner appointed as aforesaid, before he shall proceed to perform any duty under or by virtue of this act, shall take and subscribe an oath or affirmation before a justice of the peace in the city or county in which such commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of North Carolina; which oath or affirmation shall be filed in the office of the Secretary of this State.

IV. Be it further enacted, That it shall be the duty of the Governor of this State to make known to the clerks of the several courts of record in this State, the names and places of residence of such persons as may be appointed by virtue of this act.

CHAPTER XXXII

An act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled an act to regulate the inspection of staves, 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 all staves and heading hereafter inspected, shall be culled, and the refuse separated from the merchantable, except there be an agreement between the purchaser and seller that the same shall not be done.

CHAPTER XXXIII

An act to exempt Bibles and other books therein mentioned from execution.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, one Bible, Testament, Hymn Book and Prayer Book, and all necessary school books, shall be exempt from all executions against the owner of said Bible or any of said books; and shall likewise be excepted in the oath of insolvency; any law to the contrary notwithstanding.

CHAPTER XXXIV

An act to repeal an act, passed in the year one thousand eight hundred and twenty-three, entitled an act concerning the public lands in the county of Haywood, so far as respects buildings on said 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 so much of the above recited act as makes it an indictable offence to erect a building or buildings on the four hundred acres of land laid off by the commissioners for the town of Franklin, be, and the same is hereby repealed.

CHAPTER XXXV

An act to amend an act, passed in the year one thousand eight hundred and nineteen, chapter one thousand, entitled "An act giving to the Courts of Pleas and Quarter Sessions power to regulate separate elections."

Be 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 Pleas and Quarter Sessions of this State, a majority of the justices being present, have full power and authority to fix and alter the place or places of holding separate elections, thirty days notice having been given in three or more public places, and at the court house, of the intended application for the same.

CHAPTER XXXVI

An act more effectually to subject the lands of deceased debtors to the payment of their debts.

Whereas, by the existing law, a devisee or heir at law of a deceased debtor may sell and convey any lands which may be devised, or which may have descended to him or her, before action brought or process sued out against such devisee or heir at law, to the great injury of honest creditors: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, when any person shall die seized of any lands, and shall be indebted at the time of his or her death, all the lands of which he or she died seized shall be liable to the payment of his or her debts, for the term of two years after the probate of his or her last will and testament, or, in case he or she shall die intestate, for two years after administration granted on his or her estate. And all sales, conveyances or alienations of any lands of a deceased debtor, made by any devisee or devisees or heir or heirs at law of such deceased debtor, before the expiration of two years from the probate of the last will and testament of such deceased debtor, or before the expiration of two years after granting letters of administration on the estate of such deceased debtor, shall be utterly null and void, as to the creditors of the said deceased debtor. And the creditor or creditors of the deceased debtor may proceed against his or her real estate, in the same manner as if such conveyances never had been made by the devisee or heir at law of such deceased debtor: *Provided*, that nothing herein contained shall impair or in any way affect the right of a widow to dower in the lands of her deceased husband: *and provided also*, that this act shall not impair or in any way affect the right of any person or persons to whom any land shall be devised in trust or otherwise, or to whom power to sell land shall be given by any last will and testament, for the purpose of paying the debts of the deviser or testator, to sell or dispose of the same in order to carry into effect the intention of such deviser or testator; but every such person shall have the same power over such land as he or she now has; any thing herein contained to the contrary notwithstanding.

Lands of deceased debtors liable to payment of their debts for the term of 2 yrs after probate of will or the granting letters of administration; and a conveyance of said land, by the heirs, until the expiration of that time, shall be null and void; and creditors may proceed against said land as if the conveyance had not been made.

Proviso.

Further proviso.

II. *And be it further enacted*, That all laws and clauses of

Repealing clause.

laws coming within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAPTER XXXVII

An act to authorise the Governor to dismiss field officers in certain cases, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future if any colonel commandant of any regiment of militia neglects or refuses to make his annual returns of the militia under his command, as now required by law, to the brigadier general of the brigade to which such regiment may be attached, and to the Adjutant General, it shall be the duty of the Governor to strike his name from the list of officers; and when his name is so stricken off, his commission shall be null and void: *Provided, however,* that the Governor, before striking off the name of any officer as aforesaid, shall cause the Adjutant General to give such delinquent officer thirty days notice of his neglect of duty; and if such officer shall justify his conduct within forty days after the date of the notice, by shewing to the satisfaction of the Governor that such delinquency happened in consequence of indisposition, absence from the state, or other unavoidable accident; which excuse shall be deemed sufficient by the Governor.

Colonels refusing or neglecting to make returns, to be stricken from the list of officers.

Proviso.

II. *Be it further enacted,* That in future, when any reviewing officer shall order a muster for review, it shall be the duty of the colonel commandant of the regiment, or the officer in command, to appear and muster and exercise his regiment as the law now directs; and if he shall refuse or neglect to perform his duty, or refuse the lawful commands of the general officer, upon representation made by the reviewing officer to the Governor, he shall strike the name of such officer from the list of officers: *Provided, however,* he shall be proceeded against as required in the first section of this act as respects notice.

Colonels refusing to obey the orders of gen'l officers, to be stricken from the list.

Proviso.

III. *Be it further enacted,* That in future, when any major or brigadier general shall resign his commission, before the Governor shall be authorised to receive such resignation the officer resigning shall make it appear, by a certificate from the Adjutant General, that he has reviewed his division or brigade, or that he has equipt himself as the law requires; and it shall be the duty of the Adjutant General to bring suit against all such officers who resign without complying with the law now in force respecting reviews; and if the Adjutant General shall refuse or neglect to bring suit against any general officer offending against this act, he shall be deemed guilty of a neglect of duty, and shall forfeit and pay for every such offence the sum of fifty dollars, to be recovered in the name of the Governor, in any court of record in this State; and that it shall be the duty of the Attorney General to bring suit for the same.

Generals shall have review'd or equipt themselves before their resignations shall be received; & the adjutant gen'l shall bring suit against delinquents.

When the Governor shall strike an officer from the list, he shall give notice to the adj. gen.

IV. *Be it further enacted* That when the Governor shall strike the name of any officer from the list of officers in compliance with this act, he shall communicate it to the Adjutant General, who shall have it published in the State paper.

CHAPTER XXXVIII

An act to limit the time within which parties interested shall claim equities of redemption in personal property hereafter mortgaged.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any mortgagor or mortgagors of any mortgage of personal property hereafter executed, or his, her or their legal representative or representatives shall fail to perform the conditions of the mortgage for the space of two years from the time of performance specified in the mortgage, and shall omit to file a bill in equity, claiming his, her or their equitable right to redeem such personal property for the space of two years after the forfeiture of the conditions of the mortgage, he, she or they shall be held and deemed forever barred of all claim in equity to personal property mortgaged as aforesaid: *Provided, nevertheless,* nothing herein contained shall be construed to prevent any mortgagee or mortgagees from filing his, her or their bill in equity to foreclose any such mortgage at any time after forfeiture of the conditions specified in the mortgage: *And provided further,* that if any such mortgagor or mortgagors shall become lunatic or non compos mentis, or remove beyond seas, he, she or they shall be allowed the further time of one year from the removal of such disability within which he, she or they, or his, her or their legal representative or representatives may assert in equity his, her or their right to redemption.

Time limited
to two years.

Proviso.

Further proviso.

CHAPTER XXXIX.

An act to amend an act, passed in the year one thousand eight hundred and twenty-nine, chapter seventeen, entitled "An act to provide for a division of negroes and other chattel property held in common."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever a petition is filed in the County or Superior Court, for the division of negroes and other chattel property held in common, as directed by the above named act, and either party concerned may be an infant or non compos, it shall be lawful for the court to appoint a guardian for such party, should there be no regular guardian; and if, in pursuance of said act, the court shall order a sale of the property, for the division of which a petition is filed, it shall be the duty of the clerk of the court in which such petition may be filed, and order of sale made, or some other fit person to be appointed by said court, to sell the said negroes or other chattel property held in common, after giving thirty days notice in three or more public places in the county by public advertisement; and the deed of said clerk or person so appointed shall be deemed and taken as good and sufficient to convey to the purchaser of said property at such sale such title, interest and estate in the said negroes or other chattel property sold, as the respective tenants in common or joint tenants had; and the clerk or person appointed as aforesaid shall report to the court from which the decree of sale issued all his proceedings in such case; any law or custom to the contrary notwithstanding.

How to proceed in case either party may be an infant or non compos.

CHAPTER XL

An act to prohibit the circulation in this State, after the time therein mentioned of bank notes under five dollars, issued by the banks of other States.

Notes not to be
circulated af-
ter 4th July,
1832.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person, from and after the fourth day of July, one thousand eight hundred and thirty-two, to pass, circulate or receive in payment, within this State, any bank note, bill or promissory note for the payment of money, issued by any State or sovereignty, or by any body politic or corporate not authorised to issue the same in and by any of the laws and statutes of this State, under the denomination of five dollars.

Penalty.

II. *Be it further enacted,* That any person offending against any of the provisions of the preceding section, shall forfeit the nominal amount of such bank note, bill or promissory note, with costs of suit, to be recovered in the name and for the use of any person who shall sue for the same, and prosecute such suit to judgment, in any jurisdiction having cognizance thereof.

CHAPTER XLI

An act to prevent the burning of court houses and other public buildings.

Penalty for
burning build-
ings mention-
ed, death.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if, at any time hereafter, any person or persons shall wilfully and maliciously burn the State House or any of the public offices of this State, or any court house, jail, arsenal, clerk's office, register's office, or any house belonging to any incorporated town in this State, in which the archives, documents or public papers of such town are kept, he, she or they shall be deemed guilty of felony, and on conviction thereof, shall suffer death without benefit of clergy.

Penalty for
attempting to
burn.

II. *Be it further enacted,* That if, at any time hereafter, any person or persons shall wilfully and maliciously attempt to burn, by setting fire thereto, the State House, or any of the public offices of this State, or any court house, jail, arsenal, clerk's office, register's office, fire engine house, or public bridge, in this State, or any house used for public purposes, belonging to any incorporated town in this State, he, she or they shall receive thirty nine lashes on his or her bare back, stand in the pillory one hour, at least, and be fined and imprisoned at the discretion of the court before whom he or she may be convicted.

CHAPTER XLII

An act concerning the summoning of jurors.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, it shall not be lawful for the sheriff of any county to summon any but freeholders of his own county as jurors or talismen; any law, usage or custom to the contrary notwithstanding: *Provided,* that nothing in this act contained shall extend to capital cases.

CHAPTER XLIII

An act to amend an act, passed in the year one thousand seven hundred and sixty-two, chapter five, section twenty, prescribing the mode in which apprentice bonds shall be taken.

Be 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, all bonds now required by law to be taken from the masters or mistresses to whom apprentices are bound, shall be taken and made payable to the Governor for the time being, and his successors in office, with the like conditions, and under the same rules and regulations as are now required by law; and that any person or persons injured may and shall, at his, her or their costs and charges, commence and prosecute a suit on said bonds, in the name of the Governor or his successor in office, against the obligor or obligors thereto subscribed, his, her or their heirs, executors or administrators; and shall and may recover all damages and costs which he, she or they have sustained by reason of the breach of the conditions thereof.

To to be made payable to the Governor: &c

CHAPTER XLIV

An act declaring that the repeal of a statute shall not affect suits brought before the repeal.

Be 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 repeal of a statute shall not affect any suit or suits brought before the repeal, for any forfeitures incurred, or for the recovery of any rights accruing under said statute; any thing in the present law to the contrary notwithstanding.

CHAPTER XLV

An act to amend an act, passed in the year one thousand eight hundred and twenty-eight, entitled an act to amend an act, passed in the year one thousand eight hundred, entitled an act concerning wrecks.

Be 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 sea coast as is included within the limits of Hyde county shall be divided into three districts: the first district to extend from New Inlet to the Bald Beach, near Kinna-keet; the second district, from the Bald Beach to Cape Hatteras Point; and the third district, from Cape Hatteras Point to Carteret county.

Divides the sea coast in Hyde county into 3 districts,

II. *And be it further enacted,* That there shall be one wreck master appointed for each of said districts, under the same rules, regulations and restrictions as are prescribed in the above recited acts.

Wreck master to be appointed for each district;

CHAPTER XLVI

An act to exempt lessors of gold mines in certain cases from liability as copartners of lessees.

Be 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 lessor or lessors of property, real or personal, for mi-

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ning purposes, although such lessor or lessors may receive a sum uncertain of the proceeds or nett profits, or any other consideration, which, though uncertain at first, may afterwards become certain, shall not be held as a partner or partners of the lessee; nor shall any of the legal or equitable relations or liabilities of copartners exist between them, unless it be so stipulated in the contract between such lessors and lessees.

Read three times and ratified in General Assembly, this the 4th day of January, 1831. }

CHS. FISHER, S. H. C.
D. F. CALDWELL, S. S.

A true copy.

WM. HILL, *Secretary*.

PRIVATE ACTS.

CHAPTER XLVII

An act to regulate the time of holding the Superior Courts of Law and Equity in the counties of Moore, Montgomery and Anson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the times for holding the Superior Courts of Law and Equity in the counties of Moore, Montgomery and Anson shall be as follows, to wit: of Moore county, on the last Monday in February and the last Monday in August; of Montgomery, on the first Monday in March, and the first Monday in September; of Anson, on the second Monday in March and the second Monday in September, in each and every year hereafter.

II. *And be it further enacted,* That the September term of Anson Superior Court of Law and Equity shall continue for two weeks successively, whenever the business of said court requires it; and in case the said court shall sit longer than one week, the judge and solicitor shall receive pay as for two courts.

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

IV. *Be it enacted,* That this act shall continue in force for three years, and no longer.

CHAPTER XLVIII

An act to alter the time of holding the Superior Courts of Law and Equity for the counties of Carteret, Onslow, Lenoir and Craven, and to lengthen the term of Craven Superior 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 the Superior Courts of Law and Equity for the several counties hereinafter mentioned, shall, after the next ensuing terms thereof, be opened and held on the several days hereinafter expressed, that is to say, the Superior Court of Law and Equity for the county of Carteret shall be opened and held on the last Monday of February and August in each and every year; the Superior Court of Law and Equity for the county of Onslow shall be opened and held on the first Monday of March and September in each and every year; the Superior Court of Law and Equity for the county of Lenoir shall be opened and held on the third Monday of March and September in each and every year; and the Superior Court of Law and Equity for the county of Craven shall be opened and held on the third Monday after the fourth Monday of March and September in each and every year, under the same rules and regulations as are now prescribed by law for holding said courts.

II. *And be it further enacted,* That the Superior Court of Law and Equity for the county of Craven shall thereafter be kept open for two weeks, should the business in the court require it; and should the said court be held for a longer period than one week, by reason of the quantity of business therein, that the judge holding the same and the solicitor shall be allowed the same compensation as for holding and attending two courts.

III. *And be it further enacted,* That all proceedings and process of every kind, after the next ensuing terms thereof, depending in or returnable to

any of the Superior Courts, shall stand continued and be returnable to the several terms herein before expressed respectively; any law to the contrary notwithstanding.

CHAPTER XLIX

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty eight, entitled "an act to improve the navigation of creeks and rivers in the county of Sampson."

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

CHAPTER L

An act to appoint an additional place of public sale 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 the sheriff and constables of the county of Rutherford be, and they are hereby authorised to sell property, excepting lands and slaves, under execution, at David Hamricks, Esq. on the third Saturday in each and every month, under the same rules, regulations, and restrictions as are now required by law for the government of other places of public sale.

CHAPTER LI

An act concerning strays 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 all those persons who now have or hereafter may settle on and improve any of the unsold land in the county of Macon, and all those who have purchased or hereafter may purchase and hold their land by certificate, shall have the same privilege of taking up and entering strays on the Ranger's books of the county of Macon that freeholders have in this State, and shall be under the same rules and restrictions, and subject to the same penalties that freeholders are under with regard to strays; any law to the contrary notwithstanding.

CHAPTER LII

An act to authorize an election to be held at Onslow county 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 in future an election for members of Congress, members of the General Assembly and sheriffs, and Electors for President and Vice President of the United States, shall be held at Onslow court house, on the same days, and under the same rules and regulations that the other elections are held in said county.

II. And be it further enacted, That no other election but the one at the court house shall be held in the captain's district in which the court house stands; any law to the contrary notwithstanding.

CHAPTER LIII

An act to appoint commissioners for the town of Rockford, in the county of Surry, and to incorporate the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Matthew M. Hughes, Harrison M. Waugh, William P. Dobson, Watson Holyfield and William G. Haynes be, and they are hereby appointed commissioners for the town of Rockford, in the county of Surry; and they are hereby declared

to possess full power and authority to adopt such rules and regulations, and pass such bye laws as may appear to them necessary, for the good order, regulation and government of said town: *Provided* the same are not inconsistent with the laws and Constitution of this State, or of the United States; and they are hereby declared to possess the same power and authority as are usually exercised by the commissioners of all other incorporated towns in this State in the advancement and promotion of the same.

II *Be it further enacted*, That in case of vacancy by death, resignation or otherwise, the surviving or remaining commissioners shall have full power to fill said vacancy; and the person or persons so appointed (a majority being present) shall have and possess as full power and authority as if appointed by this act.

CHAPTER LIV

An act to repeal an act, passed in the year one thousand eight hundred and twenty-one, entitled "an act to increase the number of jurors in the Superior Courts of the county of Lincoln, and for other purposes."

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

CHAPTER LV

An act to incorporate the Williamston and Windsor Turnpike 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 it shall and may be lawful to open books in the town of Williamston, under the management of Doct. W. Bagley and Joseph Biggs, sen'r; in the town of Windsor, under the management of James L. Bryan and Joseph B. G. Roulbac; in the town of Washington, under the management of Lewis Leroy and William Blount; and in the town of Newbern, under the management of John M. Roberts and John S. Hawks, for the purpose of receiving subscriptions to the amount of five 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 February next, and continue open until the Tuesday after the second Monday in July, then shall be a general meeting of the subscribers at Williamston, Martin county, of which meeting notice shall be given by the said managers or any two of them; 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, the books by them respectively kept, containing the state of the said subscriptions; and a just and true list of the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any two of them, under their hands, into the County Court of Martin, to be there recorded; and in case more than five thousand dollars be subscribed, then the same shall be reduced to that sum by the said managers, or any two of them, by beginning at and striking off from the largest subscription or subscriptions; and the said capital sum, shall be divided into one hundred shares of fifty dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise: *Provided*, that unless five thousand dollars, the capital sum, be subscribed, all subscriptions made in consequence of this act shall be void: *and provided furthermore*, that if two thousand five hundred dollars be subscribed, then the company

mon, in proportion to their respective shares; and the same shall be deemed real estate.

IX. *Be it enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to agree with the owners of any land through which the said road is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof be a feme covert, under age, non compos, or out of the State, on application to any two justices of the peace of the county in which such lands 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 upon the land to be valued, at a day to be expressed in the warrant, not less than ten days thereafter; and the sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that no less than twelve do appear, shall administer an oath to each jurymen that does appear, that he will fairly, justly and impartially value the land, not exceeding sixty feet in breadth, and all damages that the owner thereof shall sustain by cutting the road 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 thereof taken shall be signed by the sheriff and twelve or more of the jury, and returned by the sheriff to the clerk of the County Court, and 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 owners of the land or their legal representatives; and on payment thereof, the said company shall be seized in fee of such land as if conveyed by the owner of the land 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 for the purchase of a piece of land whereon to erect suitable buildings for the receipt of tolls and ferriages, and also for a landing place for the flat or flats employed on the ferry; and in case of any disagreement, or any of the disabilities aforesaid, then such land may be valued, condemned and paid for as aforesaid, and the said company, on payment of said valuation of the land, be seized thereof in fee simple.

XI. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer their stock in the same manner that real estate is now transferred by law: *Provided*, that no transfer shall be made except for one or more whole shares, and not for part of such shares.

XII. *And be it further enacted*, That if the said capital be insufficient to complete the road and other necessary works, that it shall and may be lawful to open books under the same rules and regulations as before, the original subscribers having the preference of subscription, the list of such additional subscription returned to the clerk of the County Court as before and recorded, and collected by the president and directors as if they were original subscriptions; and the proprietors of such additional subscriptions are hereby declared to be incorporated into the said company.

XIII. *And it is enacted,* That the tolls demanded upon said road and ferry shall be under the exclusive jurisdiction of the company.

XIV. *And be it further enacted,* That the said road shall be opened and built in the following manner, to wit: beginning at the place known by the name of the Sand Bar, in Bertie county, on the Roanoke, opposite Williamston Landing, where Henry Slade's Fishery now is, or near it, and running straight, or nearly so, to the nearest high land in Cashie Neck.

XV. *And it is further enacted,* That there be established at the beginning of said road, on the said river, a ferry for the benefit of said company, under the same rules and regulations as said road; and that the ferriage and toll thereof be regulated by said company.

XVI. *And be it enacted,* That this act commence and be in force from and after the rise of this Legislature.

XVII. *And be it further enacted,* That this act shall be in force sixty years.

CHAPTER LVI

An act to enact, with sundry alterations and additions, an act, entitled "an act to incorporate the Petersburg Rail Road Company," passed by the Legislature of Virginia on the tenth day of February, one thousand eight hundred and thirty.

Whereas it is represented that the General Assembly of the Commonwealth of Virginia hath passed an act, entitled "an act to incorporate the Petersburg Rail Road Company," in the words following, to wit:

"1. *Be it enacted by the General Assembly,* That it shall be lawful to open books in the town of Petersburg and at such other place or places as a majority of the commissioners hereinafter named shall think fit, under the direction of Robert Bolling, John B. Wilcox, William C. Boswell, Joseph Bragg, Donald McKenzie, Littleberry E. Stainback, Samuel Mordecai, Hartwell P. Heath, William H. McFarland and James S. Brander, or any five of them, for the purpose of receiving subscriptions to the amount of four hundred thousand dollars in shares of one hundred dollars each, to constitute joint capital stock for the purpose of making a Rail Road from some point within the corporation of Petersburg to some convenient point on the North Carolina line, to be selected by the company hereby incorporated; the time and place of receiving subscriptions as aforesaid shall be advertised in one or more of the newspapers published in the town of Petersburg; and the books for receiving the same shall not be closed in less than ten days; and if it shall appear that more than four thousand shares of the capital stock aforesaid shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners, or any five of them, to reduce the number of shares subscribed for among the subscribers, in fair and equal proportions, to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to four thousand; but if the whole number of shares shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued open as a majority of the above named commissioners may judge to be most beneficial, until the whole number of shares shall be subscribed for.

"2. When two thousand shares shall be subscribed in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of the "Petersburg Rail Road Company," and in that name may sue and be sued, plead and be impleaded; and shall possess and enjoy all the

mon, in proportion to their respective shares; and the same shall be deemed real estate.

IX. *Be it enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to agree with the owner of any land through which the said road is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof be a feme covert, under age, non compos, or out of the State, on application to any two justices of the peace of the county in which such lands 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 upon the land to be valued, at a day to be expressed in the warrant, not less than ten days thereafter; and the sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that no less than twelve do appear, shall administer an oath to each jurymen that does appear, that he will fairly, justly and impartially value the land, not exceeding sixty feet in breadth, and all damages that the owner thereof shall sustain by cutting the road 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 thereof taken shall be signed by the sheriff and twelve or more of the jury, and returned by the sheriff to the clerk of the County Court, and 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 owners of the land or their legal representatives; and on payment thereof, the said company shall be seized in fee of such land as if conveyed by the owner of the land 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 for the purchase of a piece of land whereon to erect suitable buildings for the receipt of tolls and ferriages, and also for a landing place for the flat or flats employed on the ferry; and in case of any disagreement, or any of the disabilities aforesaid, then such land may be valued, condemned and paid for as aforesaid, and the said company, on payment of said valuation of the land, be seized thereof in fee simple.

XI. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer their stock in the same manner that real estate is now transferred by law: *Provided*, that no transfer shall be made except for one or more whole shares, and not for part of such shares.

XII. *And be it further enacted*, That if the said capital be insufficient to complete the road and other necessary works, that it shall and may be lawful to open books under the same rules and regulations as before, the original subscribers having the preference of subscription, the list of such additional subscription returned to the clerk of the County Court as before and recorded, and collected by the president and directors as if they were original subscriptions; and the proprietors of such additional subscriptions are hereby declared to be incorporated into the said company.

XIII. *And it is enacted,* That the tolls demanded upon said road and ferry shall be under the exclusive jurisdiction of the company.

XIV. *And be it further enacted,* That the said road shall be opened and built in the following manner, to wit: beginning at the place known by the name of the Sand Bar, in Bertie county, on the Roanoke, opposite Williamston Landing, where Henry Slade's Fishery now is, or near it, and running straight, or nearly so, to the nearest high land in Cashie Neck.

XV. *And it is further enacted,* That there be established at the beginning of said road, on the said river, a ferry for the benefit of said company, under the same rules and regulations as said road; and that the ferriage and toll thereof be regulated by said company.

XVI. *And be it enacted,* That this act commence and be in force from and after the rise of this Legislature.

XVII. *And be it further enacted,* That this act shall be in force sixty years.

CHAPTER LVI

An act to enact, with sundry alterations and additions, an act, entitled "an act to incorporate the Petersburg Rail Road Company," passed by the Legislature of Virginia on the tenth day of February, one thousand eight hundred and thirty.

Whereas it is represented that the General Assembly of the Commonwealth of Virginia hath passed an act, entitled "an act to incorporate the Petersburg Rail Road Company," in the word following, to wit:

"1. *Be it enacted by the General Assembly,* That it shall be lawful to open books in the town of Petersburg and at such other place or places as a majority of the commissioners hereinafter named shall think fit, under the direction of Robert Bolling, John B. Wilcox, William C. Boswell, Joseph Bragg, Donald McKenzie, Littleberry E. Stainback, Samuel Merdecay, Hartwell P. Heath, William H. McFarland and James S. Brander, or any five of them, for the purpose of receiving subscriptions to the amount of four hundred thousand dollars in shares of one hundred dollars each, to constitute joint capital stock for the purpose of making a Rail Road from some point within the corporation of Petersburg to some convenient point on the North Carolina line, to be selected by the company hereby incorporated; the time and place of receiving subscriptions as aforesaid shall be advertised in one or more of the newspapers published in the town of Petersburg; and the books for receiving the same shall not be closed in less than ten days; and if it shall appear that more than four thousand shares of the capital stock aforesaid shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners, or any five of them, to reduce the number of shares subscribed for among the subscribers, in fair and equal proportions, to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to four thousand; but if the whole number of shares shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued open, as a majority of the above named commissioners may judge to be most beneficial, until the whole number of shares shall be subscribed for.

"2. When two thousand shares shall be subscribed in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of the "Petersburg Rail Road Company," and in that name may sue and be sued, plead and be impleaded; and shall possess and enjoy all the

rights, privileges and immunities of a corporation or body politic in law, and may make all such bye laws, rules and regulations, not inconsistent with the constitution and laws of this State, or of the United States, as shall be necessary for well ordering and conducting the affairs of the company.

“3. Upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, their deputies or agents appointed to receive such subscriptions, the sum of five dollars on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times, as it may be required by the president and directors of said company. The said commissioners and deputy commissioners shall forthwith after the election of president and directors of the company pay over to the said president and directors all monies received by them; and in failure thereof, the said president and directors may recover the amount due from them, or from any one or more of them, by motion, on ten days previous notice, in the superior or inferior court of any county or corporation wherein such commissioner or commissioners, their executors or administrators, may reside. The clerk shall endorse upon the execution which shall issue upon such judgment, that no security shall be taken, and the sheriff or other officer shall govern himself accordingly.

“4. When two thousand shares or more of the stock shall have been subscribed, public notice of that event shall be given by any three or more of the said commissioners, who shall have power at the same time to call a general meeting of the subscribers, at such convenient place and time as they shall name in the said notice. To constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy, and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time until a meeting shall be formed.

“5. The subscribers, at their general meeting before directed, and the proprietors of the stock, at every annual meeting thereafter, shall elect a president and five directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said president, or any of the directors, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The president, with any three or more of the directors, who shall appoint one of their own body president pro tempore, shall constitute a board for the transaction of business. In case of vacancy in the office of president, or any director, happening from death, resignation, removal or disability, such vacancy may be supplied by appointment of the board, or by the proprietors in general meeting.

“6. The president and directors of the said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair and maintaining of a rail road to be located as aforesaid, with as many sets of tracks as they or a majority of them may deem necessary; and may cause to be made, and also to make and construct all works whatsoever which may be necessary and expedient, in order to the proper completion of the said rail road.

“7. The said president and directors of the said company shall have power to make contracts with any person or persons on behalf of the com-

pany, for making the said rail road, and performing all other works respecting the same, which they shall judge necessary and proper; to require from the subscribers from time to time such advances of money on their respective shares as the wants of the company may demand until the whole of their subscriptions shall be advanced; to call on any emergency a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in the town of Petersburg; to appoint a treasurer, clerk, and such other officers, and transact all the business of the company during the intervals between the general meetings of the same.

“ 8. If any stockholder shall fail to pay the sum required of him by the president and directors, or a majority of them, within one month after the same shall have been advertised in one of the newspapers published in the town of Petersburg, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid, and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the president and directors may recover the balance of the original proprietor, or his assignee, or executor or administrator, or either of them, by action on ten days' notice, before the court of that county of which he is an inhabitant, or by warrant before a justice of such county; and any purchaser of the stock of the company, under the sale by the president and directors, shall be subject to the same rules and regulations as the original proprietor.

“ 9. The president and directors, their officers, servants and agents, shall have full power and authority to enter upon all lands and tenements, through which they may judge it necessary to make the said rail road, and to lay out the same according to their pleasure, so that neither the dwelling house, yard, garden or curtailage, of any person be invaded without his consent. If the president and directors cannot agree with the owner of the land on the terms upon which the said rail road shall be opened through it, it shall be lawful for them to apply to the court of the county in which the land lies; and upon such application, it shall be the duty of the court to appoint five discreet, intelligent, disinterested and impartial freeholders, to assess the damages to such land, which will result from opening the said rail road through it. No such appointment, however, shall be made unless ten days previous notice of the application shall have been given to the owner of the land, or to the guardian, if the owner be an infant, or to the committee, if the owner be non compos mentis, if such owner, guardian or committee can be found within the county, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper published in the town of Petersburg, and shall have been posted at the door of the court house on the first day at least of the next preceding term of the said court. A day for the meeting of the freeholders to perform the duties assigned them, shall be designated in the order appointing them; and any one or more of them attending on that day may adjourn from time to time, until their business shall be finished. Of the five freeholders so appointed,

der my hand, this day of . The report
of the freeholders so made, together with the certificate of the magistrate
aforesaid, shall be forthwith returned by the said freeholders to the court
of the said county; and unless good cause be shewn against the report, it
shall be affirmed by the court, and entered of record; but if the said re-
port should be disaffirmed, or the said freeholders, being unable to agree,
should report their disagreement, or if from any other cause, they should
fail to make a report within a reasonable time after their appointment, the
court may, at its discretion, as often as may be necessary, supercede them,
or any of them, appoint others in their stead, and direct another view and
report to be made, in the manner above prescribed. On the affirmance of
any such report, and on the payment or tender of payment of said dam-
ages into court, when, for good causes shewn, the court shall so have order-
ed it, the president and directors shall be at liberty to open the said rail
road upon the ground viewed and assessed by the freeholders as aforesaid.

“12. Whenever it shall become necessary to subject the lands of individuals to the use of the said company, in opening and constructing the said rail road through the same, and the consent of the proprietor or proprietors cannot be obtained, it shall be lawful for the president and directors of the said company, and for their superintendents, agents, contractors, laborers and servants, to enter upon such lands, and proceed in opening and constructing the said rail road through the same. The pendency of any proceedings in court, or before assessors or valuers, to ascertain the damages that will be sustained by the proprietor or proprietors of such land, from opening and constructing the said rail road through the same, shall in no manner hinder or delay the progress of said work. And no order shall be made, nor shall any injunction be awarded by any judge or court, to stay or delay the progress of the said work: the true intent and meaning of this act being, that all injury that may be done to any land, without the consent of the proprietor or proprietors thereof, by opening and constructing the said rail road through the same, over and above the advantages of the said road to the proprietor or proprietors of such land, shall be fully and completely compensated for, in damages, when ascertained. For such damages, when ascertained by a confirmation of the report of the assessors or valuers, by the respective county courts, if they be not paid to the party or parties entitled to the same, nor into the court, by the company, during the term at which the report shall be confirmed, the clerk of the court shall, at any time after the adjournment of the court, on application of the parties entitled to the said damages, or his or their attorney, issue any execution for the amount of the said damages, against the said company, which may be legally issued against the corporation on a judgment for money; and the clerk shall endorse on such execution that no security of any kind is to be taken.

"13. If the president and directors of the said company shall not obtain the consent of the proprietor or proprietors of any land through which they propose to open and construct the said rail road, and shall not apply to the said county court, and procure assessors or valuers to be appointed, to ascertain the damages which will result to the proprietor or proprietors of any land from opening and constructing the said rail road through the same, within forty days from the time the said president and directors,

their superintendents, agents, contractors, labourers, or servants shall commence opening and constructing the said rail road through such land, then it shall be lawful for the proprietor or proprietors of such land, at any time previous to an application for the appointment of valuers being made by the said rail road company, giving the said company ten days previous notice, by serving the same on the president, or any one or more of the directors of said company, to apply to the said county court; and upon such application, it shall be the duty of the said county court to appoint five discreet, intelligent, disinterested, and impartial freeholders, to assess the damages that will result to the proprietor or proprietors of such land from opening and constructing the said rail road through the same, who shall be qualified in the same manner, and shall, upon the same principles, and in the same manner in all respects, proceed to assess and report to the court the damages that will result to the proprietor or proprietors of such land, by opening and constructing the said rail road through the same, as if they had been appointed on the motion of the said company; and the said court shall proceed upon the said report, and confirm or set the same aside and appoint other assessors or valuers, in all respects as if the same had been made by assessors or valuers appointed on the motion of the said company; and if the said company shall not pay to the proprietor or proprietors of such land, nor into the said court, the damages assessed, during the term of the said court at which the report thereof shall be confirmed, at any time after the adjournment of court, on the like application, the clerk shall issue the like execution for the amount of damages, against the said company, with the like endorsement thereon.

“14. The said president and directors, for the purpose of making said rail road, or of repairing the same after it shall have been made, shall also be at liberty, by themselves, their officers, agents or servants, at any time to enter upon any adjacent lands, and to cut, quarry, dig, take, and carry away therefrom, any wood, stone, gravel, or earth, which they may deem necessary: *Provided, however,* that they shall not, without the consent of the owner, cut down any fruit tree or trees preserved in any lot or field for shade or ornament, or take any timber, gravel, stone or earth, constituting any part of any fence or building. For all wood, stone, gravel, or earth, taken under authority of this act, and for all incidental injuries done to the enclosures, props, woods or grounds, in taking or carrying the same away, the said president and directors shall make to the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by any three impartial, intelligent and disinterested freeholders, who being appointed for that purpose by any justice of the peace, thereto required by the owner, shall be sworn or affirmed by the justice, and shall then ascertain the compensation upon their own view, for the wood, stone, gravel, or earth taken, and for the injury done as aforesaid in taking them.

“15. Whenever, in the construction of the said rail road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of the said company so to construct the said rail road across any road or way already or hereafter to be established by law, as not to impede the passage or transportation of persons or property along the latter; and when it shall be necessary to pass through the land

of any individual, it shall also be their duty to provide for such individual proper waggon-ways across the said rail road, from one part of his land to another.

“ 16. The said president and directors, or a majority of them, shall have power to purchase, with the funds of the said company, and place on the rail road constructed by them under this act, all machines, waggons, vehicles, carriages and teams of any description whatsoever, which they may deem necessary or proper for the purposes of transportation.

“ 17. And all machines, waggons, vehicles and carriages, purchased as aforesaid with the funds of the company, and all their works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective shareholders of the company forever, in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatsoever.

“ 18. So soon as a section of ten miles of the said road shall be completed, and as often thereafter as any other section of the like length shall be completed, the said president and directors shall transport all produce or other commodities that shall be deposited convenient to the said rail road; and which they shall be required to transport to any point to which the said rail road may have been completed, in the order in which the company shall be required to transport the same, after it shall have been deposited convenient to the said rail road, so that equal and impartial justice shall be done to all the owners of produce or other commodities, in the transportation thereof by the company: *Provided*, the owner of the produce or other commodities required to be transported by the said company on the said rail road, shall pay or tender to the said company, at their toll gate or gates, the toll due upon such produce or other commodities under this act. And it shall be lawful for the president and directors of the said company, and they are hereby authorised, to erect on such section or sections a toll gate or gates; and they shall be entitled to demand and receive a sum not exceeding twelve and a half cents per ton per mile for transporting produce or other commodities thereon; and when the said rail road shall be completed, a sum not exceeding eight dollars per ton as compensation or toll for transporting produce or other commodities the whole length of the said rail road, until the nett profits received shall amount to a sum equal to the capital stock expended, with six per centum per annum interest thereon from the time the money was advanced by the stockholders until received back in the nett profits. But when the nett profits received as aforesaid from the tolls aforesaid shall have amounted to a sum equal to the capital stock expended as aforesaid, with six per centum per annum interest thereon as aforesaid, then the tolls which the said president and directors shall be entitled to demand and receive for the transportation of produce or other commodities on the said rail road shall be fixed and regulated from time to time, by the president and directors of the Board of Public Works, so as to make them sufficient, in their estimation, to yield a nett profit equal to six per centum per annum on the capital stock expended in making and completing the said rail road, over and above what may be necessary for the repairs and renewal of the same. The president and directors of the said company shall, at the end of each year, report to the Board of Public

Works a statement, shewing the whole amount of capital stock expended in the construction of the said rail road, the amount of tolls received during each year, the expenses and charges incurred during each year, and the nett annual profit or loss on the capital expended.

"19. It shall be lawful for the said company to erect scales at their toll gate or gates, to weigh the burthen of any waggon, carriage, machine or other vehicle, and in transporting produce or other commodities along the said rail road.

"20. An annual meeting of the subscribers to the stock of the said company, shall be held at such time in each year, as the stockholders, at their first general meeting, may appoint; to constitute which, or any general meeting called by the president and directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person, or by proxy properly authorised; and if a sufficient number do not attend on that day, or any day appointed for a general meeting, called by the directors as aforesaid, the proprietors who do attend may adjourn from time to time, until a general meeting shall be had.

"21. In counting all votes of the said company, each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten, by him held at the time, in the stock of the said company.

"22. The president and directors shall render distinct accounts of their proceedings, and disbursements of money, to the annual meeting of the subscribers.

"23. So soon as the said rail road shall be completed, the president and directors of the said company, or a majority of them, shall semi-annually declare and make such dividend of the nett profits from the tolls herein granted, as they may deem advisable, to be divided among the proprietors of the stock of the said company, in proportion to their respective shares.

"24. After the said rail road shall be completed and put into operation, if the said president and directors shall, by reason of the said rail road being out of repair, or from any other cause, fail or neglect to transport any produce or other commodities, which shall be deposited convenient to the said rail road, and which the said president and directors shall be required to transport as aforesaid, the toll for the transportation being tendered, as a penalty for such failure or neglect, the company shall be liable to the action of the party injured by such failure or neglect.

"25. And if any toll gatherer, at any toll-gate to be erected by authority of this act, shall ask, demand or receive any other or greater tolls than are herein allowed, he shall forfeit and pay to the party aggrieved thereby, two dollars for every such offence, recoverable with cost, by warrant before any justice of the peace; and if such toll-gatherer, being at the time of incurring such penalty, in the service of the company, shall be unable to pay the judgment thereupon recovered against him, the said company shall be liable to pay the same.

"26. If the said president and directors shall not begin the said work within two years after the passage of this act, or shall not complete the same within ten years thereafter, then the interest of the said company in the rail road, and the tolls aforesaid, shall be forfeited and cease.

"27. The president and directors shall cause to be written or printed

certificates for the shares of the stock in the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, to each person for every share subscribed by him; which certificate shall be transferable by him, subject however to all payments due, or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book of the company to be kept for that purpose, shall thenceforth become a member of said company, and shall be liable to pay all sums due, or which shall become due upon the stock assigned to him: *Provided, however, That such assignment shall in no wise exempt the assignor, or his representatives, from their liability to the said company, for the payment of all such sums, if the assignee, or his representatives, shall be unable, or shall fail to pay the same.*

“ 28. The powers given by this act to the president and directors of the Board of Public Works, may be at any time transferred by the Legislature to any other corporate or natural body; and all the returns hereby directed to be made to the said Board of Public Works may be hereafter in like manner directed to be made to any other body.

“ 29. If the said president and directors, or a majority of them, cannot agree with the proprietors for the purchase and sale of any such quantity of ground not exceeding one acre at any one place, as may be necessary for the accommodation of a toll house, or a house to cover any stationary machine, or engine, or for stables which may be erected on the said rail road, it shall and may be lawful to and for the said president and directors to apply for and obtain from the court of the county in which the said land shall lie, a writ of *ad quod damnum*, upon which such proceedings and condemnation shall and may be had, as are prescribed for the condemnation of an acre of land for the abutment of a mill dam, in the act, entitled ‘An act to reduce into one the several acts concerning mills, mill dams, and other obstructions to water courses,’ passed the second day of March, one thousand eight hundred and nineteen, so far as the provisions of that act may be applicable to this case. And upon payment of the value found by the jury, upon any such writ, to the owner or proprietor of the ground so condemned and located by the jury, or upon the payment thereof into court, when for good cause shewn, the court shall have ordered it, the said president and directors and their successors, shall be and stand seized of the ground so condemned and located, in fee simple.

“ 30. *Be it further enacted, That it shall be lawful for the said company to purchase lands from the proprietors at the point of commencement of the said rail road, or in its vicinity, not exceeding ten acres, to be used by them for all necessary purposes of said road, or to be disposed of when by them it shall be deemed proper.*

“ 31. If any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of any rail road constructed under this act, or any of their necessary works, buildings, machines, waggons, vehicles or carriages, such person or persons shall be punished according to the laws which may be in force in this Commonwealth at the time for the protection of the public works or property of the Commonwealth.

“ 32. All acts and parts of acts, coming within the purview and meaning of this act, shall be, and the same are hereby repealed.

“ 33. This act shall be in force from its passage.”

And whereas further it is proposed by the Petersburg Rail Road Company

to continue the rail road through that part of the territory of North Carolina, lying between the Virginia line and the Roanoke river; and whereas the assent of the Legislature of this State is requested to the above recited act, to enable the said company to construct said rail road as aforesaid:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That the assent of this Legislature in and to the act to incorporate the Petersburg Rail Road Company, as contained in the before recited act of the General Assembly of Virginia, is hereby as fully and completely given, as if the said act had been passed by this present General Assembly, with the exceptions, modifications and additions hereinafter provided.

II. *Be it further enacted,* That the assent of this Legislature shall not be given to the ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of the before recited act of the General Assembly of Virginia.

III. *And be it further enacted,* That if the president and directors cannot agree with the owners of land in this State, through which it may be necessary to make the said rail road, as to the terms upon which the said rail road shall be opened through the same, then it shall and may be lawful for the said president and directors to file their petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, under the same rules and regulations as are now prescribed by law in laying off public roads; and upon the filing of said petition, the same proceedings shall be had as in cases of public roads. And when the jury shall have laid off said road, and assessed the damages to be paid to the owners of the land through which the same shall be laid off, then it shall be lawful for the said president and directors, upon paying to the owner or owners of said land his, her or their guardian, as the case may be, or into the office of the clerk of the Court of Pleas and Quarter Sessions of the county wherein the land lies, the sum or sums so assessed, to proceed to enter upon the land laid off, and construct their rail road thereon, to make all necessary excavations and embankments, bridges and other structures necessary for the construction and preservation of the level of the said rail road, and to hold the said land to their own use and benefit for the purpose of preserving and keeping up said rail road during the continuance of the corporate existence by this act given to them, and at any time to remove off from the same all fixtures which they may deem it necessary from time to time to put thereon, for the purpose of constructing or keeping up said rail road; and in all things to have the same power and authority over said land so laid off, during their existence as a corporation, under the laws of this State, as though they owned the fee simple therein: *Provided,* that nothing in this act contained shall be construed to give power to the jury to lay off said road through the yard, garden, cartilage or burial ground attached or appurtenant to the dwelling house on any plantation through which it may be deemed necessary to lay off said road, without the consent of the owner thereof.

IV. *And be it further enacted,* That whenever any wood, stone, gravel or earth may be wanted for the construction or repairing of the said rail road, and the president and directors cannot agree with the owners of adjacent in this State as to the terms on which they can procure the same, then it shall and may be lawful for the said president and directors, by themselves, their officers, agents or servants, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, gravel or earth, so need-

ed as aforesaid: *Provided*, that they shall not, without the consent of the owner, cut down any fruit trees, or trees preserved in any lot or field for shade or ornament, or take any timber, gravel, stone or earth, constituting any part of a fence or building; and when any stone, gravel, earth or wood shall be so taken as in this section is provided, it shall and may be lawful for the owner to file his, her or their petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, stone, gravel or wood shall have been taken, first giving ten days notice to the said president and directors, their officer or agent, of the filing of such petition, praying to have a jury summoned to go upon the land, and assess the damages, he, she or they may have sustained thereby; upon which it shall be the duty of the court to order a jury as in laying off public roads; which jury shall go upon the land, and, after being duly sworn to do equal justice to all parties in assessing the said damages, shall consider what damage the owner of said land shall have sustained, and after assessing the same, shall return their proceedings to the said court; and if the court shall approve thereof, the damages so assessed, together with all costs, shall be paid by the said president and directors. But if the said court shall not approve thereof, they shall order another jury to be summoned, and proceed in like manner to assess said damages, and return their proceedings to said court; and upon approval thereof by said court, said damages and costs shall be paid by said president and directors; and if said president and directors shall not pay the damages so assessed and all cost, execution may issue therefor against them as against other corporations: *Provided always*, that either party not satisfied with the sentence or decree of the County Court, may appeal therefrom to the Superior Court of Law for said county.

V. *Be it further enacted*, That the rail road contemplated to be made by the said company within the State of North Carolina, shall terminate on the north side of the Roanoke river, where it first strikes the bank of said river at a point not above the town of Weldon, nor below the town of Halifax; nor shall the said company, under any pretence whatever, extend the line of their road beyond said point.

VI. *And be it further enacted*, That it shall be lawful for said company to purchase lands from the proprietors at the point of termination of said rail road, or in its vicinity, not exceeding ten acres, to be used by them for all necessary purposes of said road, or to be disposed of when by them it shall be deemed proper.

VII. *And be it further enacted*, That if any person shall wilfully injure, impair or destroy, or cause to be injured, impaired or destroyed, any part of the said rail road, or any necessary works, buildings, carriages, vehicles or machines of said company in this State, such person or persons so offending shall forfeit and pay the sum of five hundred dollars, to the use of said company, to be recovered by said company by action of debt in the Superior Court of Law or Court of Pleas and Quarter Sessions of the county wherein the offence shall have been committed; and shall moreover be subject to indictment in either of said courts, and upon conviction shall be punished by fine or imprisonment at the discretion of the court.

VIII. *And be it further enacted*, That this act, and every part and provision thereof shall be subject to be altered, amended or modified by any future Legislature, as to them shall seem necessary and proper, except so much thereof as prescribes the rate of compensation, or tolls for transportation of

produce or other commodities allowed to the said company: *And provided also*, that the rights of property acquired by the said company under this act, shall not be taken away or impaired by any future act of the Legislature.

IX. *Be it further enacted*, That the president and directors of said company, after that part of the rail road within this State is completed, may erect a gate or gates at such place or places as they think proper, and may demand and receive the same rate of toll for transporting any produce or other commodity as they are entitled to demand by the above recited act, under the same rules and regulations; and it shall be the duty of the said president and directors to render to this Legislature annually a fair account of the expense incurred in constructing and keeping in repair that part of the rail road within this State, and the amount of tolls received on the same; and whenever the nett amount of tolls so received shall equal the sum expended in constructing that part of the road, together with six per centum per annum on that sum from the time it was so expended, then it shall be in the power of this Legislature so to regulate the rate of toll, that the nett amount annually collected shall not exceed six per centum per annum on the sum originally expended.

X. *And be it further enacted*, That this act shall be in force from and after the passage thereof; and that the corporation shall exercise the corporate powers herein granted for sixty years, and no longer without a renewal of the charter.

CHAPTER LVII

An act to prevent the falling of timber in, or otherwise obstructing the run of Old Sarum creek, or Bennet's creek, 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 if any person or persons shall fall timber in, or otherwise obstruct the run of Old Sarum creek, or Bennet's creek, from Norflett's mill to Chowan river, in Gates county, he, she, or they shall forfeit and pay the sum of ten 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.

CHAPTER LVIII

An act to amend an act, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of Lincoln 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 after the passing of this act, the two Courts of Pleas and Quarter Sessions heretofore held in said county on the fourth Monday after the fourth Monday of March and September, shall be hereafter holden on the first Monday after the fourth Monday of March and September in each and every year.

CHAPTER LIX

An act to authorise the County Court of Lincoln to designate the time and places in said county where personal property shall be sold.

Be 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 Lincoln shall have full power and authority (a majority of the justices being present) to designate the time and places in said county where personal property (negroes excepted) shall be sold, taken by virtue of executions, at the instance of any individual or individuals; any law to the contrary notwithstanding.

CHAPTER LX

An act to amend an act, passed in the year one thousand eight hundred and twenty-four, entitled an act to appoint commissioners for the town of Clemmons ville, in Davidson county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of Clemmons ville be, and they are hereby authorised to lay a tax in each and every year, if they deem it necessary, not exceeding seventy five cents on the poll, and twenty-five cents on every hundred dollars worth of real property in said town.

CHAPTER LXI

An act to provide for summoning the original venire to the County Courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham, in future.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be the duty of the sheriffs of Randolph, Rockingham, Buncombe, Brunswick and Chatham counties to summon the original venire drawn for each and every County Court, to appear on Tuesday morning of each Court of Pleas and Quarter Sessions to be held for said counties; any law to the contrary notwithstanding.

CHAPTER LXII

An act to authorise the County Court of Pleas and Quarter Sessions of the county of Gates 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 Gates which shall happen after the first day of February next, and annually thereafter, a majority of the acting justices being present and consenting thereto, shall appoint seven 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 provided by law.

II. *Be it further enacted,* That the 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 seven miles of the court house, or wherever it may be most convenient, for the purpose of erecting thereon suitable poor and work houses, and 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.

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 the said commissioners so appointed shall have full power and authority to dispose of as they may think proper the present poor house and land attached thereto, and apply the proceeds to the use of the poor of said county, and make return of sale to the County Court.

V. *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 and 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 his 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 necessities, and to enforce all such 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 the court.

VI. *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.

CHAPTER LXIII

An act to amend an act, passed in the year one thousand eight hundred and twenty-eight, chapter ninety, 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 County Court of Burke be, and they are hereby authorised and empowered to allow to the commissioners appointed in obedience to the before recited act, such pay for their services as the court may deem just, the same not exceeding two dollars per day to each commissioner.

CHAPTER LXIV

An act to incorporate the Winton Ferry Company, on Chowan river, between Hertford and Gates 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 Dr. Isaac Pipkin, Garrison M. Smith, Reddick Cross, John Vann and John A. Anderson, of the county of Hertford, and Isaac Pipkin, John B. Baker and John R. Norfleet, representative of Abram Cross, deceased, of Gates county, their successors and assigns, are hereby incorporated under the name and title of "The Winton Ferry Company," and under such name may sue and be sued in any court of law and equity in this State; they may have a seal, and all other privileges and powers to which corporations are entitled.

II. *Be it further enacted*, That the said company, or a majority of them, shall have power to appoint such officers as shall seem necessary to them, and also to establish such rules and regulations as may be deemed necessary for the government of said company, not inconsistent with the laws of this State and the United States.

III. *Be it further enacted*, That all transfers of shares in said stock shall be made in writing and witnessed by a credible witness, and registered in the company's books; and if the transfer is made by devise, the devisee,

before entitled to draw any dividend, shall exhibit the devise, which shall be registered in the company's books: *and provided further*, that no share shall at any time be sold, conveyed or held in trust for the use and benefit of another, whereby the said company, or any of them, shall be made to answer concerning such trust; but that every such person appearing on the record of the books of the said company, shall be to the company as the true and legal proprietor, and shall be taken absolutely as such.

IV *Be it further enacted*, That each member of said company hereby incorporated, and their successors, be, and they are hereby made liable in their private and individual capacity, in actions in law and equity, for damages, accidents, or any other claim or demand whatsoever.

V. *And be it further enacted* That it shall be lawful for the Legislature at any time hereafter, to alter, amend or repeal this act; and the corporation hereby created shall exist fifty years, except it be at the expiration of that time re chartered by the Legislature.

CHAPTER LXV

An act to incorporate the City Guards of Raleigh.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of light infantry in the city of Raleigh, commanded by Alexander J. Lawrence, is hereby incorporated under the title of the "City Guards."

II. *And be it further enacted*, That the City Guards shall have power to adopt such bye laws for the government of the company not inconsistent with the laws of the State, as they or a majority of them, may deem proper; and all fines, penalties and forfeitures incurred in pursuance of such bye-laws, shall be recovered in the same manner that militia fines are recovered in this State, and appropriated to the use and benefit of the said company for military purposes.

III. *And be it further enacted*, That the members of the City Guards shall be exempt from performing duty in any fire company that is, or may be established in the city of Raleigh; and should any of them voluntarily enrol themselves in any such fire company, they shall still be liable to perform duty in the said City Guards.

CHAPTER LXVI

An act to amend the fourth section of an act, passed one thousand eight hundred and eighteen; chapter ninety-four, appointing trustees for the Trenton Academy, in the county of Jones.

Whereas the trustees appointed under the act for the incorporation of the Trenton Academy, in the county of Jones, 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 Durant Hatch, jun'r, Hardy Bryan, Riden M'Daniel, William Huggins, Christopher A. Hatch, Owen B. Cox, Nathan Foscue, Dr. James B. Laroque, Dr. William Holland and Simmons Isler, be, and they are hereby constituted and appointed a board of trustees for the Trenton Academy, in the county of Jones, 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.

CHAPTER LXVII

An act for improving the navigation of New Hope River, in the counties of Chatham and Orange.

Whereas the navigation of New Hope River, from its junction with Haw River, in Chatham county, to Patterson's Mill, in Orange county, would be of important public utility, and many persons are willing to subscribe money to effect the same, and it is just that such subscribers should receive reasonable toll in satisfaction for the money advanced by them to execute said work, and for the risk they run:

Be 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 of subscription at Raleigh, under the direction of William Boylan, Theophilus Hunter and Joseph Gales, or any two of them, at Chapel Hill, under the direction of Doctor Joseph Caldwell, William Dobbie and Nathaniel King; at Hillsboro', under the direction of Thomas M. Watts, William Cain, jun. and Josiah Turner; at Pittsboro', under the direction of Henry Moore, Thomas W. Johnston and John W. Boynton; receiving subscriptions to the amount of ten thousand dollars for said undertaking; the subscriptions shall be made personally, or by power of attorney, in shares of fifty dollars each; the said books shall be opened on the first day of March next, and shall be kept open until the fifteenth day of May, and on the said fifteenth day of May, there shall be a general meeting of the subscribers at Chapel Hill; and the managers aforesaid, or any two of them, shall give notice of the said meeting in the Hillsboro' Recorder and in more of the newspapers published in Raleigh, one month at least before the day appointed for that purpose; the meeting shall and may be continued from day to day, until the business is finished; the acting managers shall then and there lay before the said meeting the books by them kept containing a statement of the subscriptions made; if the capital sum aforesaid shall not have been subscribed, the managers shall and may, then, and at the time of meeting, or at any time thereafter, receive subscriptions to make up said deficiency.

II *Be it further enacted,* That as soon as one hundred shares of said capital shall be subscribed as aforesaid, the subscribers, their heirs and assigns shall be, and they are hereby declared to be incorporated into a company, by and under the name of the New Hope River Navigation Company; and by said name may sue and be sued; have a common seal, alterable at pleasure; and be invested with all the rights and powers properly and legally belonging to a body corporate; and the subscribers are hereby authorised and required to elect a president and four directors for conducting the said undertaking, and managing all the business and concerns of said company, for such time, not exceeding one year, as said subscribers shall think fit. In counting the votes at all general meetings of the said company, each member shall be allowed one vote for each and every share held by him or her as far as ten shares, and one vote for every five shares above ten. Any proprietor, by writing under his or her hand executed before two subscribing witnesses, and acknowledged or proved before a justice of the peace, may depute a member to act as proxy for him or her; and the acts of such proxy shall be as effectual as the acts of his or her principal would be.

III. *Be it further enacted,* That every president and director, before he acts as such, shall take and subscribe an oath or affirmation for the due exercise of the duties of his office.

IV. *And be it further enacted*, That the presence of proprietors owning a majority of shares shall be necessary to constitute a general meeting; and that from and after the first general meeting of the subscribers, the general meetings shall annually thereafter be held on the fourth Monday in April at Chapel Hill aforesaid; but if a sufficient number shall not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, until the business of the company is finished; to each of which meetings 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 them a certificate, a duplicate of which shall be entered on said company's books, and the original filed among the papers of the president and directors.

V. *And be it further enacted*, That if more than ten thousand dollars should be subscribed, the same shall be reduced to that sum by the managers or a majority of them, by beginning to strike off a share from the largest subscriptions made by individuals in the first instance, and continuing to strike off one share from all subscriptions under the largest and over two shares, until the same is reduced to the capital stock of ten thousand dollars as aforesaid. In making subscriptions for stock, any person may subscribe for one or more shares, but not for a part of a share.

VI. *And be it further enacted*, That the said president and directors, or a majority of them shall have power on behalf of said company to contract for the opening and improving, or otherwise cause to be opened and improved, the navigation of New Hope River, from its junction with Haw River, in Chatham county, to Patterson's Mill in Orange county, by canals, locks or sluices, from place to place and from time to time, as they shall think fit; and out of the said capital and from money arising from tolls, to pay for making and repairing all works necessary for said navigation, as well as all other expenses incident to said undertaking; and also to appoint and employ, removeable at their pleasure, all such officers, clerks and servants as in their judgment shall be necessary for carrying on the affairs of said company; to establish the salaries and conditions on which their officers shall be employed; to make bye laws and establish rules of proceeding, not inconsistent with the laws and constitution of the State; and generally to transact all the business of the company in the interval between the general meetings of the same. Any general meetings of the proprietors may allow the president and directors such sum of money as the said general meeting shall judge to be a reasonable compensation for their trouble and services.

VII. *Be it further enacted*, That each proprietor shall pay at the first general meeting, at which the president and directors shall be appointed as aforesaid, the sum of ten dollars on each and every share by him or her held in said company. The names of those who then and there fail to pay, may be struck off the books, and others complying with this regulation may take their shares. The president and directors, or a majority of them, shall have power to direct at what times, and in what proportions the subscribers shall pay the sums by them respectively subscribed; and the orders of this payment shall be advertised at least one month in the newspaper published in Hillsboro' and the papers published in Raleigh. But the said president and directors shall not demand more than twenty five dollars on a share in one year, unless otherwise directed by a general meeting of the stockholders. If any of the subscribers or proprietors, their heirs or assigns shall fail to pay

the advances required within one month after the time assigned for the payment thereof by the president and directors as aforesaid, the said president and directors, or a majority of them, are hereby authorised to sell at auction, and convey to the purchasers the share or shares, of the subscribers or proprietors so failing, giving at least one month's previous notice of the sale in the newspapers published in Hillsboro' and Raleigh; and after retaining the sums thereon, with interest and incidental charges, out of the money arising from such sales, they shall refund the surplus, if any, to the former owners; if such sale shall not produce the full sum directed to be advanced, 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, in any court of competent jurisdiction.

VIII. *And be it further enacted*, That from time to time, or the expiration of the term for which the said president and directors may be appointed, the proprietors, at their general meeting, shall either continue the said president and directors, or any of them, or choose others in their stead; and in case of the death, removal, resignation or refusal to act of the president or any of the directors, the remaining members of that body may appoint a successor until the next general meeting, and the proprietors at their next general meeting shall fill up such vacancy, and may at any general meeting remove the president or any of the directors, and appoint others in their stead, for and during the term for which such person or persons were at first to have acted.

IX. *And be it further enacted*, That in consideration of the expenses the said proprietors will be at in cutting canals, erecting locks and sluices, and performing other works necessary for their navigation, and maintaining and keeping the same in repair, the said New Hope River, canals, locks and every thing appertaining to the said navigation, with all the profits arising from the same, or any part thereof, shall be, and they are hereby vested in the proprietors, their heirs and assigns forever, as tenants in common, in proportion to their respective shares, and the same shall be exempt from the payment of any tax, imposition or assessment whatever; and it shall and may be lawful for said proprietors, in general meeting assembled, to levy and collect a reasonable toll on all goods, wares and merchandise, and on all lumber, staves or other commodity which may be transported up or down said stream, either in boats or rafts, and on all empty boats; which tolls shall be paid to a person appointed by the president and directors to receive the same, and at such place or places as they may designate, by the owner or commander of any boat or raft: *Provided*, that an empty boat or vessel returning, whose load has already paid at the respective places the sums fixed at each, shall pass toll free: *And provided further*, that the said tolls shall be abated in cases where only a partial navigation shall be used, in proportion to the distance through which any person or persons may pass; and if any person shall refuse to render an account of their cargo, and pay the toll at the time of offering to pass the places appointed for their collection, and previous to passing the same, the collectors may lawfully refuse a passage to the person or persons so refusing; and if any boat or vessel shall pass without paying the toll, then the said collectors respectively may lawfully seize such boat or vessel, and sell the same at auction for ready money, after advertising the said sale at least ten days: the money arising from said sale, so far as is necessary,

shall be applied towards the payment of said tolls and expenses of seizure and sale, and the balance, if any, shall be paid to the owner; and the person having the direction of such boat or vessel, shall be liable for such tolls, if the same are not paid by the sale aforesaid.

X. *And be it further enacted*, That as soon as said company shall have so far completed their works, as that they are ready for the transportation of produce, they shall advertise the same in three or more public newspapers in this State; and the Legislature may, at the end of twenty-five years thereafter, or sooner should they deem it necessary, alter the rate of toll established by said company; but the Legislature shall not at any time reduce the rates of tollage so as to reduce the profits arising therefrom below fifteen per centum per annum on the capital stock; neither shall the stockholders be authorised to levy and collect a toll exceeding fifteen per centum per annum on their capital stock aforesaid, after defraying all the necessary expenses of keeping said navigation in repair.

XI. *And be it further enacted*, That the president and directors of said company shall, every five years after their works are completed and ready for the transportation of produce, make return to the General Assembly of this State of the amount of toll received by them for the preceding five years; which return shall be sworn to before one of the Judges of the Superior Courts of Law of this State, or in open court in some one of the County Courts of this State.

XI. *And be it further enacted* That the navigation and works of said company, done in pursuance of this act, when completed, shall forever thereafter, as public highways, be for the transportation of any goods, wares, commodities or produce whatever, on payment of tolls imposed by said company. And whereas it may be necessary, for completing the navigation aforesaid, that certain portions of lands or rocks in the river should be condemned for that purpose:

XIII. *Be it further enacted*, That it shall be lawful for the president and directors, or a majority of them, to agree with the owners of any lands, or rocks, or other property, through which the said navigation is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner thereof shall be a married woman, under age, deprived of reason, or out of the State, on application to any two justices of the county in which said lands, rocks, or other property lie, the said justices shall issue their warrant to the sheriff of the county, to summon a jury of eighteen freeholders, not related to the parties, and disinterested, to meet on the land to be valued, on a day to be mentioned in said warrant, not less than ten nor more than twenty days thereafter; and the sheriff, on receipt of said warrant, shall summon the said jury, and when met shall administer an oath or affirmation to each of them, provided twelve or more appear, to wit: that he will impartially value the thing in question, and consider all damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favor, nor injure any person through malice or ill will; and the inquisition so taken shall be signed by the sheriff and two or more justices, and returned to the clerk of the County Court, to be recorded; and the jury so summoned to describe the thing valued, and its value, shall be sworn to be true and just; and the payment of the price or valuation so made, as aforesaid by the president and directors, to the owner

of the thing valued, or his legal representatives, and if neither can be found in the State, or, if found, should refuse to receive the money, then to the clerk of the Court of Pleas and Quarter Sessions for the county, the said company shall be seized in fee of the thing valued, whether lands or rocks, or other property, in the same manner as if conveyed to them by the owner by legal conveyance: *Provided*, that such condemnation shall not interfere with dwelling houses or the curtilage.

XIV. *And be it further enacted*, That the president and directors, or a majority of them, may agree with the proprietor or proprietors of any quantity of land, not exceeding four acres, at or near each place intended for collecting the tolls aforesaid, for the purpose of erecting necessary buildings; or, in case of a disagreement, or any of the disabilities aforesaid, or the proprietor or proprietors being out of the State, the same proceedings may be had, and the same consequences shall follow, as are directed in the next preceding section.

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

XVI. *And be it further enacted*, That if the said capital should prove insufficient, it shall and may be lawful for the said company from time to time to increase their capital, by the addition of so many whole shares as shall be judged necessary by the proprietors, members of said company, or a majority in interest of them, who shall be present at any general meeting, and on such terms as the said general meeting think fit, and the said president and directors or a majority of them are hereby authorised, empowered and required after giving one month's previous notice in one or more newspapers, to open books at the before mentioned places for receiving and entering such additional subscriptions, in which the proprietors for the time being are hereby declared to have preference to all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for as many whole shares as any of them shall choose; and the 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 subscription; and all proprietors of such additional shares are hereby declared to be from thence forward incorporated into said company.

XVII. *And be it further enacted*, That if the said company shall not complete the said navigation, so as to admit passage of boats through the same, within five years from the first day of January next, all preference in fa-

year of said company shall be forfeited: *Provided*, that if the said company shall at the expiration of the said five years, have completed two thirds of the said navigation, they shall have a further time of two years to complete the same.

XVIII. *And be it further enacted*, That the said company and their successors shall have the power of purchasing, holding and selling real and personal estate; and if any person or persons shall be sued for any thing done in pursuance of this act, he or they may plead the general issue, and give this act and the special matter in evidence, and on a verdict against the plaintiff or plaintiffs, or non-suit or discontinuance, recover costs of suit.

XIX. *And be it further enacted*, That all laws and parts of laws coming within the purview and meaning of this act, are hereby declared void and of no effect.

XX. *Be it further enacted*, That the Legislature may modify, alter or repeal this act, upon condition, nevertheless, that no alteration or modification shall annul or invalidate the contracts made by or with the corporation. and that the corporation may still continue a corporation so far as to collect and recover, and dispose of the estate, real and personal, and pay the debts and divide the surplus.

CHAPTER LXVIII

An act for the relief of such persons as may suffer from the destruction of the records of Hertford county, occasioned by the burning of the court house and clerks' offices of said county.

Whereas in the month of March last the court house of Hertford county was burned by some evil disposed person, and with the court house was destroyed the clerks' offices of said county, whereby all former records of wills, deeds and other instruments of writing were entirely destroyed, and the titles of the citizens of said county to their property, if not entirely lost, are loose and confused: For the remedy of which,

Be 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 the passage of this act, the copy of any will; deed, judgment or order of court, settlements with orphans or their estates, or returns made of the same by guardians, or any other record of any transaction in Hertford county, attested under the hand of the clerk or register, (in case that the original is destroyed,) may be given in evidence in any controversy in any court whatsoever, and have the same faith and credit as the original record would have, could it have been produced.

II. *Be it further enacted*, That any instrument or copy thus attested under the hand of the clerk, (provided the court is satisfied of the authenticity of the instrument,) shall, by order of the court, be registered or recorded.

III. *Be it further enacted*, That where the record of any instrument is destroyed, and the original is in the party's possession, it shall be lawful for the party to produce the instrument in open court, and the fact satisfactorily appearing to the court that it has been previously registered, the court shall order it to be registered again; which record shall stand the same, and be read in evidence as the former records would have been had they not been destroyed.

IV. *Be it further enacted*, That where persons have been so unfortunate

as to neglect taking copies of their deeds for land, or may have lost them, or the originals may have been destroyed, and shall be desirous of establishing the same, it shall be lawful, after giving thirty days notice to all parties whose lands may join in any manner the land, the metes and boundaries of which are about to be established, to take the testimony of one or more credible witnesses, and to call upon a proccessioner or other lawful surveyor, to go upon the land and ascertain the metes and boundaries, and the number of poles contained in each line; and such proccessioner or surveyor is hereby required to file a certificate and plat of said land in the next succeeding County Court, setting forth the name of the claimant, on what water courses the land lies, what is the number of acres, the corners, and the number of poles in each line; and such certificate and plat shall be recorded by the clerk, and shall, as to parties who have had notice of such survey, have the same faith, validity and effect as the original deed would have had: *Provided*, that in all cases where a line is disputed, and the proccessioner or surveyor is forbidden to proceed by any party interested, the proccessioner or surveyor shall make report of the facts to the next succeeding County Court; and the same proceedings shall be had, and under the same rules and regulations, as are now required by law, where a proccessioner is forbidden by the parties interested to proceed further in running or marking a disputed line.

V. *Be it further enacted*, That should any party interested appear, after being notified at the court in which such deed is endeavored to be established, and deny that the deed which is about to be proved or established is a true copy of the original, the court shall, after the party having given bond and security for the cost, order the case to be placed on the trial docket; and when the case is reached, a jury of good and lawful men shall be summoned, who shall try the issue to be made up under the direction of the court; and the jury shall state in their verdict whether there ever was any deed, and whether the copy deed adduced before them sets forth truly the names of the bargainor and bargainee, and the true boundaries of the original deed. If they think the copy adduced does not set forth truly the names of the bargainor and bargainee, nor the true boundaries of the land, they shall state in their verdict who are the true parties, and what are the true metes and boundaries of the land, as appears from the evidence adduced. Should the jury find that there was a deed executed, and state the names of the bargainor and bargainee, and the boundaries of the land, their verdict, with such deed as they may find true and correct, shall be recorded by the clerk among the records of said county, and may be registered if the party requires it; and the said record shall be evidence, and may be read in any controversy in any court whatsoever. The costs shall be paid by either party, as the court may decree.

VI. *Be it further enacted*, That where any person has neglected to obtain a copy of any will, and may be desirous of establishing the same, (the original of which is destroyed,) it shall be necessary for such person to give all parties concerned in the contents of such will two months' notice of their intention, previous to the court in which such will is endeavored to be perpetuated; which notice is to be served by the sheriff of the county where such party resides, as other notices are, or the notice may be accepted by the party, should it appear that all the parties have been le-

gally notified and summoned to the court in which the will is endeavored to be established, it shall be lawful for the party to present their petition in writing, (no peculiar form of which shall be deemed necessary,) which petition must set forth the contents of the will which is about to be established, and its various provisions; then the clerk shall place the case of said petition on his trial docket, and a jury of good and lawful men shall be empannelled and sworn, before whom all evidence shall be submitted, as regards the validity of such copy of the destroyed will, as the party may have set forth in their petition. Should the jury find in their verdict that there was a will, they shall state by whom it was executed, and what its provisions were; and their verdict shall be recorded by the clerk among the records of the county, and shall be evidence, and stand the same as the former will would have stood had it not been destroyed. The costs of the court shall be paid as the court may decree.

VII. *Be it further enacted*, That should any party interested in the contents of any will about to be established as aforesaid, appear at the term of the court at which such will is endeavored to be set up, and deny that the copy as set forth in the party's petition is true and correct, they shall first enter into bond and security for the costs of the court, and it shall be lawful for the party to file his written answer to the petition, wherein he can state the reasons why the copy as set forth in the petitioner's bill is not correct and true. The clerk shall place the case on his docket, and a jury of good and lawful men shall be empannelled and sworn, before whom the petition shall be read, and then the answer to said petition. Each party shall be allowed writs of subpoena, and witnesses may be examined before the jury, touching the said case. Should the jury find in their verdict that there was a will, they shall state by whom it was executed, and its provisions as far as they can decide. The verdict of the jury shall be recorded by the clerk, and the said record shall be evidence of said will, and have the same faith and validity as the original will would have had. The costs of the court shall be paid as the court may decree.

VIII. *Be it further enacted*, That should any minor be concerned in the extent of any land for which a deed is about to be set up, or interested in any will which is about to be established as above, then the guardian of such minor or infant shall be notified; if no guardian, the court shall appoint a guardian ad litem, to see that the rights of the minor or infant are protected in such deed or will. Should any party interested in the extent of land, or the provisions of such will, reside out of the State, then a notice served on the party's agent in this State shall be sufficient. Should there be no agent, the party shall give sixty days' notice in some public newspaper printed in this State of their intention.

IX. *Be it further enacted*, That when any person interested may be desirous of perpetuating the memory of any judgment of the court, order of the same, settlement of an estate or inventory of the same, any mortgage, power of attorney, deed of trust, bill of sale, or any other instrument of whatsoever nature, (except deeds or wills which are to be established as aforesaid,) which may have been recorded or registered among the records of Hertford county, it shall be lawful for them, on giving thirty days' notice to the parties interested, to take the deposition of one or more credible witnesses in writing and sworn to in open court, within three

years after the passage of this act, as regards the contents of such instrument, of whatsoever nature it may be, and have the same recorded or registered as they may wish; which record shall stand as the former would have done had it not been destroyed.

X *Be it further enacted*, That the clerks of either the County or Superior Courts may issue commissions to take depositions in all cases arising under this act, under the same rules that now exist by law.

XI. *Be it further enacted*, That all records or instruments, when established as aforementioned in this act, shall be given in evidence in any court of record in this State; and all duly attested copies from the same, under the hand and seal of the clerk or register, shall be read in evidence, and have the same faith and credit, in any court of law and equity in this State, as the original, or a copy of the original, would have had could it have been produced.

XII *Be it further enacted*, In order to quiet the titles of lands in said county of Hertford, that the peaceful possession of lands and tenements, although no colour of title be shown, for five years, shall be prima facie evidence of title where persons may hold and claim under known and visible metes and bounds: *Provided*, that nothing herein contained shall extend to estates for a term of years, or for life, nor affect the right of any person within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas; but such persons, after their disability be removed, shall, within three years afterwards, declare and assert their rights: *and provided also*, that this section shall not apply to possessions acquired and taken since the burning of the records of the said county of Hertford.

XIII. *Be it further enacted*, That when any person may find it necessary to sue any bond or bonds which may have been destroyed among the records of Hertford county, it shall be lawful for the party injured to obtain justice by a summary process, by filing either in the County or Superior Court a petition, setting forth the nature of the bond entered into by the party, and the securities, if there were any and can be named, and also stating in said petition wherein the party complaining had been injured, whether by non-compliance, conditions not performed, or otherwise; and the party, as well principals as securities, shall be brought into court, and shall answer on oath to the allegations of the petition. It shall be lawful for the court to call in any parole testimony to establish any fact, and to decree, on hearing of the evidence, such remedy as the nature of the case may require, or the ends of justice demand. That either the County or Superior Court of Hertford county shall have jurisdiction in the above cases; and the right of appeal is allowed as in other cases now allowed by law.

CHAPTER LXIX

An act to establish the town of Gatesville, in the county of Gates, and to incorporate the same, 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 place now known as Gates Court House, in the county of Gates, shall in future be known and distinguished by the name of Gatesville.

II *Be it further enacted*, That Thomas Saunders, Henry Gilliam, William G Daughtry, Jesse Brown, Abraham Parker, Henry Skinner and John Roberts, be, and they are hereby appointed commissioners for the aforesaid

town of Gatesville; and they and their successors shall have power to make and adopt such rules and regulations for the government of said town as they may deem just and proper, not inconsistent with the laws of the land; and the said commissioners shall have power also to establish the boundaries and limits of the said town of Gatesville, create a town watch, and do such other acts and things as they may deem the interest of said town requires.

III *And be it further enacted,* That in case any vacancy occurs by death, resignation or removal of any one or more of the said commissioners, it shall be the duty of the free white men of said town, under the direction of the surviving commissioners, to proceed to fill such vacancy by the selection of some other person, residing or owning property in said town.

CHAPTER LXX

An act for the better regulation of the Fair held near Laurel Hill, in Richmond county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter the Fair held near Laurel Hill, in Richmond county, shall commence on the second Tuesday in May and November in each and every year; and said Fair shall continue from Tuesday until ten o'clock in the morning of the following Saturday, at which time each and every person who has occupied a stand at said Fair ground shall leave the same; and any person or persons refusing to leave his or their stand by the time specified as above, shall be subject to a fine of fifteen dollars, to be collected as herein after prescribed, and applied to the Literary Fund of this State.

II. *Be it further enacted,* That Samuel Goodwin, Esq. Nathaniel Gibson, Sen'r, George M'Intosh, Alexander W. M'Lauchlan, Alexander M'Kinnon, John R. Buie and Tryam M'Farland, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to superintend all matters and things relative to the well being and good management of said Fair.

III *Be it further enacted,* That it shall be the duty of said commissioners to meet at some convenient place on or before the first day of May next, and annually thereafter, whose duty it shall be, a majority of said commissioners being present, to make and ordain such bye laws, rules and regulations as to them may seem necessary for the good government of said Fair: *Provided* such bye laws, rules and regulations are not inconsistent with the laws and Constitution of this State.

IV *Be it further enacted,* That it shall be the duty of said commissioners, or a majority of them, to appoint some discreet person to act as collector, whose duty it shall be to collect all fines and taxes that may be due and recoverable under this act; and all monies by him so collected shall be paid over to the sheriff of said county; and the sheriff of said county shall annually pay over and account for the same to the Public Treasurer, under the same rules and penalties that other public monies are accounted for, which shall be applied to the Literary Fund; and it shall be the duty of such person appointed collector as aforesaid to attend each and every Fair.

V. *Be it further enacted,* That each and every person who may attend said Fair, and shall be desirous of selling spiritous liquors by the small measure, say less than a quart, shall make application to the collector appointed as aforesaid, and on his or their paying said collector the sum of one dollar and twenty-five cents, the said collector shall grant him or them a certificate

or certificates to sell by the small measure for the term of one Fair only; and the money so collected shall be paid over to the sheriff, and applied as aforesaid.

VI. *Be it further enacted*, That each and every person or persons who may attend said Fair, with goods, wares or merchandize, not the growth or manufacture of this State or the United States, and are desirous of vending the same. and have not previously obtained a license from the sheriff of said county, he or they shall make application to the collector aforesaid and on him or them paying the said collector the sum of six dollars, he shall grant such person or persons license to sell such goods, wares or merchandize at that place for the term of one Fair only; and the money so collected shall be paid over to the sheriff, and applied to the Literary Fund.

VII. *Be it further enacted*, That the collector so appointed shall give bond, payable to the Governor and his successors in office, for the faithful discharge of his duty, in the sum of two hundred dollars, which bond shall be filed in the clerk's office of said county; and the said collector shall keep a well bound book, in which he shall enter all certificates and licenses by him granted, and the amount of money received and paid to the sheriff of said county, and furnish the clerk of the court with a copy of the same, to be by him transmitted to the Comptroller of the State; and said collector shall receive for his services at the rate of five per cent. for all money by him collected and paid over to the sheriff as aforesaid; and said collector's books shall be open at all times to any of the said commissioners for examination.

CHAPTER LXXI

An act for the establishment of a poor house in Pasquotank 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 for the county of Pasquotank, under the authority of the County Court, to purchase lands in some suitable part of the county, and to erect buildings, if necessary, for the reception and employment of the poor of said county, and to take a proper conveyance in the name of the chairman of said court and his successors in office for the use of said county of Pasquotank.

II. *Be it further enacted*, That any sums of money which have been raised for the aforementioned purpose by authority of the County Court, shall be paid into the hands of the wardens of the poor for said county; and if deemed necessary by the wardens of the poor, on their application to the County Court of Pasquotank, it shall be lawful for the said court to lay a tax in each and every year, for three years if necessary, not exceeding twenty cents on every poll, and ten cents on every hundred dollars worth of land and town property, to be paid and accounted for as other taxes are; which sum shall be paid into the hands of the wardens of the poor for said county, to be applied to the aforementioned purposes.

III. *Be it further enacted*, That the wardens of the poor for said county, when the purchase may have been made and buildings completed, shall employ an overseer or keeper, whose duty it shall be to keep those that are admitted profitably employed, if they be able, and if they are objects of charity. It shall be his duty to see that they are comfortably provided with wholesome provisions, warm clothing, and make such other arrangements as may be deemed necessary, and he shall not admit any but those sent by

the wardens; and it shall be his duty to observe all such rules and regulations as may be established by the wardens for the good government of said poor house, and for his services he shall receive such compensation as the wardens may deem adequate; and at the end of every year he shall on oath account for the profits that may arise from the labour of the poor and the expenditures of the establishment.

CHAPTER LXXII

An act to incorporate an academy in the town of Bath, in 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 Joseph Bonner, Jacob Van Der Verr, William O. Cain, Samuel W. Lucas and William M. Marsh, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of the Trustees of the Bath 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. *Be it further enacted by the authority aforesaid, That* the said trustees, or a majority of them, shall have full power and authority to make such rules, regulations and bye 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 preservation and repairs of all buildings belonging to said seminary; and also to fill all vacancies which may happen among the trustees by death, removal or resignation; and the persons so appointed shall be possessed of the same powers and capacities as the present trustees; a majority of said trustees shall in all cases constitute a quorum for the transaction of business.

III. *Be it further enacted by the authority aforesaid, That* the said trustees shall annually elect from their own body a president and treasurer, and also a secretary; but the latter officer shall be eligible although he be not one of the board of trustees for the time being. And the said trustees may take into their possession any lot in the said town belonging to the public, and heretofore known as a school lot, and upon the same, or if they judge it preferable, upon any other lot by them to be purchased of the proprietor, or which may to them be given for said purpose by the proprietor thereof, erect the buildings intended for the said institution.

IV. *Be it further enacted by the authority aforesaid, That* all teachers and students of said academy during the term they attend or shall be employed in said seminary, shall be exempt from military duty of all kinds whatever; except in cases of rebellion, insurrection or invasion.

CHAPTER LXXIII

An act directing the sheriff of Macon county to pay over certain monies 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 from and after the passage of this act, it shall be the duty of the sheriff of the county of

Macon, and he is hereby directed, to pay over any monies he may now have, or hereafter may collect as county tax for defraying the expenses of building a court house and jail in said county, into the hands of David Coleman and Benjamin S. Brittain, contractors for making said buildings, or to their legal representatives; which payment as aforesaid shall be made in proportion to their respective claims, and under the instruction of the commissioners for public buildings, or a majority of them

II. *And be it further enacted*, That the receipt or receipts of the contractors aforesaid, or their legal representatives, shall be a sufficient voucher for the sheriff in his settlement of public accounts.

III. *And be it further enacted*, That all monies collected and paid over under the provisions of this act, shall be paid in the same time that is now prescribed by law for sheriffs to settle with their respective counties.

CHAPTER LXXIV

An act to amend the first and fourth sections of an act, passed at the last session of the General Assembly, entitled "an act to authorise the Court of Pleas and Quarter Sessions for 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 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 annually thereafter, the justices of said county, a majority being present, 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. *Be it further enacted*, That it shall be the duty of the wardens of the poor annually, at the term of the court 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.

III. *And be it further enacted*, That the first and fourth sections of the act of one thousand eight hundred and twenty nine; be, and the same are hereby repealed.

CHAPTER LXXV

An act for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the town of Elizabeth City shall be governed by three commissioners and a magistrate of police, who shall be chosen annually on the last Saturday in December, by the free white male inhabitants of said town, above the age of twenty one years, who have been resident thereof for one year next preceding the day on which they offer to vote at such election, and who have paid all their town taxes, assessments and dues up to the time of such election: *Provided*, that the first election of commissioners and magistrate of police, under this act, shall take place on the second Saturday in January, one thousand eight hundred and thirty-one, after two days' notice having been given by public advertisement.

II. *And be it further enacted*, That the sheriff of Pasquotank county, or his deputy, shall receive the votes and superintend the election of commissioners and magistrate of police, under the same rules and regulations that govern elections for members of the House of Commons: *Provided nevertheless*, that the poll shall be opened at nine o'clock in the forenoon, and close at three o'clock in the afternoon of every such election day; and the said sheriff or deputy shall, on the evening of the same day, or on the Monday following, furnish the persons so elected with a certificate thereof; and each and every person so elected shall, before he proceeds to discharge the duties of his said office, and within ten days after having received the certificate aforesaid, take an oath or affirm, as the case may be, before some justice of the peace of Pasquotank county, that he will faithfully discharge the duties of his said office, according to law and to the best of his skill and ability; and each and every person so elected, refusing and neglecting to qualify as aforesaid, or to discharge the duties of his office, shall forfeit and pay to the commissioners of said town, for the benefit of said town, the sum of twenty dollars; and that if any one of the said commissioners, or the magistrate of police, or both, should refuse or neglect to qualify and perform the duties required of him or them in the office or offices to which he or they shall have been elected, or if any one commissioner, or the magistrate of police, or both, should, after his or their election, be found ineligible to serve, that then the remaining two commissioners shall choose some eligible person or persons to fill such vacancy or vacancies; and if two of the said commissioners should so refuse or neglect to qualify and perform the duties of their office as aforesaid, or if, at any time after their election, two of said commissioners should be found ineligible to serve, then it shall be the duty of the sheriff aforesaid, or his deputy, to hold another election forthwith for the election of such eligible persons as will qualify and act as commissioners and magistrate of police in the manner by this act required. And if any one or more of the said commissioners, or the magistrate of police, so elected, qualified and acting as aforesaid, should die or remove out of the said town before his or their term of service shall have expired, it shall be the duty of the remaining person or persons filling the said office or offices, to choose some other individual or individuals to fill the said vacancy or vacancies for and during the then unexpired part of the said term; and the person or persons so chosen to fill the said office or offices, shall be bound to discharge the duties thereof, and be subject to the same penalties on refusal as those elected at the election attended by the sheriff.

III. *And be it further enacted, &c.* That no person shall be elected to fill the office of commissioner or magistrate of police, who is not a resident of said town, and shall have resided therein for the space of twelve months next preceding his election, and who shall be the owner in fee or for life of real estate in said town of the value of five hundred dollars.

IV. *And be it further enacted*, That the commissioners and magistrate of police, and their successors in office, chosen agreeable to the directions of this act, shall be, and are hereby incorporated into a body corporate, by the name of the "Commissioners of Elizabeth City," and by that name to have succession by the election of the freemen as by this act directed, and a common seal; and by such name shall sue and be sued, plead and be impleaded, and have full power and authority to purchase and sell any real or personal estate lying and being within said town for the benefit of the said town.

V. *And be it further enacted*, That all the real estate in the said town, and all the white and coloured males residing therein, from the age of twenty one to fifty years, shall be subject to a tax for the benefit and improvement of the said town, in each and every year; and that it shall be the duty of the commissioners of said town annually in the month of February to meet and determine what tax each poll and every hundred dollars valuation of real estate shall pay: *Provided* that the tax in any one year shall not exceed two dollars on each poll, or fifty cents on every hundred dollars valuation of real estate and the improvements thereon, and that the valuation of the real estate shall be the same as assessed in the list of taxables for the county, adding thereto the assessed value of all lease hold improvements erected thereon; and if any such property in said town should not appear assessed in the list of taxables returned to the clerk of the County Court, it shall be the duty of the said commissioners to value and assess the same for the purposes of this act; and the said tax, when determined and apportioned as aforesaid, shall be collected by the sheriff of Pasquotank county by warrant of distress and seizure of all or any part of the property of the individual bound to pay the same, or by warrant, judgment and execution; in the corporate name of the corporation of said town, to which execution the property real and personal, and body of the party chargeable, shall be subject.

VI. *And be it further enacted*, That the commissioners of the said town shall have full power and authority to pass all laws and ordinances necessary for the government of the said town, not inconsistent with the Constitutions and laws of this State and the United States; and when they deem it expedient may appoint a director of patrols, whose duty it shall be to summon and appoint such number of the citizens of said town as he may think necessary for securing the safety and tranquillity of the said town by night; and every person so summoned and appointed, who shall refuse or neglect to act as patrol without reasonable excuse, shall, on summary conviction before the magistrate of police, forfeit and pay, for the benefit of said town, a sum, of the current money of this State, not less than one, nor more than three dollars, which shall be levied by the proper officer on the goods and chattels of the person or persons making default as aforesaid, under the warrant of the magistrate of police; and it shall not be lawful for any person or persons to patrol the said town unless he or they shall first have obtained permission in writing from the magistrate of police, or a majority of the commissioners; and the commissioners aforesaid are hereby authorised and required to make all such rules and regulations as to them shall seem necessary and proper for the government of the said patrols and of their said director, in the discharge of the duties required of them by this act.

VII. *And be it further enacted, &c.* That the said commissioners shall have power to appoint a Treasurer, Constable and Clerk of the said town; and before entering on the duties of their several offices, the said Treasurer and Constable shall give bond and security to the commissioners and their successors in office, each in the sum of five hundred dollars, for the faithful performance of their duties in office, and shall also swear or affirm before the magistrate of police to discharge the duties of their said several offices with fidelity and according to the best of their knowledge and judgment; and that the said commissioners may, if they think proper, allow them a reasonable compensation for their services; and that it shall be the duty of the Treasu-

rer appointed as aforesaid, towards the close of the year of his appointment, or immediately preceding the day of election of the commissioners as aforesaid, to publish and set up in the court house of Pasquotank county, certified by the said commissioners, an account of all monies by him received for taxes or otherwise for the use of said town, shewing the use and application which he has made of the same, particularly specifying the object of every disbursement, with an account of the claims against, or the debts unpaid by the said town, (if any) as far as they have come within his knowledge and to whom the same are due, under the penalty of ten dollars: *Provided, nevertheless*, that no commissioner shall act as treasurer or constable: *and provided also*, that the said constable shall receive for all process which he may execute in the said town such fees, and no more, as are allowed to the constables under the laws of this State.

VIII. *And be it further enacted*, That the magistrate of police shall have power to preserve the peace and maintain good order among all persons residing, or who may be in the said town; and moreover, that the said magistrate of police is hereby authorised and empowered to hear and determine all causes, complaints and controversies that may arise by reason of any infraction of the laws and ordinances of the said town.

IX. *And be it further enacted*, That all process issued by the magistrate of police shall and may be lawfully executed on any part of the waters of Pasquotank river; and the town constable or harbour master is hereby authorised and required to execute the same.

X. *And be it further enacted*, That it shall be the duty of the said commissioners, at some convenient time before the first day of January, in the year one thousand eight hundred and thirty two, to cause a survey to be made of the said town, and at the corners and necessary stations to have stones or pegs of iron planted; that the said commissioners are hereby authorised and empowered, in addition to other taxes, to lay a tax on the real estate, and the improvements thereon, to defray the expenses of said survey, to be collected and accounted for as the other taxes are; and the said commissioners shall deposit with the clerk of the County Court and with the town clerk one correct copy of said survey; and that it shall be the duty of the register of Pasquotank county to make registration of the copy left with the town clerk, and in case of the loss of the same, original copies, or when neither of them can be produced, then a copy from the register's office shall be evidence in like manner as these and original copies would be, were they or either of them produced.

XI. *And be it further enacted*, That the said commissioners shall have full power to appoint a harbour master and a health officer for the port of Elizabeth City, to prescribe their duties and authority, make rules and regulations for their government, allow them reasonable compensation for their services, and determine how and by whom such compensations are to be paid; and that the said commissioners shall have full power and authority to pass all laws and make all rules and regulations, not inconsistent with the Constitution of this State or the United States; to prevent any person or persons from coming into the said town by land or water, who has or is supposed to have any contagious or infectious disease; and to compel vessels coming into the port of the said town of Elizabeth City to ride quarantine at some proper place, to be laid off for that purpose by the said commissioners, one mile from the said town.

XII. *And be it further enacted*, That it shall be the duty of all constables, the sheriff and coroner of the county of Pasquotank, and of the town constable, to execute any and all process directed to them by the magistrate of police, in the same manner as they are bound to execute process directed to them by any justice of the peace of the said county, under the same rules and penalties in case of refusal or neglect.

XIII. *And be it further enacted*, That no person shall be permitted to retail spiritous liquors by the small measure (that is to say less than a quart) in the said town, unless he obtain a certificate from the commissioners of the said town, countersigned by the magistrate of police, that he is a fit and proper person to retail; and upon producing such certificate to the County Court of Pasquotank county, it shall be the duty of the said court, upon the other requisites of the law being complied with by the applicant, to grant an order that the said person shall have license to retail for one year in manner aforesaid: *Provided*, that the tax shall be accounted for as in other cases of retailers: *Provided always*, that any person or persons licensed as aforesaid, (except regular tavern keepers having general accommodation for travellers,) who shall on a summary trial before the magistrate of police of said town be convicted of opening shop for the retailing spiritous or other liquors during any part of the day time or night of Sunday, commonly called the Lord's day, or who in like manner shall be convicted of retailing such liquors in the night of any of the week days after the hour of nine o'clock to persons of colour or disorderly persons of any description, shall, on every such conviction as aforesaid, forfeit and pay the sum of forty dollars, for the use of the town, and the license of every such person shall be suspended till the board of commissioners shall otherwise determine; and if such person or persons shall, after such suspension and during the said year for which said license has been granted, be again in the same manner convicted, he, she or they so convicted, shall, on every such conviction, forfeit and pay the sum of eighty dollars, to be applied as aforesaid.

XIV. *And be it further enacted*, That it shall not be lawful for any negro or mulatto slave to keep house any where in the said town except on a lot or piece of ground owned by, or belonging to his, her or their owner, master or mistress, and under the inspection of said owner, master or mistress; and such owner, master or mistress shall give bond, with security, to the commissioners of said town and their successors in office in the penal sum of one hundred dollars for each slave, conditioned for the good behaviour of such slave or slaves, renewable every year if required; such bond and such slave or slaves to be subject to the same proceedings, regulations, restrictions and penalties as are by this act made and provided in relation to free persons of colour giving bond for good behaviour.

XV. *And be it further enacted*, That the boundaries of the said town of Elizabeth City shall commence on the north at the mouth of a creek called Poindexter's creek and the channel of Pasquotank river; thence up the centre of the said creek and the southern branch thereof to a point due north of the northwestern corner of the Baptist meeting house square; thence south to Norris's line; thence along Norris's line easting to a cypress in Pasquotank river; thence a due east course to the channel of Pasquotank river; thence up the channel to the first station.

XVI. *And be it further enacted*, That the constable of the said town shall have all the power and authority within the said town and on the waters of

Pasquotank river, that constables of the county have by the laws of this State

XVII. *And be it further enacted*, That all fines, forfeitures and penalties shall be sued for and recovered in the corporate name of said town or corporation, and that in all cases, civil or criminal, or of a civil or criminal nature, a right of appeal to the County Court of Pasquotank county is hereby secured and given to the party against whom judgment may be given by the said magistrate of police, whether the said party be the corporation or an individual of said town, subject to the same rules and regulations that govern in taking appeals in similar cases from judgments of justices of the peace to the said court, under the laws of this State.

XVIII. *And be it further enacted*, That this act shall be in force from and after the passing thereof; and that all acts and clauses of acts heretofore passed for and relative to the incorporating and government of the said town of Elizabeth City, be, and are hereby repealed.

CHAPTER LXXVI

An act to enlarge the capital stock of the Plymouth Turnpike Company, and for other purposes.

Whereas the Plymouth Turnpike Company have expended the whole amount of their capital stock, which has been found insufficient to complete the work for which said company was incorporated: Therefore,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Plymouth Turnpike Company may at any time after the first day of January next, and at such places as they may deem proper, open books for receiving subscriptions of additional stock to an amount to be fixed upon by the company, not exceeding five thousand dollars, in shares of twenty five dollars each, and may keep open the said books for such time as the company shall deem proper; and if a greater number of shares shall be subscribed than that for which the books shall be opened, deductions shall be made according to such rules as the said company shall have previously prescribed.

11. *Be it further enacted*, That upon the petition of said company to the County Court of the county, in which any section of said road may lie, praying that the lands of certain persons shall be condemned to their use for the purposes of said road, such persons being made defendants to said petition, it shall be lawful for said court to order the sheriff to summon a jury to view the ground and assess the damages which the owners of said lands shall be entitled to receive for the same; and the report of the jury being returned to the ensuing court, and being by them approved, shall vest in said company all the right and title in said lands of which the persons defendants were seized: *provided*, that such decree shall not vest such right in said company until the aforesaid proprietors of the lands condemned shall have been paid the damages assessed to them respectively by said jury.

CHAPTER LXXVII

An act to amend an act, passed in the year one thousand eight hundred and twenty, authorising the County Court of Rutherford to hold a court of probate 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 it shall be the duty of the justices of the peace in the county of Rutherford, a majority of the whole number being present, annually to elect out of their own body three persons to hold the courts of probate for said county.

II. *Be it further enacted*, That the court so appointed shall have exclusive jurisdiction in appointing overseers of roads, allotting to each overseer his proper number of hands, and the distance they shall be compelled to work said road: *provided*, that nothing herein contained shall be so construed as to prevent any persons from having the right of appeal to the County Courts of said county.

III. *And be it further enacted*, That said court shall hereafter be held on the second Monday in March, June, September and December, in each and every year, and no oftener, and shall have the same jurisdiction in all cases not herein specified that they now have, and be governed by the same rules, regulations and restrictions as are now provided by law for the government of said courts.

IV. *And be it further enacted*, That the justices so elected shall each be entitled to receive the sum of one dollar per day, as a compensation for their services, while engaged in holding said court; which services shall be certified by the clerk of the court, and paid by the county trustee, and when so paid shall be a voucher in the hands of the trustee in his annual settlement with the court; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXVIII

An act relative to allowing county claims 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 from and after the passage of this act, it shall not be lawful for the County Courts of Richmond to make any allowance for claims against said county, unless a majority of the acting justices of said county are present.

II. *And be it further enacted*, That hereafter when any county claims are allowed, each and every justice of the peace dissenting from such allowance may enter his protest and give his reasons on the records of said court, at any time during said court; and should it so happen that any allowance made by the justices aforesaid should be contrary to the laws of this State, or the true intent and meaning of this act, the magistrates making such allowance shall be bound in their individual capacity for all damages done said county; and it shall be the duty of the county solicitor to institute suit against such magistrates in the name of the county trustee, to be recovered before any tribunal having jurisdiction of the same; and when any allowance is made by said court, the legality of which involves doubt, any citizen of said county, on motion to the court, shall cause the names of all those magistrates making such allowance to be entered of record by the clerk in a book kept for that purpose.

CHAPTER LXXIX

An act to incorporate the Fayetteville Female School of Industry.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Ann Sandford, Caroline Winslow, Rhoda M'Rae, Susanna Mumford, and their associates, who are now, or shall become subscribers to the school hereby incorporated, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of the "Fayetteville Female School of Industry;" and by that name shall have perpetual succession and a common seal, and shall be able and capable in law of holding lands, tenements and hereditaments, sufficient for the purposes of the said school, and of suing and being sued, impleading and being impleaded.

II. *Be it further enacted*, That the said corporation shall have power to make all rules, regulations and bye laws, (not inconsistent with the Constitution and laws of the land,) which shall and may be necessary for the good government of the said school and the management of its property and finances, and also to fill all vacancies among the trustees from time to time, occasioned by death, resignation or other cause; and also to appoint such officers as they may think proper, and be capable of taking and holding apprentices by indenture, according to the laws now in, or which may hereafter be in force in this State.

CHAPTER LXXX

An act to incorporate the Dorcas Society in 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 Dorcas Society in Elizabeth City, consisting of the following members, to wit: Mary Grice, Phebe S. Williams, Mary Sutton, Mrs. Messenger, Mrs. Susan Rogerson, Mrs. Parsey Davis, Mrs. Lamb, Lucretia Tisdale, Mrs. Fearing, Mrs. Margaret Moore, Mr. Sarah Fearing, Nancy Clafl and Clarky G. Bell, shall be incorporated under the name and style of the "Elizabeth City Dorcas Society;" and shall sue and be sued, plead and be impleaded, in such name, in the same manner and under the same rules and regulations prescribed for other corporations.

II. *Be it further enacted*, That the officers shall consist of a treasurer, secretary and thirteen managers; the sole object of said society shall be to aid distressed widows and orphans; the corporation shall have liberty, and is hereby empowered to purchase one acre of land, and erect suitable buildings for the object of the society. The society shall be at liberty to receive as many members as it shall deem expedient, under such rules and regulations as it shall think proper. The officers shall be chosen annually on the first Monday in February. The officers before mentioned shall be authorised to make such bye laws for the government of the society as they shall deem proper.

CHAPTER LXXXI

An act to authorise Aquilla Day, otherwise called Aquilla Wilson, a free person of colour, to reside in this State.

Whereas it is represented to this General Assembly, that Thomas Day, a free person of colour, of good behaviour, residing in this State, hath intermarried with Aquilla Wilson, a free woman of colour, and an inhabitant of the State of Virginia; and whereas the said Thomas Day is desirous to remove his said wife into this State; and whereas further, it is represented to this General Assembly that the said Thomas and Aquilla are of good and exemplary reputation and behaviour:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Aquilla Day otherwise called Aquilla Wilson, be, and she is hereby authorised to come into, and reside in this State.

II. *And be it further enacted*, That the said Aquilla Day, otherwise called Aquilla Wilson, shall not, by coming into and residing in this State, incur or be subject to any of the pains, penalties or liabilities of an act, passed in the year one thousand eight hundred and twenty six, entitled an act to prevent free persons of colour from migrating into this State, for the good government of such persons resident in the State, and for other purposes.

CHAPTER LXXXII

An act concerning the County Courts of Orange 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 Court of Orange county shall and may have power at their discretion, a majority of the acting justices being present, to elect annually any number from among their body, not less than three, nor more than seven, whose duty it shall be to hold the County Courts of said county, under such rules, regulations, limitations and restrictions as the said majority may direct, not inconsistent with the Constitution and laws of this State.

II. *Be it further enacted,* That the court, a majority being present, may make to such justices appointed under this act to hold the court, such allowance for their services as they may deem right and proper.

III. *Be it further enacted,* That nothing in this act shall be so construed as to prevent any justice of the peace for the county of Orange from taking his seat as a member of said court: *and provided,* that nothing herein shall be so construed as to affect any law now in existence requiring a majority, or any other specific number to attend said court.

CHAPTER LXXXIII

An act to alter the time of holding the County Courts of Ashe county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Ashe county shall hereafter be holden on the fourth Monday of February, third Monday of May, the fourth Monday of August, and the second Monday of November, in each and every year; any law to the contrary notwithstanding.

CHAPTER LXXXIV

An act authorising the County Court of Stokes to regulate the compensation of court officers.

Be 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 of Pleas and Quarter Sessions to be held for the county of Stokes on the second Monday in March next, and annually thereafter, it shall be the duty of the court aforesaid, a majority of the justices being present, to designate the number of constables which shall attend said court, and make a suitable per diem compensation to the same: *Provided,* that nothing herein contained shall be so construed as to authorise said court to allow a greater compensation to said officers than jurors of said county are entitled to by law; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXXV

An act to establish Hickory Grove Academy, in the county of Edgecombe, 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 Joshua Lawrence, Richard Harrison, Louis D. Wilson, Spencer L. Hart, Solomon Pender, Bartholomew Bowers, Charles W. Knight, James Ellinor, William Pender, Isaac Norfleet, James Garrett, Henry Shurly, Frederick Philips, David Hoiland, Francis L. Dancy, Henry Hearn, Ely Porter, and Henry Morgan be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name, and style of "The Trustees of

Hickory Grove Academy," and by that name and style shall have succession and a common seal; and they, or a majority of them, or their successors, shall be able and capable in law to take, demand, receive and possess money, goods and chattels, lands and tenements, for the use of said Academy, and apply the same according to the will of the donor.

II. *And be it further enacted*, That the said trustees, or a majority of them, and their successors, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of law within this State; shall have power to appoint other and more trustees, and to fill the place of such as may die, remove, resign or be incapable of acting; and to establish such laws and regulations for the government of said institution, as may be necessary for the preservation of order and good morals and the advancement of science; elect a tutor or tutors and other officers; and to do and perform all such acts and things as are incident to, and usually exercised by bodies politic, for the accomplishment of the contemplated object, not inconsistent with the laws of the State.

III. *And be it further enacted*, That any five of the trustees of said Academy shall constitute a quorum to transact the business of the institution.

CHAPTER LXXXVI

An act to repeal a part of the third section of an act, passed in the year one thousand eight hundred and twenty-four, entitled an act to amend an act, passed in the year one thousand eight hundred and thirteen, entitled an act to alter and regulate the annual elections in Hyde county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the third section of said act as fixes the time of holding the elections at the house of Pharoah Farrow, at Kinnakeet, and the election at the house of Charles Foster, near the Cape, be, and the same is hereby repealed.

II. *And be it further enacted*, That the elections hereafter to be held at said places shall be holden on the same day the election is held at the court house in said county, and that eight days be allowed for the returning officers to make return to the sheriff at the court house the polls held by them.

CHAPTER LXXXVII

An act to authorise the County Courts of Lincoln, Haywood, Brunswick, Pitt, Macon, Northampton and Hyde to appoint committees of Finance.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Courts of Pleas and Quarter Sessions of the counties of Lincoln, Haywood, Brunswick, Pitt, Macon, Northampton and Hyde at any courts which shall happen after the first day of August next, and annually thereafter, a majority of the justices of the peace of said counties being present, if they deem it expedient, to appoint three persons of skill and probity to act as a committee of Finance, whose duty it shall be to examine all the records, papers and documents which have relation to any county monies in the offices of the clerks of the Superior and County Courts and of the Clerks and Masters in Equity, and to audit and settle all accounts between the said counties and the sheriffs, county trustees, or any other officers or commissioners who may hold any monies belonging to said counties during their financial year; and if any committee shall fail to perform the duties assigned them, any committee that shall be subsequently appointed are hereby empowered to perform the same; and the said committees are

hereby authorised and empowered to call on each of the said clerks at their offices, to lay before them for inspection such records, documents and papers as aforesaid, and to call on said sheriffs, county trustees or other officers or commissioners to meet them at the court houses of said counties, to audit and settle their respective accounts at such time as they may designate.

II. *Be it further enacted*, That it shall be the duty of said committees to make a full investigation of all the financial concerns of said counties, and make a fair and true return to the said courts of the same at the end of their financial year, setting forth a full statement of their investigation, designating therein all monies due from the counties aforesaid to individuals, as well as those sums due by individuals to the counties; and each member of said committee shall receive an allowance, not exceeding one dollar and fifty cents per day, for each day they shall be necessarily employed on said committees, to be paid by the county trustees out of the funds of the counties; and all such allowances shall be made, upon proof to the satisfaction of said courts by the members of said committees, of the number of days they were employed in the duties prescribed by this act.

III. *Be it further enacted*, That if said clerks, sheriffs, county trustees or other officers or commissioners who may hold any county money, shall fail, neglect or refuse duly to account for the same, the committees of Finance shall give such persons ten days' previous notice in writing of the time at which they will attend to make said settlement; and every officer receiving such notice as aforesaid, and failing to make such settlement as is required by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt before said court, which said suit shall be brought in the name of the chairman of the court, and shall be prosecuted at the expense of the county, unless said County Courts shall release said officers from said forfeiture, which said courts are hereby authorised to do.

IV. *Be it further enacted*, That every person appointed by the authority of this act a member of the committee of Finance, shall, previous to his entering on the duties thereof, take the following oath, which shall be administered by the courts aforesaid, 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 _____ in all business that may come before me, without doing injustice to the said county, or to individuals, to the best of my knowledge and ability: So help me God.

V. *Be it further enacted*, That if any person, who shall be appointed by said justices 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 pay a penalty of fifty dollars for his refusal or neglect as aforesaid, to be recovered before any jurisdiction having cognizance thereof, to be sued for in the name of the county trustees of said counties for the time being, or their successors in office, by any person who will sue for the same, with costs of suit: *Provided*, that no person shall be compelled so serve as a member of said committee for a longer time than three years.

VI. *Be it further enacted*, That it shall hereafter be the duty of the several clerks, sheriffs, county trustees, and all other officers or commissioners, who may have claims or demands on either of the counties aforesaid, to deliver the same to the committees of Finance for their examination and inspection, whose duty it shall be to make out two fair and correct statements

of each settlement by them made by virtue of their appointment, one of which, after having been submitted to, and passed upon by the courts, shall be filed with the clerk of the County Courts respectively, 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 County Courts to furnish said committees with a statement of all sums allowed by the County Courts to individuals, setting forth the several amounts, and to whom made.

VIII. *Be it further enacted*, That it shall be the duty of the committees of Finance appointed under this act, and they are hereby empowered to institute suits for the recovery of all monies found to be due to the said counties from any person liable to account as aforesaid, before any jurisdiction having cognizance thereof, which said suit or suits shall be brought in the name of the county trustees of said counties for the time being, except in cases where the county trustees are to be sued; then such suit shall be brought in the name of the committees of Finance for the counties aforesaid, who are in office at the time the suit is brought; which said committee or county trustee as the case may be, shall recover the same, with costs of suit, to the use of the counties aforesaid; and in case the said committees or county trustees shall fail, or be cast in said suit, the cost of the same shall be paid by the said counties; and in case any person or persons sued by said committees or county trustees, shall have judgment rendered in their favour, he or they shall recover their costs, to be paid by the counties respectively.

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

CHAPTER LXXXVIII

An act to exempt certain persons in the county of Beaufort 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 passage of this act, residing upon the East side of Goose creek, called Goose creek island, in the district of Goose creek, in the county of Beaufort, shall be summoned or compelled to attend or serve as juror of the original pannel, either in the County or Superior Courts of said county; all of whom shall be exonerated from the performance of said duty; any thing in any other law to the contrary notwithstanding.

CHAPTER LXXXIX

An act to repeal an act, passed in the year one thousand eight hundred and twenty nine, chapter sixty three, entitled, 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, skinning 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 from and after the passing of this act, the before recited act, passed in the year one thousand eight hundred and twenty nine, be, and the same is hereby repealed.

CHAPTER XC

An act to appoint commissioners to superintend the building of a court house in the county of Burke, and to prescribe the manner in which the sheriff shall pay over the tax laid for the building the same 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 James Murphey, Thomas Walton, Samuel C. Tate, John Copening and Isaac T. Avery, be, and they are hereby appointed commissioners, with full power and authority to contract with some suitable person or persons for the building of a new court house in the county of Burke.

II. *Be it further enacted, That the said commissioners, or a majority of them, are hereby authorised and required to fix upon some suitable plan, size, dimensions and materials of which the said court house shall be built; and the said commissioners, or a majority of them, are hereby required, previous to contracting for the building of the said court house, to advertise the same in some one or more newspapers in this State for at least six weeks, setting forth the size, description and materials of which it is to be built, and the time for letting out the same.*

III. *And be it further enacted, That the commissioners aforesaid, or a majority of them, shall proceed to let out the same so soon as a majority of them shall think a sufficient sum of money has been raised by the taxes already laid for that purpose to justify them in commencing the work: Provided, that no contract shall be valid without the contractor or contractors having entered into bond and approved security to the said commissioners, for the faithful performance of the work: and provided also, that the contract for the same shall not exceed the sum of eight thousand dollars.*

IV. *And be it further enacted, That the commissioners aforesaid, or a majority of them, are hereby authorised and required to locate and fix the site for the said court house in the most conspicuous part of the public square in the town of Morganton, taking into estimation the streets which border on the same, leaving the remaining part of said square forever thereafter for the use and benefit of the people of said county, the public building on said square and other buildings erected by law excepted.*

V. *And be it further enacted, That it shall be the duty of the commissioners, or a majority aforesaid, to superintend as much as may be in their power the building of said court house, and to see that no materials are made use of in the building but such as are specified in the contract, and such as shall have been previously approved of by them.*

VI. *And be it further enacted, That the Court of Pleas and Quarter Sessions of the county aforesaid are hereby authorised to lay such a tax from time to time as they may deem expedient to carry the provisions of this act into effect: Provided it shall not exceed in any one year twenty cents on each poll, and seven cents on each hundred dollars worth of land and town property.*

VII. *And be it further enacted, That the taxes hereby authorised to be laid, shall be collected by the sheriff of said county, under the same rules, regulations and restrictions as other county taxes, and shall by him be paid over to the contractor or contractors aforesaid, for building the court house*

aforesaid, by a written order from the commissioners, or a majority of them, and take his or their receipt therefor, which shall be a proper voucher in the settlement of his official accounts.

VIII. *And be it further enacted*, That when the new court house shall be completed and received by the commissioners, they, or a majority of them, are hereby authorised and required to expose to sale (upon such terms as they shall think proper) the old court house, and all other surplus property in said town, belonging to said county; the proceeds of which shall be applied to the payment of the contract entered into for the building of the new court house.

IX. *And be it further enacted*, That nothing in this act shall be so construed as to affect any public buildings or other improvements on said square, heretofore erected by law.

X. *And be it further enacted*, That so much of a law, passed in the year one thousand seven hundred and ninety-eight, authorising the County Courts to elect a treasurer of public buildings, be, and the same is hereby repealed, so far as it relates to the county of Burke.

XI. *Be it further enacted*, That if any of the aforesaid commissioners should die, resign, refuse or become incapable of acting, then and in that case the County Court of said county shall have power to fill the vacancy thereby occasioned.

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

CHAPTER XCI

An act to amend an act, passed in the year one thousand eight hundred and nineteen, chapter one hundred and three, entitled an act to prevent obstructions to the passage of fish up 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 so much of said act as relates to the obstructing the passage of fish up said stream between the fifteenth of February and the twenty fifth of April, shall be so construed that no person shall erect or cause to be erected, keep up or cause to be kept up across Neuse river, commencing four miles above the town of Newbern, and thence upwards to Stone's mills, any dam, stand, weir or hedge, nor fix or cause to be fixed across the channel of said river any seine or net, so as to obstruct the free passage of fish up said river, under the penalty prescribed in said act: *Provided*, that this act shall not be construed to prevent persons from fishing in the channel of said river with seines or nets.

CHAPTER XCII

An act making it the duty of the sheriffs of the counties of Surry, Gates and Beaufort to notify persons of the day on which their lands will be sold for taxes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, whenever lands are to be sold for taxes in the counties of Surry, Gates and Beaufort, it shall be the duty of the sheriff to give notice in writing to the proprietor thereof of the day of sale of said lands at least fifteen days before the day of sale; for which the sheriff shall be allowed twenty-five cents: *Provided nevertheless*, that the provisions of this act shall not extend to the sale of land for taxes belonging to persons, whose names are not known, or who live beyond the limits of the State, or the counties of Surry, Gates and Beaufort.

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

CHAPTER XCIII

An act to repeal in part an act, passed in the year one thousand eight hundred and nine, chapter seventy, entitled "an act requiring a majority of the acting justices of Wayne and Montgomery counties to be present 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 so much of the above recited act as relates to Wayne county, be, and the same is hereby repealed.

CHAPTER XCIV

An act to extend the provisions of an act, passed in the year one thousand eight hundred and twenty-nine, chapter one hundred and fourteen, entitled "an act to prevent the felling of timber in, or otherwise 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 the provisions of the above recited act be, and they are hereby extended from the intersection of the said Rocky river with the Randolph county line to its confluence with Deep river; any law or custom to the contrary notwithstanding.

CHAPTER XCV

An act for the encouragement of light infantry, volunteer cavalry, artillery or rifle companies in the county of Hertford.

Be 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 each district where militia companies now exist, for volunteer companies to be raised, either of light infantry, volunteer cavalry, rifle or artillery companies, regulating their dress and accoutrements in such uniform manner as may best suit their taste and convenience, or as the interest of the service may require.

II Be it further enacted, That when any volunteer company, duly organized by having the legal number of men, (forty independent of officers,) the captain or commanding officer of such company shall at least four times in each and every year order the same to muster at such times and places as he or a majority of the company may deem proper; and any member of such company failing in his attendance, shall be fined in such sums as the bye laws which the company may establish for their better regulation may inflict, or such penalties as the law already points out in similar cases.

III. Be it further enacted, That any officer or private who shall faithfully serve in such company ten years from the date of his enrolment, shall be exempt from being called out on any petit muster or drill: Provided, that he can produce a certificate from the captain or commanding officer of such service: And provided further, that nothing herein contained shall exempt such persons in times of war or insurrection; but that in such cases they shall be subject to all the duties, forfeitures and penalties to which other officers and privates are, until they attain the age of forty five years: And provided further, that all such exempts shall attend all general parades, regimental reviews and battalion musters, under the rules and penalties that other persons are.

IV. Be it further enacted, That when any militia company of any district in the county of Hertford shall be lessened below the number of forty men, exclusive of officers, it shall be lawful for the colonel or commanding officer of the regiment, to attach the remainder of said militia company to the nearest militia captain's district, whose duty it shall be to cause them to be enrolled on his muster list, and perform the duties by law required; and

the commissions of the officers thus reduced shall be declared to be void; any law, usage or custom to the contrary notwithstanding.

CHAPTER XCVI

An act to repeal a part of an act, passed in the year one thousand eight hundred and twenty-nine, entitled an act to provide for the compensation of jurors for 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 so much of the above recited act as relates to the county of Columbus, be, and the same is hereby repealed.

II. *And be it further enacted,* That all monies that are now in the hands of the sheriff of said county, and all monies that may be due under the provisions of the above recited act, shall be paid over to the county trustee of said county, and applied to county purposes.

CHAPTER XCVII

An act to incorporate Williams' Academy, in the county of Martin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph J. Williams, Samuel Williams, Lewis A. Williams, William W. Williams and David Williams, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of "Williams' Academy," (on the land of Joseph J. Williams,) in the county of Martin, and by that name shall have perpetual succession and a common seal, and shall be vested with all the powers and authorities which are usually given to the trustees of other academies established by the laws of this State.

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

CHAPTER XCVIII

An act supplemental to an act, passed in the year one thousand eight hundred and twenty-six, entitled an act for the better regulation of the town of Concord, in the county of Cabarrus.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, if any person elected magistrate of police for the town of Concord, by and under the authority of the above recited act, shall refuse to act as such, it shall and may be lawful for the commissioners of said town to elect one of their own body to serve as such until the next annual election, in manner, and under the provisions of the above recited act.

CHAPTER XCIX

An act to amend an act, passed in the year one thousand eight hundred and twenty nine, entitled 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 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 so much of the above recited act as requires a majority of the justices of the peace of Burke county to be present at the appointment of commissioners to view and lay off said road, be so amended as to authorise fifteen justices of the peace of said county to be a sufficient number to do and perform the same.

CHAPTER C

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of February next, it shall not be lawful for any person to obstruct, by falling trees therein, the run of Sandy creek, in the county of Randolph, under the penalty of five 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 Randolph: *Provided*, that nothing herein contained shall be so construed as to prevent the owners of lands on said creek from building water fences or mills thereon; nor shall any person incur the penalty herein prescribed, who shall fall timber in, or otherwise obstruct the run of said creek in clearing and improving his, her or their lands, provided they shall remove the same within ten days.

CHAPTER CI

An act concerning the militia of IredeU county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the colonels commanding the first and second regiments of the IredeU militia, on or before the first day of July next, to call to their assistance three disinterested persons, whose duty it shall be to so designate the line between the first and second regiments aforesaid as to give an equal number of companies to each regiment, either by detaching one company from the first, and attaching it to the second regiment, or so arranging them as to leave an equal number of companies in each regiment; any law to the contrary notwithstanding.

CHAPTER CII

An act to prevent obstructions to the passage of fish up Neuse river, Brice's creek and Trent 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 no person or persons shall work any seine in Neuse river, Brice's creek or Trent river from the fifteenth to the twenty fifth of April in the time herein below specified, viz. from sun set on Saturday until sun set on Monday in each and every week, under the following penalty, that is to say, that every person who shall work a seine, in the time above specified, contrary to the true intent and meaning of this act, shall for each and every offence, on conviction, forfeit and pay the sum of two hundred dollars, one half to the use of the informer, the other half to the use of the poor of said county in which the offence may be committed.

II. *Be it further enacted.* That any slave or slaves, who shall be convicted before any justice of the peace of having violated this act, shall receive thirty-nine lashes on his or their bare back, and the master or owners shall be subject to pay the cost of prosecution and whipping such slave or slaves.

III. *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*, that this act shall not be so construed as to prevent any person from fishing in any manner in Neuse river above the lower line of Johnston county.

CHAPTER CIII

An act imposing additional taxes on suits at law and in equity in the courts of Robeson, for the payment of jurors of the original venire in said county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of February next the following additional taxes shall be levied and collected upon proceedings at law and equity in the County and Superior Courts of the county of Robeson, expressly to create a fund for compensating the jurors of the original venire of said county, viz. on every leading process returnable to the Superior Court, one dollar; on every appeal returned to said court from the judgment of a single justice of the peace, removed out of court, when returned and entered on the trial docket, one dollar; on every petition, except petitions for roads, widows' provision, and sales of negroes by administrators or executors, one dollar; on every indictment where the defendant shall be convicted, and be able to pay the cost and tax, one dollar; on every appeal from the County to the Superior Court, or writ of error, one dollar; on every leading process returnable to the Superior Court, mandamus, certiorari, or appeal to the Supreme Court, or appeal on an indictment to the Supreme Court, where the judgment below shall be affirmed, two dollars; on every subpoena or writ to answer any bill in equity, two 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, at the same time, under the same rules and penalties which are provided by law in the case of taxes on writs, fines, forfeitures and amercements: *Provided*, that no such taxes shall be levied or collected on leading process, petition or other proceeding in which a person or persons not residing in said county may be concerned as plaintiff or defendant, or in any way as a party or parties of record.

II. *Be it further enacted by the authority aforesaid* That the committee of finance for said county are hereby authorised to call on the money receiving officers of said county for the taxes collected by virtue of this act, in the same manner, and shall be governed by the same rules, regulations and restrictions as in other cases already prescribed by law to recover money belonging to the county aforesaid from such money receiving officers; and the said committee of finance, at the time they are required by law to make their annual report to the County Court aforesaid, shall report to said court the amount received by virtue of this act: *Provided* nothing herein contained shall be so construed as to prevent the County Court aforesaid from laying a tax in addition to the taxes imposed by this act, as required by the provision 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.

III. *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 aforesaid.

CHAPTER CIV

An act to amend an act, passed at the last session, entitled 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 from and after

the ratification of this act, it shall and may be lawful to fish in the manner mentioned in the before recited act in Blount's creek, and to the distance of half a mile from the mouth of said creek in the bay into which said creek empties, (in Beaufort county,) until sunset of Saturday and after the dawn of day of Monday of each and every week, between the fifteenth day of March and the first day of May in each and every year; any thing in the before recited act to the contrary notwithstanding; but it shall not be lawful to fish in the manner aforesaid either in said creek, or in said bay, within half a mile of the mouth of said creek, or in any other manner obstruct the free passage of fish up the same, between sunset of Saturday and the dawn of day of Monday of each and every week of the period aforesaid; and any person violating the provisions of this act, beside incurring the penalty mentioned in the before recited act, shall also be subject to indictment in the County or Superior Court, and be fined or imprisoned at the discretion of said court, not exceeding twenty days.

CHAPTER CV

An act concerning the officers of the sixty-second regiment of the eleventh brigade of the militia of the 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 colonel or commanding officer of the sixty-second regiment of the eleventh brigade of the militia of this State, is hereby required to order out the officers attached to the same for drill at least two, and not more than four days in each and every year.

II. *And be it further enacted,* That such officer shall order them to drill either with fire or side arms, at his discretion; any law to the contrary notwithstanding.

CHAPTER CVI

An act to incorporate Woodville Academy, in the county of Perquimans.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Caleb White, Allen Vandozier, William Wilson and Thomas Wilson, be, and they are hereby incorporated by the name and style of the "Trustees of the Woodville 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 and 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 authorities as the trustees constituted by the provisions of this act.

CHAPTER CVII

An act to incorporate a company styled "The Fayetteville Rail Road 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 it shall and may be lawful for the commissioners of Fayetteville to open books in the town of Fayetteville, and at such other place or places as they may think proper, for the purpose of receiving subscriptions to an amount not exceeding the sum of twenty thousand dollars, and as much less as they may think proper to effect the object of the company hereby incorporated, in shares of one

hundred dollars each, to constitute a joint capital stock for the purpose of constructing a rail road from some point in the corporation or town of Fayetteville to the Cape Fear river (at low water mark if necessary) at Campbelton, to be selected by the company hereby incorporated; and the time and place of receiving subscriptions aforesaid shall be advertised in one or more newspapers published in the town of Fayetteville; and the books for receiving the same shall not be closed in less than ten days; and it shall be lawful for the said commissioners to subscribe for any part or the whole of the said stock, if thereto authorised by a majority of the votes of the citizens of said town legally entitled to vote for commissioners and magistrate of police of the said town; and if it shall appear that more than the shares of the capital stock aforesaid shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners to reduce the number of shares subscribed for among the subscribers, in fair and equal proportions, and in such way as to secure to each individual at least one share: *Provided always*, that they shall not reduce the number of shares subscribed for by themselves; but if the whole number of shares shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued open, as the said commissioners may judge to be the most beneficial, until the whole number of shares shall be subscribed for.

II. *Be it further enacted*, When eighty shares shall be subscribed in manner aforesaid, the subscribers, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of the "Fayetteville Rail Road Company," and by that name may sue and be sued, plead and be impleaded; and shall so continue until the first day of January, A. D. one thousand eight hundred and sixty, (unless the said commissioners shall limit the time to any number of years less than thirty years, but not less than fifteen years, as hereinafter provided for,) and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law; and also may make, have and use a common seal, and the same break, alter and renew at their pleasure; and may make all such bye-laws, rules and regulations, not inconsistent with the Constitution and laws of the State, as shall be necessary for the well ordering and conducting the affairs of the company.

III. *Be it further enacted*, That the commissioners of Fayetteville shall have power and authority to lay a tax, not exceeding twenty five cents on each poll, and twenty-five cents on every hundred dollars worth of town lots with their improvements, for the purpose of enabling them by gradual instalments to pay for the shares they shall or may have subscribed for; or it shall and may be lawful for the said commissioners to raise the amount they shall have subscribed for by a loan, for which they may issue scrip in sums not less than one hundred dollars, bearing an interest not exceeding six per centum per annum; and the said commissioners shall have power, at the time they first open books for subscription, to limit the time the said corporation shall continue: *provided* it shall not exceed thirty years from that date, nor be less than fifteen years; which time shall be declared in the articles of subscription.

IV. *Be it further enacted*, When eighty shares or more of the stock shall have been subscribed, public notice of that event shall be given by the said commissioners in one or more of the newspapers published in Fayette-

ville, who shall at the same time call a general meeting of the subscribers at such convenient time and place as they shall name in the said notice. To constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed shall be present either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time, until a meeting shall be formed; and the stockholders may appoint proxies by writing proved or acknowledged before any justice of the peace. The subscribers, at their general meeting before directed, and the proprietors of the stock, at every annual meeting thereafter, shall elect a president and five directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said president or any of the directors may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The president, with any three or more of the directors, who shall appoint one of their own body president pro tempore, shall constitute a board for the transaction of business. In case of vacancy in the office of president or any director, happening from death, resignation, removal or disability, such vacancy may be supplied by appointment of the board, or by the proprietors in general meeting; and the proprietors at each and every general meeting shall be entitled to vote according to the following scale, viz. each stockholder shall be allowed one vote for every share as high as three shares, and one vote for every three shares as high as thirty shares, and one vote for every five shares above thirty shares by him or her held at the time of the general meeting.

V. *Be it further enacted*, That the shares shall be paid for at such times and places, and by such instalments as the president and directors of said company shall direct, they first advertising the same in or more newspapers in the said town twenty days before the time when payment is required; and if any person or persons holding any shares of the said capital stock, shall fail to pay for the same in the manner and at the time prescribed by the president and directors as aforesaid, the said president and directors may proceed to enforce the said payments by legal process, or declare the shares forfeited, as they may think proper.

VI. *Be it further enacted*, The president and directors of the said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair and maintaining of a rail road and all its necessary fixtures and appurtenances, to be located as aforesaid, with as many sets of tracks as they, or a majority of them, may deem necessary and may cause to be made; and also to make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of the said rail road; they shall have power to make contracts with any person or persons, on behalf of the company, for making said rail road, and performing all other works respecting the same; also to require from the subscribers from time to time such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their shares are paid for; to call, on any emergency, a general meeting of the subscribers, giving two weeks notice thereof in one or more newspapers published in the town of Fayetteville; to appoint a treasurer, secretary and other officers and agents; and to transact all the business of the company during the intervals between the general meetings of the same.

VII. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the said president and directors, after notice as aforesaid, it shall be lawful for the said president and directors, or a majority, to sell the share or shares of such stockholder at public auction, after ten days' notice, and execute a title therefor to the purchaser; and should the sale not produce the sum required, with all costs attending the same, then the president and directors may recover the balance from the original proprietor of such share or shares, or his assignee or representatives, or either, by motion on ten days' notice in the County Court of Cumberland, or before any justice of the peace; and any purchaser of stock shall be subject to the same rules and regulations as the original proprietor.

VIII. *Be it further enacted*, The president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the subscribers. They shall, or a majority of them, so soon as said rail road is completed, semi-annually declare and make such dividend of the nett profits from the tolls herein granted as they may deem advisable, to be divided among the proprietors of the stock in proportion to their respective shares.

IX. *Be it further enacted*, After said rail road is completed and put into operation, if the said president and directors shall, by reason of the same being out of repair, or from any other cause, fail or neglect to transport any produce or commodities which shall be deposited convenient to the said rail road, and which they shall be required to transport as aforesaid, the toll for the transportation being first tendered, the company shall be liable to the action of the party injured by such failure or neglect.

X. *Be it further enacted*, The president and directors shall issue certificates of stock, one for each share, to each subscriber, signed by the president and countersigned by the treasurer, which shall be transferable, subject however to all payments due or to become due thereon; and such assignee having first caused said transfer or assignment to be entered in a book of the company for that purpose, shall be a member thereof, and shall be liable for all sums due or to become due upon the stock assigned by him: *Provided* such assignment shall in no wise exempt the assignor or his representatives from their liability to the company for the payment of such sums, if the assignee or his representatives are unable or fail to pay the same. The said president and directors, or a majority of them, shall have power to purchase and put on said rail road all machines, engines, waggons, vehicles, carriages and teams of every description, which they may deem proper for purposes of transportation; and also may purchase all stationary engines that may be required for the purposes aforesaid; and all such machines, engines, waggons, &c. and every thing purchased under the authority of this act, and all the profits that may accrue therefrom, shall be vested in the respective shareholders of the company forever in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatever.

XI. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatever, injure, impair or destroy any part of any rail road constructed under the authority of this act, or any of its appurtenances of whatsoever kind, such person or persons shall be subject to indictment in any court having cognizance thereof, and upon conviction shall be fined and imprisoned at the discretion of the court, and be moreover liable to the action of the said company.

XII. *Be it further enacted*, That the said president and directors, or a majority of them, shall have power to agree with the commissioners of Fayetteville, or with any other person or persons, for the right to run the said rail road along any of the streets of Fayetteville, and for any lands over which it may be necessary to run the said rail road, and for any lands that may be necessary for the purposes of erecting toll houses, stationary engines or scales for the purpose of weighing any thing to be transported on said rail road, and for any lands that may be necessary to erect stables upon, and that may be necessary to form a place of deposit for the goods, produce and commodities transported on the said rail road; and in case they cannot so agree, then it shall and may be lawful for said president and directors, or a majority of them, to issue their warrant to the sheriff of the county of Cumberland, commanding him forthwith to summon a jury of discreet, intelligent and disinterested freeholders to meet on the land proposed to be condemned in three days after they shall have been summoned; which jury, when so convened and sworn by the sheriff or his lawful deputy that they will impartially and justly, to the best of their knowledge and ability, ascertain the damages which shall be sustained by the proprietor of the land from opening the said rail road through the same, or from any use appertaining to said rail road, shall inquire and ascertain the said damages, and after having done so, shall certify their proceedings ascertaining the boundary of said land under their hands, which by the said sheriff or his deputy shall be filed in the office of the clerk of the County Court of Cumberland, to be by said clerk recorded at the expense of the said company; which verdict shall operate to transfer the title in said lands to the said company as soon as the damages shall have been paid or tendered to the proprietor of said lands; and in case the proprietor is a minor without a guardian, or absent from this State, or non compos mentis, or imprisoned, as soon as the damages shall have been paid into the office of the clerk of said County Court: *Provided*, that the dwelling house, houses and yards of any person shall not be invaded without his consent: *And provided also*, that either party shall have a right to appeal from said verdict within five days thereafter to the County Court aforesaid; which court shall try the said appeal at the first court which shall sit next thereafter; and the verdict of the jury empannelled to assess the damages as aforesaid in said court shall be conclusive between the parties, and shall have the same effect to transfer the title of said lands to the said company, upon the payment or tender of the damages as aforesaid, as the verdict of the jury out of court would have had if not appealed from.

XIII. *Be it further enacted*, That said president and directors shall have power to erect toll gates where they may think proper, where tolls shall be tendered for all commodities required to be transported, and they shall be entitled to demand and receive tolls at such rates as shall not exceed twelve per cent. per annum until the nett profits equal the capital expended, with six per cent. interest thereon from the time the money was advanced by the stockholders until received back in the nett profits; after which the tolls shall be fixed at such rates as shall yield a nett profit of six per cent. per annum on the capital expended in making and completing the said rail road, over and above what may be necessary for the repairs and renewal of the same, and the annual allowance to officers and agents.

XIV. *Be it further enacted*, That said president and directors shall so construct said rail road across any street, road or way already or to be here-

after established by law, as not to impede the passage or transportation of persons or property along the latter; and when it shall be necessary to pass through the lands of any individual, it shall also be their duty to provide such individual proper waggon ways across the said rail road from one part of his land to another, if indispensable to the use and enjoyment of said land.

XV. *Be it further enacted*, That this act shall be in force from and after the passage thereof, and that every part and provision thereof shall be subject to be altered, amended or modified by any future Legislature as to them shall seem necessary and proper, except so much thereof as prescribes the rate of compensation or toll for transportation of produce or other commodities allowed to the said company: *And provided also*, that the rights of property acquired by the said company under this act shall not be taken away or impaired by any future Legislature.

XVI. *Be it further enacted*, That if the said company shall not begin and complete the said rail road in three years after this act, the rights hereby granted shall be forfeited and cease.

CHAPTER CVIII

An act to extend the provisions of an act, passed in the year one thousand eight hundred and eleven, entitled an act to establish a poor house in the county of Orange.

Whereas many cases of extreme hardship have occurred in the county of Orange under the operation of an act of Assembly, passed in the year of one thousand eight hundred and eleven, entitled an act to establish a poor house in the county of Orange, by reason of its refusing relief to any who are unwilling to come within its walls:

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 passage of this act, it shall and may be lawful for the wardens of the poor of said county, and they may, when application is made to them for assistance by such persons as are unable to labour, and who have children unraised and wish to remain with them, grant to such individuals such relief as they may think just and proper: *Provided* such amount shall not exceed the amount such applicant would cost the county in the poor house: *And provided further*, that no allowance shall be made unless a majority of the wardens of the poor for said county be present and concur in making such allowance.

II. *Be it further enacted*, That so much of the above recited act of one thousand eight hundred and eleven, as comes within the meaning and purview of this act, be, and is hereby repealed.

CHAPTER CIX

An act to amend an act, passed at the last session of the General Assembly of this State, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the words contained in the fifteenth section of said recited act, after the word company, shall be deemed null and void, and the following be substituted therefor: "to afford a good and safe navigation of three feet water throughout the entire extent of said canal."

II. *Be it further enacted*, That so much of the eighteenth section of said act as limits the duration of said corporation to the term of forty years, be, and the same is hereby repealed; and the corporate rights in and by said act

vested in said corporation, are hereby vested in said corporation for the term of seventy years from the passage of this act.

III. *Be it further enacted*, That nothing contained in this act shall be so construed as to deprive the Legislature of the power of altering or amending the same.

IV. *Be it further enacted by the authority aforesaid*, That the president and directors of the Gates Canal (incorporated at the present session) shall have the right to connect their canal in Gates county with the Lake Drummond and Grapeak Canal in said county.

V. *And be it further enacted*, That the said canal shall extend from the Grapeak swamp to Bennett's creek, in the county of Gates, under the same rules and regulations as before mentioned; otherwise this act shall be null and void.

CHAPTER CX

An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions 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 after the next Spring Term, the two Courts of Pleas and Quarter Sessions heretofore held in said county on the third Monday after the fourth Monday in March and September, shall be held on the fourth Monday after the fourth Monday in March and September in each and every year; any law to the contrary notwithstanding.

II. *Be it further enacted*, That all process returnable to or from the said courts, shall be in conformity with this act.

CHAPTER CXI

An act to repeal an act, passed in the year one thousand eight hundred and twenty-nine, entitled 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 the act of one thousand eight hundred and twenty-nine, chapter seventy-one, dividing the regiment of militia of the county of Macon into two regiments, be, and the same is hereby repealed.

CHAPTER CXII

An act to prevent the falling of timber in the Reedy Fork of Haw river, in Guilford county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of June next, it shall not be lawful for any person or persons to fall or otherwise put any timber or brush in the Reedy Fork of Haw river, from Stafford's mill to Chilcot's mill, on said Reedy Fork; and any person or persons so falling or otherwise putting any timber or brush in said stream, after the first day of June next, and suffering such timber or brush to remain in the stream for the space of ten days, at any place between the aforesaid mills, shall forfeit and pay the sum of five dollars, to be recovered in the name of, and to the use of the person suing for the same, before any justice of the peace for the county of Guilford.

CHAPTER CXIII

An act to amend an act, entitled an act to amend an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee River Turnpike road, passed A. D. one thousand eight hundred and twenty-six, chapter thirty-six.

Whereas it is represented to this General Assembly that the Tennessee

River Turnpike Company have opened and improved the Tennessee River Turnpike Road at a very considerable expense; and whereas further, it is represented that the said company cannot complete the said road within the time prescribed by law:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John Hail and Joshua Roberts, heretofore appointed commissioners of the Tennessee River Turnpike Road, be, and they are hereby authorised to receive said road, provided the same be completed within two years from the first day of January, one thousand eight hundred and thirty-one, in the manner specified and required in the before recited acts and by this act.

II. *Be it further enacted,* That it shall be lawful for the said company, by and with the consent of the commissioners, to alter the course and direction of said road: *Provided, however,* that the said road shall commence at or near the mouth of Tuckaseegy river, and terminate at the Tennessee line in Poindexter's gap of the Smoky Mountain, as heretofore prescribed.

III. *Be it further enacted,* That the said company may, and they are hereby authorised to collect and receive toll from all persons using said road, according to the rules heretofore prescribed.

CHAPTER CXIV

An act to establish a poor house in Warren 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 of Pleas and Quarter Sessions to be held for said county, on the fourth Monday in February next, or at any court thereafter, a majority of the justices being upon the bench, they shall appoint the present board of wardens of the poor of said county, or others, as commissioners, whose duty it shall be to contract for suitable land, and for erecting necessary buildings thereon, within seven miles of the court house, for the use of the poor of said county.

II. *Be it further enacted,* That said court shall have full power and authority, a majority of the justices being upon the bench, to lay and collect a tax, in one or more instalments, sufficient to enable said wardens to purchase a suitable tract of land for the purpose of erecting thereon suitable poor and work houses, and to cause the same to be built thereon; in which shall be maintained and employed such of the poor of said county as may be fit subjects.

III. *Be it further enacted,* That said wardens, or a majority of them, may otherwise provide for the support and maintenance for such poor as in their opinion shall be most humane.

IV. *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 poor of said county and others who may be fit subjects, then the wardens 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 care, and to employ such superintendent as may be necessary to manage the poor and work houses aforesaid, whose duty it shall be to keep at reasonable and moderate labor such as are, or may be committed to his charge, who are able to work; and to treat with all due kindness and humanity, and to provide

them sufficient and suitable diet, clothing, lodging and other necessities, and to enforce all orders, rules and regulations as the wardens of the poor shall from time to time establish; and in case of 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 at the County Court held on the fourth Monday in February, one thousand eight hundred and thirty-two, a majority of the justices being upon the bench, they shall appoint seven freeholders of said county to act as wardens, and annually thereafter shall appoint seven freeholders as wardens of the poor of said county, who shall have the power and authority, and be subject to the same duties and penalties as are now provided by law.

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

VII. *And be it further enacted*, That the aforesaid wardens, when they purchase a tract of land for the use of the poor of the county, shall take a deed in the name of the wardens and their successors in office, who are hereby declared competent to hold the same.

CHAPTER CXV

An act to authorise Daniel Greyham, of Cumberland county, to erect a gate across the road leading from Fayetteville to Tarborough.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Daniel Greyham, of Cumberland county, be, and he is hereby authorised to erect a gate on his own land, and near his dwelling house, across the road leading from Fayetteville to Tarborough, subject to the same rules, regulations and restrictions as are now prescribed by law for the erection of gates.

CHAPTER CXVI

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That on the third Monday in January in each and every year, the citizens of Williamston be allowed to vote for and elect five commissioners, who shall govern the town in the manner hereinafter mentioned; and if any person so elected shall refuse to serve at that time, or during the year for which he is elected, unless he leaves the town, he shall be subject to a fine of twenty dollars, to be recovered at the suit of any one of the commissioners before any justice of the peace for the county of Martin: *Provided always*, that no person shall be eligible as a commissioner unless he resides in the town of Williamston, and that at least three of the commissioners shall be owners of real estate in said town.

II. *Be it further enacted*, That it shall be the duty of the present commissioners, as also of each subsequent board, to appoint persons, citizens of the town, to hold the election at the time aforesaid, who shall forfeit the sum of five dollars each if they neglect to open the polls and perform that duty, to be recovered by the chairman of the board of commissioners before any jus-

tice of the peace for Martin county. And the said commissioners shall cause the said election to be advertised in said town at least ten days before the same shall take place; and the commissioners shall possess the ability to sue and be sued in their corporate capacity, and it shall be their duty to keep such streets as are in use in good order and free from all obstacles which may obstruct passengers; and they are also authorised to have the town surveyed, and the different streets and corners designated, and to open such streets as they may think expedient; and when the commissioners conclude to open any street, or to remove obstructions from the same, it shall be their duty to give the person so obstructing the street thirty days notice in writing; and if the street is not opened in this time, the person so enclosing or obstructing the street shall subject himself to a penalty of twenty dollars, to be recovered by the commissioners before any justice of the peace of the county of Martin; and the said commissioners shall have full power to adopt such rules, regulations and bye laws as may appear necessary for the regulation and good government of said town: *Provided* such rules and bye laws be not inconsistent with the laws and Constitution of this State; and the said commissioners shall have power to supply (by appointment) any vacancy in the board which may occur between one annual election and another.

III. *Be it further enacted*, That for the purpose of keeping the streets in good order, the commissioners shall appoint an overseer of the streets for one year, who shall be a citizen of the town, at the first meeting after their election; and if any so appointed shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered as before mentioned; if he fail to perform his duty in a satisfactory manner, he shall be subject to such penalties as the commissioners may be compelled to pay for his neglect. The commissioners shall also appoint a clerk (at the first meeting after their election) out of their own body, who shall record the proceedings of the board, and do whatever else may be directed appertaining to his office; and any person so appointed refusing to act, shall forfeit twenty dollars, to be recovered as aforesaid. The commissioners shall also appoint at the same time a treasurer, a member of their body, who shall receive all monies belonging to the board, and pay them out to the order of the same, which order shall be signed by the chairman and countersigned by the clerk. The commissioners shall also elect one of their body as chairman at the same time.

IV. *And be it further enacted*, That the commissioners shall be empowered annually, or whenever they may deem it necessary, not oftener than annually, to levy taxes for the use of the town on the real estate and the polls in the town of Williamston, which are liable to a tax by the existing laws of this State; and they shall appoint three assessors, whose duty it shall be to value the real estate impartially, and make a list of the same, and deliver it to the chairman of the board before the expiration of the time limited for the reception of the list of taxable polls. The assessors shall take an oath before the magistrate of police to do their duty with justice and impartiality; and any person appointed assessor, who may refuse to serve, shall forfeit the sum of ten dollars, to be recovered as aforesaid. The commissioners shall give to the citizens thirty days notice upon requiring a list of the taxable polls to be given, and the same notice for collecting taxes.

V. *Be it further enacted*, That if any persons refuse to give in their polls, they shall be liable to pay double the original tax, and the town constable shall have power to collect the same; and he shall have power to distrain

and sell the goods and chattels of those who fail to pay their taxes according to the requisitions of the commissioners, and be further authorised to sell and convey real estate for the taxes due thereon: *Provided always*, that he shall be governed by the provisions of the existing laws of this State for the collection of taxes. The commissioners shall compel the treasurer to publish an account of the receipts and expenditures annually in at least two public places in said town. The commissioners shall also have power to remove or cause to be removed all nuisances, according to such rules and regulations as they may adopt for the same; and they shall also have power to compel suspected vessels to perform quarantine after an inspection of a physician appointed by them.

VI. *Be it further enacted*, That the commissioners shall appoint, at the first meeting after their election, a magistrate of police, whose duty it shall be to issue all legal precepts which may be required by the commissioners, and to possess the same powers in town that a justice of the peace does in the county, who shall take an oath before any justice of the peace of Martin county to execute the said office impartially. It shall further be the duty of the magistrate of police to receive the list of taxable polls in said town whenever the commissioners may require the same, and shall advertise where he may be found to receive them, and shall within ten days after the expiration of the time limited by the commissioners to receive the list of taxables, return the list so taken by him to the chairman of the board of commissioners; and any person so appointed and refusing to serve, shall forfeit twenty dollars, to be recovered as aforesaid. The commissioners shall also at the same time appoint a town constable, who shall be a citizen of the town, whose duty it shall be to serve all precepts handed to him by any of the commissioners, and to execute the orders of the commissioners to him directed, according to such rules and regulations as they may prescribe, and whatever else a constable of the county may do in the county he shall be empowered to do in the town. It shall further be the duty of the town constable to collect the taxes imposed by the commissioners according to the provisions of this act, a list of which shall be furnished him by the commissioners, and notify the citizens when and where he may be found to receive taxes, and when collected, pay the same to the town treasurer, after deducting six per cent. commissions for collecting. He shall take an oath before the magistrate of police to execute his office according to law and the provisions of this act; and any person so appointed and refusing to serve, shall forfeit twenty dollars, to be recovered as aforesaid. The town constable shall be entitled to the same fees that a constable of the county receives, and the board of commissioners shall have power to make allowances to the constable for extra services.

VII. *Be it further enacted*, That every male person in the town between the ages of sixteen and forty-five, shall be compelled to work on the streets whenever required by the overseer; and no profession, public office or appointment shall exempt any individual from the performance of this duty, any law to the contrary notwithstanding; and if any person refuse to work when so required, he shall be subject to pay a fine of fifty cents for each poll that may be absent, to be recovered as before mentioned; and the commissioners may make any improvement in the town, not inconsistent with individual rights, which they may think expedient; and all fines, forfeitures and taxes shall be paid into the town treasury for the benefit of the town.

VIII. *Be it further enacted*, That the commissioners shall be sworn into office by any justice of the peace for the county of Martin, and they shall swear to perform the duties imposed by this act impartially and to the best of their skill and abilities. All free white male persons sixteen years old, who have been citizens of the town six months previous to the day of election, shall be entitled to vote for commissioners: *Provided, nevertheless*, that no person shall be eligible to office unless he is twenty-one years old. And the commissioners shall have power to fill any station (by appointment) which is required by this act, under the like penalties and forfeitures, at any time during the year, whenever it may be vacated by death, removal or refusal to act.

IX *Be it further enacted*, That the commissioners elected as aforesaid shall meet the third Mondays in January, April, July and October, and as much oftener as they may deem expedient; a majority of whom being present, shall constitute a quorum for the transaction of business.

X. *And be it further enacted*, That all other acts heretofore passed, regulating the town of Williamston, be, and the same are hereby repealed; and that this act be in force from and after the rise of the Legislature.

CHAPTER CXVII

An act to incorporate the White Oak Turnpike Company, in the county of Onslow.

Be 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 at Onslow Court House, under the management of James Thompson and William Humphrey, and at Trent Bridge under the management of James N. Smith and Jacob Fields, for the purpose of receiving subscriptions to the amount of four 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 Monday in May next, and continue open until Tuesday after the third Monday in September next: there shall be a general meeting of the subscribers at Onslow Court House, of which meeting notice shall be given by the said managers, or any two of them; 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 the books by them respectively kept, containing the state of the said subscriptions; and a just and true list of the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any two of them, under their hands, into the County Court of Onslow, to be there recorded; and if more than four thousand dollars be subscribed, then the same shall be reduced to that sum by the said managers, or any two of them, by beginning at and striking off from the largest subscription or subscriptions; and the said capital sum shall be divided into one hundred shares of forty dollars each, of which every person subscribing may take and subscribe for one or more whole shares and not otherwise: *Provided furthermore*, that if the capital sum subscribed shall not exceed three thousand dollars, then the company shall proceed to the appointment of president and directors, whose duty it shall be to let out the contract for the road; and if they can contract for the completion of it for that sum, then the company is to go into full operation, and by consent of the subscribers for stock shall proceed to divide the stock into sixty shares of fifty dollars each, which stock shall

Be paid by instalments, in either case, of ten dollars each for every three months after the first, paying ten dollars at the time the work is commenced.

II. *And be it further enacted,* That in case the capital sum be subscribed as aforesaid, the said subscribers, their heirs and assigns, from the time of said first meeting, shall be, and they are hereby declared incorporated in a company by the name of the "White Oak Turnpike Company;" and such subscribers as shall be present at the first meeting, or a majority of them, are hereby empowered and required to elect a president and three directors by ballot, for conducting the said undertaking and managing all the company's business and concerns; and every subscriber shall have one vote for each share he shall have subscribed, as far as ten shares, and one vote for every five shares thereafter, either by himself or by proxy, at any general meeting.

III. *And be it further 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 said company to cut the said road and complete the same at least twenty feet wide, and perform such other work as they may judge necessary for the making such road 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 subscriptions and tolls to pay for the same, and to repair and keep in order the said road and other work necessary thereto, and defray all incidental charges; and to appoint a treasurer, secretary, and such other officers, toll gatherers, managers and servants as they shall judge requisite; and to agree for and settle their respective wages, and to settle, pass and sign their accounts; and also to make and establish rules of proceeding, and transact all other business and concerns of the company in and during the intervals of the general meetings of the same; and they shall be allowed, as a satisfaction for their trouble, such sums of money as shall by a general meeting of the subscribers be determined on: *Provided always,* that the treasurer shall give bond in such penalty, and with such security as the 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 said company shall have a vote in the settlement or passing his own account.

IV. *And be it further enacted,* That the said president and directors, and their successors, or a majority of them, may 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 the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised one month before hand; and they are empowered to demand and receive of the several proprietors from time to time their instalments, or sums of money, as ordered to be advanced for carrying on and executing or repairing and keeping in order the said works, until the sum shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed as the president and directors, or a majority of them, shall direct; and if any of the said proprietors shall neglect or refuse to pay their said proportion within one month after the same is 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 one month's notice of the time and

place of sale; and after retaining the sum due, with interest thereon and charges of sale, out of the money produced thereby, they shall refund and pay the surplus, if any, to the former owner; and if such sale shall not produce the sum ordered to be advanced, 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 same 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 proprietors.

V. *And be it further enacted*, That from time to time, on the expiration of the term for which the said president and directors were appointed, which shall be annually, the said proprietors of the said company, at their 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 either of the president and directors, may and shall, in manner aforesaid, elect any other person or persons to be president and directors of said turnpike company.

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

VII. *And be it further enacted*, That the presence of the proprietors or stockholders having forty shares at least shall be necessary to constitute a general meeting; and that there be a general meeting of stockholders on Tuesday of the September term of the Superior Court in each and every year, at the court house in said county, subject, nevertheless, to adjourn to any time and place that a majority of the proprietors may direct at the general meeting of the same; to which meeting the president and directors shall make a report and render distinct and full accounts of all their proceedings; and, finding them justly stated, the proprietors then present shall give a certificate thereof, a duplicate of which shall be entered on the books of the company; and at such meeting, after leaving in the hands of the treasurer such sum as the proprietors shall judge necessary for repairs, an equal dividend of all the nett profits arising from the tolls hereby granted shall be made to the proprietors or stockholders of said company, in proportion to their several shares; and upon any emergency, or by request of a majority of the stockholders, the president and directors shall and may at any time declare half yearly or quarterly dividends.

VIII. *And be it further enacted*, That for and in consideration of the expenses of the said proprietors in making the said road and keeping the same in repair, the said road, with the profits, shall be, and is hereby vested in the proprietors, their heirs and assigns, as tenants in common, in proportion to their respective shares; and the same shall be deemed real estate.

IX. *Be it further enacted*, That it shall and may be lawful for the president and directors, or a majority of them, to agree with the owners of any land through which the said road is intended to pass, for the purchase thereof; and in case of a disagreement, or in case the owner thereof be a feme covert, under age, or non compos mentis, or out of the State, on application to any two justices of the peace of the county in which such lands 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 interesteth,

to meet upon the land to be valued at a day expressed in the warrant, not less than ten days thereafter; and the sheriff, on receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath to each jurymen that does appear, that he will fairly, justly and impartially value the land not exceeding forty feet in width, and all damages that the owners thereof shall sustain by cutting the road 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 agrieve through malice, hatred or ill will; and the inquisition thereof taken shall be signed by the sheriff and twelve or more of the jury, and returned by the sheriff to the clerk of the County Court, and 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 owners of the land or their legal representatives; and on payment thereof the said company shall be seized in fee of such land as if conveyed by the owner of the land to them and their successors by legal conveyance.

X. *And be it further enacted*, That the said president and directors, or a majority of them, are hereby authorised to agree with the proprietors of any land where said road shall pass, if necessary, whereon to erect suitable buildings for the receipt of tolls; and in case of any disagreement or any of the disabilities aforesaid, then such lands may be valued, condemned and paid for as aforesaid; and the said company on payment of said valuation of the land, shall be seized thereof in fee simple.

XI. *And be it further enacted*, That it shall and may be lawful for any of the said proprietors to transfer their stock in the same manner that real estate is now transferred by law: *Provided*, that no transfer shall be made except for one or more whole shares, and not for part of such shares.

XII. *And be it further enacted*, That when said road shall be completed, which shall extend from the public road leading from the Half Moon Bridge to Onslow Court House, to be cut through the pocosin, the nearest and most practicable way from Onslow Court House, by Jacob Fields' to the public road on the north east side of White Oak river, in Jones county, and shall be subject to the levying and collecting the following tolls, viz. for every four wheeled waggon or carriage, with its contents, fifty cents; for every two wheeled carriage, with its contents, twenty-five cents; for every man and horse, ten cents; for every lead horse, five cents; and for every man on foot five cents; and for each neat cattle, sheep or hog, three cents; subject, nevertheless, to the regulations of said president and directors at their general meeting.

XIII. *And be it further enacted*, That such person or persons as shall be employed to collect the tolls shall take an oath for the faithful accounting for all monies by him collected as toll-keeper, and shall keep a day book for the entry of the same.

XIV. *And be it further enacted*, That if any person shall break over or go around any of the gates that may be erected under the authority of this act, for the purpose of evading the payment of toll, such person so offending shall forfeit and pay the sum of forty shillings, to be recovered by action of debt before any justice of the peace, to the use of said company.

XV. *And be it further enacted*, That if any person shall make any road

around any gate hereby erected, to evade toll, or shall by any means throw obstructions in said road, they shall forfeit and pay for each and every offence ten dollars, to be recovered by action of debt before any justice of the peace of said county, to the use of said company or stockholders: *Provided*, that if the provisions of this act are not carried into effect in twenty years, it shall be null and void.

CHAPTER CXVIII

An act to amend and enlarge the charter of the Mattamuskeet Lake Canal Company, granted to said company in the year one thousand eight hundred and twenty-eight, in and by the act, entitled "an act to incorporate a company entitled the Mattamuskeet Lake Canal Company, and for other purposes."

Whereas the canal authorised by the before recited act, to wit: from the lake to Pamptico Sound, is ascertained to be so expensive as to put its completion entirely beyond the hope of individual enterprise; and it being ascertained that a navigable canal and a turnpike road can be cut and made from said lake, on the north side thereof, to Alligator river, for a sum, which, with some enlargement of the powers and privileges of the charter of said company, can be subscribed for; and, beside reducing the waters of said lake, and thereby draining much valuable lands, will open a direct commercial intercourse for the people of Hyde county with Norfolk, by the way of Elizabeth City, and afford a steam boat and stage route from Newbern to Norfolk at once safe and expeditious:

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said company shall have the right, and they are hereby authorised to cut and keep open a canal from the north side of said lake into Alligator river; and said company are hereby authorised to construct and keep up a turnpike road near the margin of said canal, from the lake to Alligator river; and said canal and said road are hereby vested in the subscribers thereto in absolute property, their heirs, executors, administrators or assigns, until the expiration of the charter of said company, unless the State shall at an earlier day than the expiration of said charter purchase the same of said company.

II. *Be it further enacted, That for the more certain taking up of the capital stock of said company, as authorised in and by the before recited act, it shall be lawful to open books of subscription at Middleton, in the county of Hyde, under the direction of Henry Gibbs, Samuel Masters and Daniel Murray, or any two of them; and at Swan Quarter, in said county, under the direction of William Watson, John L. Swindle and Daniel Creddle, or any two of them; and at Germanton, under the direction of Benjamin Foreman, Richard M. G. Moore and Albin Swindle, or any two of them; and at Newbern, under the direction of John R. Donnell and Eli Smallwood; and at Washington, under the direction of John Gray Blount and William A. Blount; and at Elizabeth City, under the direction of Benjamin Sutton and Lemuel C. Moore; and at Norfolk, Virginia, under the direction of James Gordon and such other person as he may choose to associate with himself for said purpose, for the purpose of receiving subscriptions for the capital stock of said canal and road to the amount of six thousand dollars or one hundred and twenty shares, to commence with; and may cause books to be opened thereafter, by such persons and in such places as to the president and directors of said company shall appear proper, for the purpose of enlarging the capital stock as authorised in the before recited act, should the sum first*

subscribed be found insufficient to complete said undertaking; and the stock so subscribed shall be divided into shares of the sums, and be paid for as specified in the before recited act, except that one fifth part of each share shall be paid down at the time of subscribing; and subscriptions for said capital stock shall be made in person or by proxy duly authorised by power of attorney. The said books shall be first opened on the first Monday in April next, and shall be kept open until the first Monday in July next; and on the first Monday in October next, there shall be a general meeting of the subscribers at the place mentioned in the before recited act; and each and every meeting thereafter shall be at some place in the county of Hyde.

III. *Be it further enacted*, That any two of the persons hereby authorised to open books, shall have power to call the first general meeting of the subscribers, by giving thirty days' previous notice in one of the newspapers printed in each of the towns where books are authorised to be opened, and by public advertisement for the like time at each of the places in the county of Hyde where books are directed to be opened; and for want of any newspaper in any of said towns, then said meeting shall be advertised at some public place in said town for the space of time aforesaid. The said general meeting shall and may continue from day to day until the business is finished; and at said general meeting, the persons appointed to open books shall deliver to said meeting the said books, with a particular statement of all done by them in the premises, and of all subscriptions by them received, and pay over to said meeting all monies by them received on account of said subscriptions; and the said subscribers, at said meeting, shall proceed to elect of their own body a president and five directors of said company, also a clerk and treasurer, for the management of the concerns of said company for one year, and until the next annual election of said officers; and there shall be a general meeting of the stockholders of said company in the month of October in each and every year, at which time the officers aforesaid shall be elected, and such other servant or servants as the interest of said company shall require; and the said president and directors shall have power to make reasonable compensation to their said officers and servants, and exact bonds of such of them, and particularly of their treasurer, and in such sum as they may deem proper.

IV. *Be it further enacted*, That if it shall appear at said first general meeting that a greater sum has been subscribed than six thousand dollars, or one hundred and twenty shares, those persons who had charge of the books and received the subscriptions, or as many of them as shall be present, shall proceed to scale such subscriptions by striking off from the largest subscriptions such number of shares as will reduce the amount to six thousand dollars, or one hundred and twenty shares; and the president and directors shall give to each stockholder a certificate for each and every share by him or her owned, under the seal of said corporation, signed by the said president, and attested by the said clerk. An entry of such certificate, with its number and date, shall be made on the books of said company by the said clerk, and shall be evidence of the property of such stockholder of and in such share; and any stockholder may transfer his or her stock by delivering of the certificate or certificates aforesaid, and endorsing thereon under his or her hand, and acknowledged before some justice of the peace, that a transfer and sale to the holder thereof has been by him or her made; and every such transfer said clerk shall enter on his said book, whenever said

transfer shall be presented to him authenticated as aforesaid; and the president and directors, or any five stockholders owning twenty shares, shall have the power to call an extra general meeting, or a regular general meeting, when such meeting has not happened in the month of October as aforesaid.

V. *Be it further enacted*, That the president and directors of said company are hereby authorised to select the situation and route for said canal and road herein authorised to be cut and constructed; and upon application by petition of said president and directors, the Court of Pleas and Quarter Sessions of the county in which the land lies, over and through which it is desired that said canal and road shall pass, shall direct the sheriff of such county to summon a jury, and with said jury go upon the premises and ascertain the damage, if any, which the proprietor or proprietors will sustain by cutting said canal and constructing said road through the same, and for the use of as much of the said land as said president and directors shall desire for said canal and road; and said sheriff shall make report to the next succeeding term of said court of the assessment of damages of such jury; and unless good cause be shown to the contrary, the said assessment shall be confirmed by said court; and in case of failure in the performance of such duty by the said sheriff or jury, an alias order shall be issued by such court, commanding the performance of said duty; and upon the payment into court of the damages so assessed upon the return of the jury aforesaid, on the payment thereof to the owners of said land, the court shall condemn said land for said canal and road; and the condemnation thereof shall vest a good and valid title in the said company: *Provided, however*, that no greater quantity of land shall be condemned for the purposes aforesaid than shall suffice for said canal and road, extending from the point selected by said president and directors on Alligator river, to the point so selected on the lake for the commencement and termination of said canal and road, and shall not include a greater width than thirty yards, nor more than one acre square at each end of said canal and road for a toll house and gate.

VI. *Be it further enacted*, That the said canal shall be at least fifteen feet wide and four feet deep; and the said road shall be at least twenty feet wide, and firmly made; and the said work shall be commenced within two years, and shall be completed within seven years from the ratification of this act; and if the same shall not be commenced within said period first named, or if the work shall not be completed within the latter period, the charter shall be forfeited, and said company lose their corporate privileges granted in and by the act aforesaid and in the present act. The charter of said company shall, and is hereby declared to last and continue for the space of seventy years from the ratification of this act, provided it shall not be forfeited as aforesaid.

VII. *Be it further enacted*, That the president and directors of said company shall have the power to direct and assess the tolls to be levied upon all articles and persons transported or carried through said canal, and on all articles, persons, vehicles or animals passing or carried upon said road: *Provided, however*, that the tolls collected shall not exceed fifteen per centum per annum upon the amount expended in the making and constructing of said canal and road; and no person under any pretence whatsoever shall injure or obstruct said canal or road; and for so doing, besides being answerable to the said company for the full amount of damages done, shall be liable to be indicted, and on conviction be fined or imprisoned.

VIII. *Be it further enacted*, That so much of the said act as designates commissioners to open books, and so much of said act as locates the route of said canal from the lake to Pamptico Sound, and so much of said act as fixes the tolls on specific articles, be, and the same are hereby repealed; and every other right secured to said company in and by said act, shall enure and belong to the subscribers under this act.

IX. *Be it further enacted*, That the General Assembly may at any time hereafter repeal, modify or alter this act: *Provided, however*, that said repeal or alteration shall not affect vested rights.

CHAPTER CXIX

An act to amend an act, passed at the last session, entitled "an act for the better regulation of the town of Washington, and for other purposes."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the commissioners of the town of Washington, in the county of Beaufort, shall not be required to establish or maintain a permanent night watch in said town; but they shall possess a discretionary power to establish a night watch whenever, and as often, and continue the same so long as in their opinion the safety of the town requires it; nothing however herein contained shall be construed to impair the discretionary power vested in said commissioners by the before recited act of forming said watch by the classification of the free white men of said town in the manner mentioned in said act, or by hiring watchmen.

II. *Be it further enacted by the authority aforesaid*, That the several justices of the peace residing in said town shall have concurrent jurisdiction with the intendant, of all actions and causes of action for breaches of any of the laws or ordinances of said town; and any party dissatisfied with the judgment rendered by any justice or by the intendant, shall have the right of appeal to the Court of Pleas and Quarter Sessions of said county, under the same rules and regulations as are prescribed in other trials before justices of the peace; and if the defendant be a slave, his or her master, mistress or owner shall have the right of appeal, by giving approved security for the personal appearance of said slave at the said court, and for abiding by and performing the judgment of the same; and the said commissioners shall, in all cases, have the right of appeal without giving security for costs, but shall order the treasurer of said town to pay the cost or fees of any suit in which they are parties, and for the payment of which they shall be liable or ought to pay. And it shall be the duty of the county attorney of said county to professionally attend to and prosecute for said commissioners all such suits; and the said attorney shall not exact of said commissioners any higher fee for any such service than is by law allowed; and wherever the tax fee in any such suit shall be collected out of the opposite party, the said attorney shall take the same, and no other, for his compensation for attending to such suit.

III. *Be it further enacted by the authority aforesaid*, That the said commissioners be, and they are hereby prohibited from levying or collecting any kind of tax whatsoever for the use of said town, except those taxes which are authorised in and by the before recited act, and also those taxes which are authorised by the act regulating said town, passed in the year one thousand seven hundred and ninety-nine, chapter one hundred, and also such taxes or duty as is by law given, or may hereafter be given to said town upon sales

at auction; any custom or usage, or any thing in any other law to the contrary notwithstanding: *And provided further*, that nothing herein contained shall prevent said commissioners from levying the tax authorised by the act of the last session of one dollar per foot for each and every foot of the width of the north end of the toll house, which stands in the street, over and beyond the space allowed to said company by the act of incorporation.

IV. *Be it further enacted by the authority aforesaid*, That the said commissioners shall have power to appoint the officers of the fire engines of said town; and it shall be their duty to appoint said officers in the time mentioned in the before recited act of the last session.

V. *Be it further enacted by the authority aforesaid*, That the said commissioners shall have power, as often as it may be necessary so to do, to authorise and direct the collection of any arrearages of corporation taxes, which by the death or negligence of the town tax collector, shall have left due and unpaid within the collection year; and after the passage of this act, it shall not be necessary for the collector of the corporation taxes to publish in the State Gazette the advertisement of sales of property of resident owners, for arrearages of taxes; but he shall comply with all the other requisites of the law; and furthermore he shall post up at the court house door in said town a copy of his said advertisement forty days before said sale; and he shall post up at the same place immediately after such sale an account thereof, setting forth the property sold, the amount of tax of each piece of property for which it was sold, and the purchasers' names.

VI. *Be it further enacted by the authority aforesaid*, That said commissioners shall have power to appoint three suitable freeholders of said town to value all the lots and improvements within the incorporated limits of said town, so as to make the valuation of said property uniform; and they may, as often as fluctuations in said property may render it necessary, have said lots and improvements re-assessed; and when such assessment shall have been approved by said commissioners, the collections of taxes on said property shall be regulated and governed by said assessment, and no other.

VII. *Be it further enacted by the authority aforesaid*, That all laws and clauses of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

CHAPTER CXX

An act to authorise James H. Martin and William Hough to build a gate across the road leading from Wadesborough, in the county of Anson, to Dumas' Ferry, on Great Pee Dee 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 James H. Martin and William Hough, of Anson county, be, and they are hereby authorised to build a gate across the road leading from Wadesborough, in said county, to Dumas' Ferry, on Great Pee Dee River, at or near the bank of said river under the same rules, regulations and restrictions as are now prescribed by law for the erection of such gates.

CHAPTER CXXI

An act to incorporate the Greenville Female Academy, in the county of Pitt.

Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That General W. Clark, Archibald Parker, John C. Gorham, Richard Evans and Absalom Saunders, be, and they are hereby incorporated by the name and style of the Trustees of the Greenville Female 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 CXXII

An act to reduce the number of jurors to lay off roads in the county of Macon to five freeholders.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, that five impartial freeholders, unconnected with either of the contending parties, shall constitute and be a lawful jury to view and review, mark and lay off any road or roads, or to alter and amend any road or roads in the county of Macon, under the same rules, laws and regulations that are made and provided for the government of twelve; any law, usage or custom to the contrary notwithstanding.

II. *Be it further enacted*, That whenever any contemplated road may run through the lands of any individuals who shall not consent thereto, it shall in all such cases be necessary to summon the same number of jurors as now prescribed by law.

CHAPTER CXXIII

An act to establish Spring Field 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 Parker Rand, William Whitfield, Daniel Dupree, Wooten Moore, Henry Clifton, William R. Pool, Ransom Hinton, Johnson Busbee and William Fort, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the "Trustees of Spring Field Academy," and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any lands, tenements or goods that may be given them, and apply the same according to the will of the donor, and dispose of the same if not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded in any court of law in this State; shall have power to appoint to any vacancies which may arise in the board of trustees; and establish such laws and regulations for the government of said institution as may be necessary for the preservation of good morals; and do all such acts as are necessary for the establishment of said academy.

II. *And be it further enacted*, That three of the said trustees shall be a sufficient number to do and perform any business appertaining to said academy.

CHAPTER CXXIV

An act fixing the fees of inspectors of ton or steam mill timber for the port of Wilmington.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any inspector for the port of Wilmington to demand and receive more than twenty cents per thousand for all services rendered by him in the inspection of ton timber or steam mill timber; any law or usage to the contrary notwithstanding.

II. *Be it further enacted*, That any inspector offending against the provisions of the preceding section, shall forfeit and pay for each offence the sum of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of, and to the use of the person suing for the same.

CHAPTER CXXV

An act to prevent the falling of timber in, or obstructing the channels of certain water courses in the county of Lincoln.

Be 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 channels of the South Fork of the Catawba river, or any of the creeks in said county, he, she or they shall forfeit and pay for every offence the sum of five dollars, to be recovered before any justice of the peace of said county, one half to the use of the informer, and the other half to the use of the poor of said county: *Provided*, that nothing herein contained shall be so construed as to prevent owners of land from erecting water fences or building mills or other machinery propelled by water power thereon. Nor shall any person incur the penalty herein prescribed, who shall fall timber in, or otherwise obstruct the channels of said water courses, in clearing his, her or their lands, provided he, she or they shall remove the same within ten days.

CHAPTER CXXVI

An act concerning the County Court of Rowan.

Be 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 said county shall dispense with the grand jury at the May and November sessions of the County Court of said county in each and every year; any law to the contrary notwithstanding.

II. *Be it further enacted*, That the justices of the peace of said county, under their authority to make an extra allowance to the clerk and sheriff of said county, shall not exceed the sum of one hundred dollars to each in any one year.

CHAPTER CXXVII

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

CHAPTER CXXVIII

An act concerning the County Courts of Iredell.

Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That so much of an act, passed in the year one thousand eight hundred and twenty-eight, entitled "an act to alter the time of holding certain terms therein mentioned of the Courts of Pleas and Quarter Sessions for the county of Iredell, and for the better regulation of the same," as provides that the terms of said court shall be held on the fifth Monday after the fourth Monday in March and September, in each and every year, be, and the same is hereby repealed.

II. *Be it further enacted*, That said terms of the courts aforesaid shall be held on the third Monday of May and November, as before the passage of the above recited act.

III. *Be it further enacted*, That it shall not be lawful for the County Courts of Iredell to direct a jury to be summoned for any other than the February and August terms in each and every year.

CHAPTER CXXIX

An act to incorporate Clemmons Academy, in the county of Pitt.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Samuel Keel, Willie Goganeas, Thomas E. Chance, Edmund Andrews and William Clemmons, be, and they are hereby incorporated by the name and style of the Trustees of Clemmons 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 CXXX

An act concerning the payment of jurors in the county of Martin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all persons of the original pannel, and grand jurors of the County and Superior Courts, in the county of Martin, shall receive the sum of seventy-five cents per day for every day they may be engaged as jurors, and two cents per mile for every mile they may have travelled in going to and returning from said courts respectively to their residence.

II. *Be it further enacted*, That such attendance and mileage shall be proven before the clerks of the courts respectively to which said persons may have been summoned, under the same rules and regulations now prescribed by law for the authentication of the claims of witnesses attending said courts.

III. *And be it further enacted*, That the County Court of the county of Martin shall, at the first usual term of imposing county taxes, and periodically thereafter, lay a tax to effect the requisitions of this act.

IV. *Be it further enacted*, That no payment of jurors shall be made by the county trustee until October term, one thousand eight hundred and thirty-two; but that from and after the said term it shall be the duty of the county trustee to allot, on the last day of each term of the County and Superior Courts respectively, for the purpose of paying all jurors' claims which may be presented to him, in preference to all other county claims, under a penalty of twenty dollars for each and every day he may so neglect, to be sued for by any informer, one half to his use, and the other half to the use of the poor of said county, and to be recoverable before any jurisdiction having cognizance thereof.

CHAPTER CXXXI

An act to appoint commissioners to view, mark and lay off a road from the neighborhood of Fort Defiance, in Wilkes county, across the Blue Ridge, to the turnpike road at or near the Three Fork Meeting House, in Ashe county.

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

David E. Horton and Samuel Curtis, of Wilkes county, and John Shearer, William Green and Thomas Brown, of Ashe county, be, and they are hereby appointed commissioners to view, lay off and mark a road from the Yadkin river, in the neighborhood of Fort Defiance, in Wilkes county, the best and most practicable way across the Blue Ridge, to the turnpike road at or near the Three Fork Meeting House, in Ashe county.

II. *And be it further enacted*, That when the road shall be thus laid off, the said commissioners shall make return thereof to their respective County Courts, setting forth the utility of said road, and the probable labor that will be required in opening the same.

III. *And be it further enacted*, That the County Courts of Wilkes and Ashe may, and they are hereby required, if they deem the same expedient from the representation to them made by the commissioners aforesaid, to order out such overseers of roads and their hands as are most convenient, and most interested in opening the same of such width as they may think advisable; and when the said road shall be laid off and cleared out as aforesaid, it shall thereafter be kept in repair in such manner as the respective County Courts may order and direct.

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

CHAPTER CXXXII

An act to prevent obstructing the passage of fish up the Pedee and Main 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 no person or persons shall, on any pretence whatever, by means of a dam, weir, trap or otherwise, from and after the first day of February next, so obstruct the channel of the Pedee and Main Yadkin rivers, from the South Carolina line to the mouth of Buffalo, in Wilkes county, as not to leave one fourth of the said river, in the deepest part of the main channel, open for the free passage of fish; and any person violating the true meaning and intent of this act shall be liable to indictment for each and every offence, and on conviction shall be fined or imprisoned at the discretion of the court.

II. *Be it further enacted*, That any person or persons who have heretofore erected, or caused to be erected, or have any interest in any dam or other impediment, so as not to leave open one fourth part of the river as above set forth, and who shall not, on or before the first day of February next, remove or cause to be removed any such obstruction, shall be liable to indictment, and on conviction shall be fined or imprisoned at the discretion of the court.

III. *Be it further enacted*, That the justices of the peace holding the County Courts of the several counties of Richmond, Anson, Montgomery, Rowan, Wilkes, Surry and Davidson, at the first session of the said courts holden after the first day of January in each and every year, shall appoint two disinterested persons as commissioners, whose duty it shall be, on the first day of February in each and every year, or as soon thereafter as convenient, to examine the river in their respective counties, and to report to the grand jury of the Superior Court next following of their several counties the names of all persons violating the provisions of this act; the said commissioners to be allowed not exceeding two dollars for every day they are necessarily engaged in examining the river, to be paid as other county charges.

IV. *Be it further enacted*, That if the justices of the peace holding the County Courts as aforesaid shall neglect to appoint such commissioners, or

if the commissioners appointed shall fail to perform the duties by this act required, the said justices of the peace or commissioners so neglecting to perform their duty, shall be liable to indictment, and on conviction shall be fined or imprisoned at the discretion of the court.

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

CHAPTER CXXXIII

An act to make valid certain official acts of Ezekiel Brown, surveyor for the county of Davidson, and of Joshua Wilson, entry-taker of said county.

Whereas Ezekiel Brown, county surveyor of the county of Davidson, has failed to renew his bond as such according to law; and whereas the said Ezekiel Brown has done and performed divers acts in his official capacity since he has so failed to renew his bond as required by law; and whereas doubts have arisen whether his acts aforesaid are valid in law: Wherefore,

Be 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 official acts done and performed by the said Ezekiel Brown since the time he should have renewed his bond, shall be held and deemed to be, and are hereby declared to be as good and valid in law as though the said Ezekiel Brown had renewed his bond according to law.

II. *And be it further enacted*, That the official acts performed by Joshua Wilson, former entry taker of the county of Davidson, since the time he was by law required to renew his bond, shall be as good and valid to all intents and purposes as if the said Joshua Wilson had renewed his bond according to law.

CHAPTER CXXXIV

An act to authorise the Court of Pleas and Quarter Sessions of Jones 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 Jones, 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-one, or at any subsequent court, and annually thereafter, to appoint three persons of integrity and capacity to act as a committee of Finance for said county, 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 or County Courts, and of the clerk and master in equity, sheriff, county trustee or any other officer or commissioner who have heretofore had monies, and who may hereafter hold monies belonging to said county; and the said committee is hereby authorised and empowered to call on each of said clerks, sheriff, county trustee or other officer or commissioner, to meet them at the court house of said county, 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 county from the first day of January, one thousand eight hundred and twenty, to the first day of May, one thousand eight hundred and thirty-one; and the said committee, and all succeeding committees appointed under the authority of this act, to make a similar investigation annually thereafter, and make a return to the said County Court held in June there-

after, setting forth a full, fair and perfect statement of their investigation, designating therein all balances of money 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 county 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 necessarily be engaged on said committee, and to be paid out of the county funds.

III. *Be it further enacted*, That if the said clerks, sheriff, county trustee and other officers entrusted with county monies, shall fail, neglect or refuse duly to account for the same, the committee of Finance shall give such person ten days' previous notice in writing of the time and place at which they shall attend to make such settlement. Any officer receiving such notice as aforesaid, and failing to attend and make such settlement as is required by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, 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 any person appointed by the authority of this act a member of the committee of Finance aforesaid, shall, previous to his entering on the duties of his appointment, take the following oath, which it shall be the duty of the Court of Pleas and Quarter Sessions 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 on me by law as a member of the committee of Finance for the county of Jones, in all business that may come before me, without doing injustice to said county 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 county, seven justice 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 belonging to the county 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 to be set up in the court house.

VII. *Be it further enacted*, That it shall be the duty of the clerks of the Court of Pleas and Quarter Sessions to furnish said committee with a statement of all sums allowed by the said 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 to witnesses and compel them to attend and give evidence, in order to enable them to make a thorough examination and settlement with the officers aforesaid; and any 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 render on oath a satisfactory excuse for so failing, to be judged of by the said court: *And provided further*, that no suit shall be instituted for the recovery of the penalty aforesaid until one term of said court shall have intervened.

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 county 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 court 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 a penalty of twenty five dollars for his refusal or neglect to act as aforesaid, to be recovered in an 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 one year in three years.

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

CHAPTER CXXXV

An act to incorporate a Light Infantry Company in the town of Newbern.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of Light Infantry in the town of Newbern, commanded by James C. Stevenson, be, and the same is hereby incorporated and made a body politic and corporate, by the name and style of the Newbern Greys; and by that name shall have succession and be able and capable in law to sue and be sued, plead and be impleaded, in any court in this State; and shall have power to make bye laws, rules and regulations for the government of said company, not inconsistent with the constitution and laws of this State, or the constitution and laws of the United States.

II. *Be it further enacted*, That the captain of the company shall, at least six times in each and every year, order the same to muster at such times and places as he may think proper; and any officer who having been duly summoned, shall fail to appear at such muster, armed and equipped according to the regulations of said company, without a sufficient excuse for such failure, shall forfeit and pay a fine of six dollars; and any non commissioned officer or private so summoned and failing to appear at such muster, armed and equipped as aforesaid, having no good excuse, shall forfeit and pay a fine of two dollars; and if any officer, non-commissioned officer or private, after being duly summoned, shall appear at any such muster not uniformed, armed and equipped according to the regulations of said company, not having

a sufficient excuse therefor, he shall forfeit and pay, if an officer, a fine of four dollars, if a non-commissioned officer or private, a fine of not more than two dollars, nor less than fifty cents, to be adjudged by any court martial having cognizance thereof.

III. *And be it further enacted*, That the company shall, at least four times in each and every year, order a muster of his officers and non commissioned officers, at such times and places as he shall think proper; and every officer who being duly summoned, shall fail to attend any such muster, having no sufficient excuse therefor, shall be fined not more than six dollars, nor less than three dollars; and any non-commissioned officer, so summoned and failing to attend such muster, without a good excuse, shall forfeit and pay a fine of not more than three; nor less than two dollars, to be adjudged by any court martial having cognizance thereof.

IV. *And be it further enacted*, That any officer, non commissioned officer or private, who shall faithfully serve in the company hereby incorporated ten years from the date of his enrolment, and shall obtain a certificate of the same from the captain, shall thereafter be exempt from military forfeitures and penalties so long as he shall continue to reside within the regiment to which said company is attached: *Provided*, That all such officers, non-commissioned officers and privates shall still be considered as attached to said company, and shall hold themselves completely armed and equipped in the uniform thereof, subject to the inspection of the captain, or such of his officers as he may appoint to inspect them: *And provided also*, That in case of war, invasion or insurrection, such officers, non-commissioned officers and privates shall be subject to all the duties, forfeitures and penalties to which other officers, non commissioned officers and privates are subject, until they shall have attained the age of forty-five years: *And provided also*, That all persons so exempted shall attend all general reviews and regimental parades of their regiment, under the same rules, forfeitures and penalties as the other members of said company are subject to.

V. *And be it further enacted*, That the captain of the company shall, once in each and every year, order a muster of such officers, non commissioned officers and privates as may be exempted from military forfeitures and penalties by virtue of the fourth section of this act, for the purpose of training them according to the rules of discipline, and inspecting their arms, equipments and uniform; which duty he shall perform in person, or cause to be performed by one of his lieutenants or ensigns; and the inspecting officer shall report in writing to the next company court martial held after such inspection, the condition in which he found such arms, equipments and uniform, and the names of all such exempts as shall fail to appear at such muster; and every officer, non-commissioned officer and private exempted as aforesaid, who, on being duly summoned, shall fail to attend such muster without a good and sufficient excuse for such failure, or if appearing, whose arms, uniform or equipments, or any part thereof, shall be found unfit for service, shall forfeit and pay a sum not exceeding fifteen dollars, nor less than five dollars, to be adjudged by said court martial.

VI. *And be it further enacted*, That all fines, forfeitures and penalties incurred under the provisions of this act, or under the laws and regulations of the Newbern Greys, shall be levied and collected as other militia fines are, and are hereby appropriated to the use and benefit of said company for military purposes.

CHAPTER CXXXVI

An act to exempt from the corporate laws of the town of Halifax certain lots or tracts of land lying beyond the limits of the original charter of said town.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the lots and tracts of land lying beyond the original limits of said town, and particularly the tract or lots of land lying to the southwest of the original town line, now in possession of Henry Haynes, bounded on the north and west by the town line and the road leading immediately from the said town to Quankey bridge, and on the south by the line of the heirs of Mrs. Elizabeth Long deceased, and on the east by John T. Clanton's line, shall not in future be subject to the operation of any laws or regulations enacted by the corporation of the aforesaid town; and all laws coming within the purview of this act, are hereby repealed, any thing to the contrary notwithstanding.

CHAPTER CXXXVII

An act to incorporate the trustees of the Murfreesborough Academy, in the town of Murfreesborough, county of Hertford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Patrick Brown, John Wheeler, Joseph G. Rea, Isaac Pipkin, Benjamin B. Camp, James Scott and Lewis M. Cowper, 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 the Murfreesborough Academy, and by that name and style may 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 of suing and being sued, to take, demand and receive money, goods and chattels, lands and tenements for the use of said academy, and apply the same according to the will of the donor.

II. *Be it further enacted,* That when any of the aforesaid trustees shall die, remove or resign, a majority of those remaining shall elect some suitable and fit person in their stead, who shall have the same powers as their predecessors.

III. *Be it further enacted,* That the Legislature may at any time alter, amend or repeal the charter hereby granted; any law to the contrary notwithstanding.

CHAPTER CXXXVIII

An act to amend an act, entitled an act to appoint a committee of finance for the county of Sampson, passed in the year one thousand eight hundred and twenty-nine.

Be 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 Sampson county, seven justices being present, are hereby fully authorised, empowered and required 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.

II. *And be it further enacted,* That every person appointed by the authority of this act a member of the committee of finance of the county aforesaid, shall, previous to his entering on the duties of his appointment, take the oath prescribed in the before recited act before some justice of the peace for said county.

III. *And be it further enacted,* That it shall be the duty of the committee of finance appointed under the authority of this and the above recited acts, to institute suits for the recovery of all monies due said county from any per-

son who may owe the same; which said suits shall be brought in the name of the person prescribed by law, and prosecuted at the expense of the county.

IV. *And be it further enacted,* That it shall be the duty of the clerk of the Court of Pleas and Quarter Sessions for said county 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 allowed.

V. *And be it further enacted,* That all public accounts for said county, and all vouchers exhibited in the settlement of public accounts, shall be laid before the committee of finance; and the said committee shall report to said court as directed in the before recited act.

VI. *And be it further enacted,* That so much of the above recited act as compels the committee of finance for said county to examine the accounts of public officers from the year one thousand eight hundred and twenty, be, and the same is hereby repealed.

VII. *And 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 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 county, for the use of said county, to be sued for in the name of the person prescribed by law: *Provided,* that no person shall be compelled to serve as a member of said committee oftener than one year in three years

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

CHAPTER CXXXIX

An act to compel owners of slaves to keep white persons on their plantations in certain cases, in the counties of Brunswick 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 hereafter it shall be the duty of all farmers and planters in the counties aforesaid, who have as many as fifteen slaves of the age of twelve years or upwards employed on any one plantation, to employ some white person to superintend and control said slaves, and remain on such plantation in the absence of the owner whenever such absence shall exceed forty days.

II. *Be it further enacted,* That any person failing to employ some white person to remain on his or her plantation as above specified, shall be liable to the penalty of one hundred dollars, to be recovered by and in the name of any person suing for the same, one half to the use of the wardens of the poor, the other half for his own benefit: *Provided nevertheless,* that whenever such absence shall proceed from sickness or other unavoidable accident, no such penalty shall be incurred.

CHAPTER CXL

An act to authorise the justices of the Court of Pleas and Quarter Sessions of the county of Northampton to employ a suitable person to transcribe a part of the records of said county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions of said county, at the court to be holden after the first day of January next, or as soon thereafter as they may deem necessary, a majority of the justices being present, are hereby au-

thorised and empowered to employ a suitable person to transcribe in a well bound book such of the records of said court as to them may seem necessary, who shall receive such compensation for his services as said justices shall think adequate, to be paid by the county trustee out of the funds of said county.

II. *Be it further enacted by the authority of the same,* That the record or records so transcribed shall be considered as good and valid to all intents and purposes as the original record would have been; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXLI

An act to amend an act, passed at the last session of the General Assembly, entitled "an act for the better regulation of the town of Murfreesboro', in the county of Hertford."

Be 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 requires a majority of the acting justices to be present when the commissioners of said town are to be appointed, is hereby repealed; and also the first section of said act as requires that the commissioners should be appointed at each and every May term of the Court of Pleas and Quarter Sessions is also repealed. But it shall be lawful for the said Court of Pleas and Quarter Sessions at any term of said court to appoint five persons, as pointed out in the aforementioned act, to act as commissioners for said town, who shall act for one year from the court at which they were appointed, and no longer, unless re-appointed by said court; and it shall not be necessary for more than five justices to be present on the bench at the time of their appointment; any law, usage or custom to the contrary notwithstanding. It shall be the duty of the clerk of the Court of Pleas and Quarter Sessions to notify the persons appointed by the court as commissioners for the town of their appointment.

CHAPTER CXLII

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions for the county of Anson (a majority being present) may, and they are hereby authorised, at any court which may happen after the first day of April next, and annually thereafter, (provided they deem it expedient,) to elect from their own body three suitable persons to hold the jury courts of said county for one year: *Provided, nevertheless,* that nothing herein contained shall preclude the other acting justices from attending and holding said courts as usual.

II. *And be it further enacted,* That the three persons so elected shall be governed by the same rules, regulations and restrictions that govern other County Courts in the State. And the said justices so elected shall be entitled to receive each a sum not exceeding two dollars 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, to be paid by the county trustee, under the same rules that govern other county claims, upon the certificate of the clerk of said court, shewing how many days such justice so elected shall have holden said court; any law to the contrary notwithstanding.

CHAPTER CXLIII

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Edenton are hereby authorised to class the free white male taxables inhabitants of said town into companies of five or more, for the purpose of watching said town at night; and it shall be the duty of the said commissioners to appoint some individual of each company captain of the watch for the night, and duly to notify the said captain and company of the place of meeting and the time at which they shall commence the performance of their duties; and if any person duly notified shall fail to attend at the hour and place appointed, and duly to watch during the night, such delinquent, without sufficient excuse, to be judged of by the said commissioners, shall forfeit the sum of not more than twenty shillings, nor less than ten shillings, to be recovered before any justice of the peace living in said town, who is hereby authorised to give judgment and issue executions for the penalties mentioned in this act, with costs.

CHAPTER CXLIV

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the County Court of Haywood county, at the next March sessions of said court, and biennially thereafter, a majority of the justices of the peace for said county being present, to elect from their body three suitable persons, who shall be styled the Select Court, and whose duty it shall be to hold the Courts of Pleas and Quarter Sessions for said county.

II. *Be it further enacted,* That in case of the absence of either of the individuals so elected, at any sessions of said court, from resignation, indisposition or other cause, the magistrate or magistrates in attendance, or in case of the absence of all of them, the person acting as sheriff shall designate the justice or justices who shall preside at such sessions.

III. *Be it further enacted,* That the court constituted as herein directed, shall have the same jurisdiction, and possess the same powers as a court composed of seven justices has and exercises under the existing laws of this State.

IV. *And be it further enacted,* That the members of the Select Court hereby created, shall receive for their services the sum of one dollar per day for each day they respectively preside in said court, to be paid as other county claims out of the county treasury, upon the certificate of the clerk, under the seal of the court, of such services.

CHAPTER CXLV

An act to authorise the justices of the peace of the county of Moore to compel the several officers therein named to hold their offices at or near the court house.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the peace for the county of Moore shall hereafter have full power and authority (a majority of them agreeing) to compel the clerks of the Superior and County Courts, clerk and master in equity, sheriff, county trustee, entry taker and register, or such of them as a majority of the justices of said county

ty may think proper, to keep their offices at the court house of said county, or within a certain distance therefrom, as they or a majority of them may think proper.

11. *Be it further enacted*, That any clerk, sheriff, county trustee, entry taker or register, who shall refuse or neglect to keep his or their office at the court house, or within any given distance thereto, as the court or a majority of them may direct, his or their office shall be declared vacant, and the court shall proceed to elect some person or persons in his or their stead, under the same rules and in the same manner as is now or may hereafter be prescribed by law for electing the several officers aforesaid; any law to the contrary notwithstanding: *Provided, however*, that none of the above named officers shall be compelled to remove their respective offices to the court house aforesaid until suitable offices are built for the purpose.

CHAPTER CXLVI

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the wardens of the poor of the county of Sampson, 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 thereon suitable poor and work houses, for the reception of the poor of said county; which tax shall be collected and accounted for to the treasurer of public 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.

11. *Be it further enacted*, That the justices of the said court may, at the first term to be holden after the first day of February next, or as soon after as they may deem it expedient, a majority of the justices being present, 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 Sampson, and their successors in office, for the use of the poor of said county; which shall not be further than ten miles, nor nearer than three miles from the town of Clinton; 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, lodging and fuel, and to enforce such regulations as may be established from time to time for

the well ordering and governing 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 labor all such of those under his care as he shall judge capable of labor, and at the end of each year shall account to the wardens on oath for all such sums as may have arisen from the labor 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, and in their settlement 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's 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.

V. *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 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: *Provided*, that nothing herein contained shall prevent said wardens from otherwise providing for the poor, as they may deem equally humane and economical.

CHAPTER CXLVII

An act to alter the time of holding the jury terms of the Court of Pleas and Quarter Sessions for the county of Moore, 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 held for the county of Moore, all jury causes therein pending, which shall not be disposed of at said term, shall be continued to the next May term of said court for the aforesaid county; and all jury causes which shall not be tried at May term as aforesaid, shall in like manner be continued to November term of said court.

II. *Be it further enacted*, That no jury cause shall thereafter be tried at any term of said court except at May and November terms as aforesaid, and that February and August terms of said court shall be held only for the purpose of transacting all business which does not require the intervention of a jury, under the same rules and regulations as are now prescribed by law for holding courts of probate in said county.

III. *Be it further enacted*, That the jury terms of said Court of Pleas and Quarter Sessions shall also be held in the same manner, and under the same rules and regulations as are now prescribed by law for holding and conducting the jury courts of said county.

IV. *Be it further enacted*, That the Court of Pleas and Quarter Sessions

sions aforesaid shall at February term next draw a jury to attend at May term following; and all subpoenas or other papers issued returnable to a jury court of said county, shall be returned to said May term as aforesaid.

V. *Be it further enacted*, That at February term of said court as aforesaid, and annually thereafter, the magistrates present shall elect a chairman, and shall draw four other justices as follows, to wit: the names of all the magistrates, except the chairman, being put together, the four first names drawn, together with the chairman, or any three of them, shall hold the jury terms of said court; and in case any three of them may not attend at said jury terms, then it shall be lawful for any other justice of said county to act in his or their place; which said magistrates shall be paid the sum of one dollar per day for each day they attend and hold said court, and three cents for each mile's travelling to and from home.

VI. *Be it further enacted*, That the chairman so elected shall be permitted to continue in office until he may resign or another elected in his stead; but the four justices first drawn as aforesaid, shall not be drawn again until all the acting magistrates of said county shall have been drawn and served in like manner for one year.

VII. *Be it further enacted*, That it shall be the duty of the several magistrates of said county to hold the courts of probate without receiving any pay.

VIII. *Be it further enacted* That all suits hereafter tried in either the County or Superior Court of said county shall be taxed the sum of one dollar, to be paid by the party cast, which shall be charged in the bill of cost by the clerk: *Provided* no suit in the County Courts shall be taxed when there is an appeal to the Superior Court, until said suit is decided, and shall then only be liable to be taxed in the court where it was decided; which said tax shall be collected by the sheriff as other costs and charges in said suits are collected, and pay the same over to the county trustee or any other person having legal claims against the county, their receipts for which shall be allowed him in his settlement with the committee of finance: *And provided*, that this section shall not apply to any person residing out of the county of Moore.

IX. *And be it further enacted*, That the clerk of said Court of Pleas and Quarter Sessions shall give to the chairman and each of the justices drawn as aforesaid, a certificate, certifying the number of days they attended and held said court, and the number of miles they travelled; which certificate shall be by them sworn to and signed by the clerk; and the county trustee or sheriff shall pay the same as they are now required by law to pay jurors; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXLVIII

An act to amend the laws now in force for the government of the town of Oxford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Granville, either by himself or his deputy, shall, at the times now prescribed by law, after giving ten days previous notice by advertisement to be posted up at two or more public places in the town of Oxford, hold an election in the court house for the election of commissioners of the town of Oxford. He shall summon two freeholders residing in the town to inspect and superintend the election, and within five days thereafter give the persons who may be elected notice of their election; and if the sheriff shall neg-

ject or refuse either to hold such election or to give such notice, he shall forfeit and pay the sum of twenty dollars, to the use of the town, to be recovered before any justice of the peace of the county of Granville by any citizen of the town.

II. *And be it further enacted* That if any freeholder residing within the limits of the town of Oxford shall be elected commissioner as aforesaid, and shall refuse or neglect to qualify within thirty days after being duly notified thereof, he shall forfeit and pay the sum of thirty dollars, to the use of the town, to be recovered before any justice of the peace of the county of Granville by any citizen of the town.

III. *And be it further enacted*, That if any commissioner, who may be elected as aforesaid, shall neglect or refuse to qualify within thirty days after being duly notified, then the sheriff shall immediately give notice and hold an election in like manner to fill such vacancy; and if from any cause the sheriff shall fail to hold an election at the times prescribed by law, he shall, when required by any five citizens of the town, give notice and hold an election as directed in the first section of this act; and if the person or persons who may be elected commissioner or commissioners at any such election, shall refuse or neglect to qualify as aforesaid, he or they shall each be liable to the same penalties and to be recovered in the manner prescribed in the second section of this act.

IV. *And be it further enacted*, That the sheriff of the county of Granville shall collect all taxes which the commissioners of the town of Oxford may levy according to law, at the time he shall collect other public taxes; and he shall collect all fines, forfeitures and penalties which may be incurred for violations of the laws of the corporation when required to do so by the commissioners; and the sheriff shall account with the commissioners for all such taxes, fines, forfeitures and penalties by him so collected, in like manner and under like penalties as for county taxes: *Provided*, that nothing herein contained shall be so construed as to prohibit the commissioners of the town of Oxford from appointing a town constable, and vesting in him the collection of all taxes, fines, forfeitures and penalties as heretofore,

V. *And be it further enacted*, That the sheriff shall be allowed the sum of two dollars for each and every election which he may hold by virtue of this act, to be paid out of the funds of the town, and shall be allowed the same commissions on all taxes, fines, forfeitures and penalties which he may collect, as is or may be allowed by law for the collection of county taxes.

VI. *And be it further enacted*, That in all elections of commissioners of the town of Oxford, all free white men of the age of twenty one years, who shall have resided in the county of Granville for twelve months, and in the town of Oxford for six months immediately preceding such election, shall be entitled to vote.

CHAPTER CXLIX

An act to amend an act, passed in one thousand eight hundred and twenty eight, entitled an act to appoint commissioners on the road from Watauga, in Ashe county, to the head of John's river, 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 it shall be the duty of the County Courts of the counties of Ashe and Burke, at the first term of their respective courts which may be holden after the first day of April next, to divide that part of said road lying within their respective counties into convenient districts, and to assign to each district an overseer and a suitable

number of hands to complete and keep in repair said road, under the same rules and regulations now prescribed by law for the opening, keeping up and working the public roads in this State.

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

CHAPTER CL

An act to alter the time and mode of elections in the county of Hertford.

Be 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 elections for the county of Hertford shall in future be opened and held at the places now established by law, that is to say, at Winton, Murfreesboro', Saint John's and Pitch Landing, on the first Thursday in August.

II. *Be it further enacted,* That the Court of Pleas and Quarter Sessions, at the court preceding the election in every year, shall appoint one justice of the peace and as many freeholders as the court may deem necessary, whose duty shall be to attend at the places for which they are appointed on the day of election, who shall be sworn by the sheriff, or, in case of his absence, by some justice of the peace, to conduct the election fairly and impartially, and according to the Constitution and the laws of the State.

III. *Be it further enacted,* That the clerk of the Court of Pleas and Quarter Sessions shall, immediately after the court preceding the election, furnish the sheriff of the county with a list of the persons appointed to act as inspectors of the polls at the several places of election; and the sheriff shall notify such persons of their appointment at least twenty days before the day of election. Should the court fail to make such appointment, or if the court should not have appointed a sufficient number of inspectors, or those appointed should die or refuse to act, then it may be lawful for the sheriff, with advice of three justices of the peace, or, if none be present, three respectable freeholders, to appoint inspectors to hold the election; and when so appointed and duly sworn, shall have the same authority as if appointed by the court.

IV. *Be it further enacted,* It shall be the duty of the sheriff to advertise the time and place of elections at the several places aforementioned, now appointed by law, at least twenty days before such election.

V. *Be it further enacted,* That all elections under this act shall begin at ten o'clock, A. M. on the day appointed for such election, and shall close at four o'clock, P. M. and that every election hereafter made by virtue of any writ from either House of the General Assembly shall be conducted as other elections.

VI. *Be it further enacted,* That the inspectors, immediately after the close of the polls, shall, at each and every place of election, proceed to count out the votes. A correct statement of the number given for each candidate, and also the names of the persons voting, shall be made out and signed by the poll-keepers, and then sealed and directed to the sheriff, which shall be handed by some one of the poll-keepers appointed for the purpose to the sheriff of the county, at the court house of said county, on the next day. (Friday after the first Thursday in August,) between ten o'clock, A. M. and four o'clock, P. M. and on the returns being made to the sheriff or his deputy, he shall, in the presence of the inspectors who carried their respective polls, proceed to add the number of votes to him returned, and the per-

sons having the greatest number of votes shall be deemed duly elected; Should any two persons have an equal number of votes, the sheriff shall decide by his casting vote the person duly elected.

VII. *Be it further enacted*, That the sheriff shall, immediately after the election, proclaim at the court house door the persons duly elected.

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

CHAPTER CLI

An act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river, at the Log House Landing.

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

II. *And be it further enacted*, That the said bridge shall be sixteen feet wide, with a well constructed draw overhanging the channel; and the right and property of said bridge, and the emoluments and profits arising therefrom, for the term of forty years, shall be vested in the said Major J. Clark, or him and his associates, his or their heirs or assigns, provided the same shall be completed sufficient for the passage of carriages and horses by the first day of January, one thousand eight hundred and thirty-three.

III. *And be it further enacted*, That when the bridge shall be completed as aforesaid, the proprietor or proprietors thereof shall be, and they are hereby authorised and empowered to erect a gate thereon, and to be entitled to receive the following toll: for a single person, five cents; for each horse, mule, neat cattle, &c. five cents; for each hog, sheep, &c. two and a half cents; a two wheeled carriage, twenty-five cents; and a four wheeled carriage, forty cents.

IV. *And be it further enacted*, That when the said bridge shall be built as aforesaid, the proprietor or proprietors thereof, for the time being, shall keep the said bridge in good and sufficient repair, under the same rules, regulations, restrictions and penalties prescribed by the laws of this State for the keeping of other public bridges.

CHAPTER CLII

An act to authorise the commissioners of the town of Hillsborough to sell all, or so much of the town commons as they may think proper.

Be 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 Hillsborough, and their successors in office, be, and they are hereby authorised and empowered to sell or dispose of, from time to time as to them may seem most proper, all or any part of commons of said town.

II. *And be it further enacted*, That the said commissioners shall cause to be surveyed and laid off into lots of one or more acres such part or parcel of said commons as they may think proper to sell, and shall cause advertisement to be made of the lots or parcels intended to be sold, and the time and place of such sale, at least three months before such sale shall take place.

III. *And be it further enacted*, That a credit of one and two years shall be given all such person or persons who may become purchasers of one or more lots or parcels of lands aforesaid, upon such person or persons giving bond, with two or more securities such as shall be approved by the said commissioners.

IV. *And be it further enacted*, That the monies arising from the sale of said town commons, when collected, shall be paid into the Treasury of said town, and shall be appropriated by the said commissioners to such purposes as they shall think most conducive to the general interest of said corporation.

CHAPTER CLIII

An act more effectually to prevent the depredations of runaway slaves, and to promote their apprehension in the counties of Onslow, Jones, Craven, Lenoir, New Hanover, Brunswick 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 the County Courts of the several counties aforesaid, not less than ten justices being present, shall have full power and authority, whenever satisfactory information is lodged before them that runaway slaves have collected together in their county, and are committing depredations on the citizens of the county, to direct the colonel or commanding officer of the county, to order out as many men as said court may deem expedient for apprehending such runaways; and it shall be the duty of such commanding officer immediately to draft from the militia, or receive volunteers, in such number as the court may direct, and order them into service; and it shall be the duty of the officers and men thus ordered out to search diligently throughout the county, or any adjoining county if deemed necessary, for such runaways, until they are taken: *Provided*, that no one company shall be compelled to remain on duty longer than twenty days at any one time.

II. *Be it further enacted*, That each person who may be ordered out as aforesaid, shall furnish his own provisions, gun and ammunition, and shall be paid for his service at the following rates, viz. each captain of a company one dollar per day, each lieutenant seventy five cents per day, and each private or inferior officer fifty cents per day, to be paid as hereinafter specified.

III. *Be it further enacted*, That any officer or private who shall be ordered to perform duty as aforesaid, and shall fail to perform the same, and to obey all reasonable commands of the superior officer, shall be liable to indictment in any court having cognizance thereof, and on conviction shall be fined or imprisoned at the discretion of the court not exceeding a fine of one hundred dollars, or imprisonment for three months.

IV. *Be it further enacted*, That it shall be the duty of the County Courts of the several counties aforesaid, whenever the militia may be ordered out as aforesaid, at the same time to lay a tax not exceeding twenty five cents on each black poll in their county for the purpose of defraying the expenses thereof; which tax the sheriff of the county shall forthwith collect and pay into the Treasury of the county for the purposes aforesaid.

V. *Be it further enacted*, That any person who shall hereafter apprehend any runaway slave over fifteen years of age in either of the aforesaid counties, and shall deliver him or her to the owner, or the jailor of the county at the jail, shall be entitled to receive and recover from the owner of such slave the sum of ten dollars, to be recovered before any jurisdiction having cognizance thereof.

VI. *Be it further enacted*, That whenever any runaway slave shall be found in any of the aforesaid counties, it shall be lawful for any person to apprehend such runaway slave, and in so doing to use all the powers and force which a sheriff may lawfully use in apprehending a felon against whom he has legal process, without incurring any liability to any civil suit, and without impeachment of any crime whatever.

CHAPTER CLIV

An act to provide for the compensation of certain jurors of the county of Haywood.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That each and every juror of the original pannel, who shall attend as a grand or petit juror at any court of the county of Haywood which shall set after the first day of March, one thousand eight hundred and thirty-one, shall be allowed the sum of seventy five cents per day for every actual day's attendance, and shall be further entitled to the rates of seventy-five cents for every thirty miles he may so travel to and from said court house; and the clerk of the court in which any juror shall have served, and shall be entitled to pay therefor, shall, on the application of said juror, grant to him a certificate of his attendance and mileage: *Provided* the said juror makes oath before him to its correctness; which certificate the sheriff shall receive towards the payment of his county tax, and shall be allowed the same in settlements of his county tax with the county trustee.

II. *Be it further enacted*, That the following taxes shall be levied and collected upon proceedings at law and in equity in the courts of said county, commencing with the first day of March next, expressly to form a fund for compensating the jurors aforesaid: 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 of the peace rendered out of court, one dollar; every petition, except those for roads, widows' provisions, one dollar; every indictment where conviction happens and the defendant can pay the cost 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 Superior Court, or indictment where conviction happens and the defendant can pay the cost, two dollars; on every subpoena or writ to answer any bill in equity, two 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 county may be concerned as plaintiff or defendant, or any way as a party or parties of record, and if the taxes to be levied as aforesaid shall be found insufficient for the purpose aforesaid, the County Court, a majority being present, are hereby invested with full power and authority to lay a tax to make up the deficiency.

III. *And be it further enacted*, That the clerk of said court before whom said certificates shall be proven, shall be allowed ten cents for each certificate.

IV. *And be it further enacted* That if the holders of said of said certificates taxes should not be to the amount of said certificate, then and in that case the county trustee shall pay the same: *Provided*, nevertheless, that this

law shall not take effect unless the County Court of Haywood, a majority of the acting justices being present, shall think the same advisable at the first or any subsequent court after the passage of this act.

CHAPTER CLV

An act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck.

Whereas a large body of beach and marshy lands, lying on the sea shore, between Nag's Head and the New Inlet, in the county of Currituck, is valuable on account of range for stock and some who own stock thereon assume to themselves too large a portion of the profit arising therefrom, by killing and putting in their own mark the same: 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 a majority of the persons having an interest in the said beach and marshy lands, lying on the sea shore between Nag's Head and the New Inlet, in the county of Currituck shall have the power of selecting some proper person or persons whose duty it shall be to advertise at least five days in one of the most public places on the banks, and one on Roanoke Island, the day or days of killing, marking or taking off any stock from said banks or marsh; and the person or persons so appointed shall receive for his or their services a compensation not exceeding the sum of one dollar per day.

II. *And be it further enacted,* That the aforesaid person or persons, when thus appointed, shall be termed commissioner or commissioners, whose duty it shall be to keep a list of the names of such persons as may be interested in the range on said marsh and banks, and that the said persons thus interested, shall pay said commissioner or commissioners for his or their services in proportion to the stock they may own on said beach and marsh.

III. *Be it further enacted,* That if any person or persons shall be found marking, killing or removing stock from said banks or marsh at any other time than the days set apart by the said commissioner or commissioners, he, she or they shall be liable to a penalty of one hundred dollars, to be recovered by warrant before any justice of the peace of said county, one half to the use of the informer, the other to the poor of said county.

IV. *And be it further enacted,* That this act shall be in force from and after the first day of March next; any law to the contrary notwithstanding.

CHAPTER CLVI

An act to prevent slaves from attending muster or election grounds, on the day of muster or election, in the counties of New Hanover, Sampson, Onslow, Jones, Craven, Lenoir, Wayne, Carteret, Johnston, Brunswick, Duplin, Camden, Hyde, Tyrrell and Currituck.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter it shall not be lawful for any slave to attend at any muster or election ground, in New Hanover, Sampson, Onslow, Jones, Craven, Lenoir, Wayne, Carteret, Johnston, Brunswick, Duplin, Camden, Hyde, Tyrrell or Currituck, upon the day on which a muster or election may be held, unless carried there by his or her owner or employer, or the agent of the owner or employer, or sent to carry a note or letter to his or her owner or employer or agent of his or her owner or employer, or sent upon the business of his or her owner or employer; and when so sent upon the business of his or her owner or employer to have a written pass from his or her owner or employer, or some person authorised by the owner or employer to give such written pass; and such pass shall express generally the object or reason of sending such

slave; and any slave so carried or sent shall remain no longer than necessary to effect the object for which he or she was carried or sent. Any slave offending against the provisions of this act, shall upon conviction before a justice of the peace receive a whipping not exceeding thirty-nine lashes on his or her bare back.

II. *Be it further enacted*, That any white person attending a muster or election shall have power to apprehend any slave offending against the provisions of this act, and carry him or her before some justice of the peace of the county where such muster or election is held, who is hereby authorised to proceed immediately to try such slave, and upon conviction to award the punishment prescribed by this act.

III. *Be it further enacted*, That it shall be the duty of the patrol of the district in which any muster or election is held, to apprehend all slaves offending against the provisions of this act, and to inflict upon each slave so offending a whipping not to exceed fifteen lashes; and nothing in this section shall prevent a slave from being punished as prescribed in the first section of this act.

IV. *Be it further enacted*, That the provisions of this act shall not extend to any slave or slaves living on any plantation or lot on which a muster or election is or may be held, nor to any slave or slaves attached to or employed in any house where an election is or may be held, nor to any slave or slaves passing any place, lot, open ground or street in any town where a muster or election is or may be held.

CHAPTER CLVII

An act concerning the poor of Chatham 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 instead of the mode now prescribed by law for providing for the poor in the several counties in this State, it shall be the duty of the wardens of the poor in the county of Chatham, at the next August term of the Court of Pleas and Quarter Sessions for said county, and at every August term of said court in each and every year thereafter, to contract with some responsible and suitable person, on the lowest terms which can be obtained, to take charge of the poor of said county, whose duty it shall be to supply the said poor with comfortable food, lodging and clothing, and to treat them in all respects with attention and humanity.

II. *Be it further enacted*, That it shall be the duty of the wardens aforesaid to take bond, with good and sufficient security, from the person who shall contract for the keeping of the poor of said county, payable to the wardens of the poor and their successors, for the faithful performance of his duty, in double the sum which the person contracting under the provisions of this act shall receive for keeping the said poor.

III. *Be it further enacted*, That if the person who shall contract for keeping of the poor as aforesaid shall transfer any of the said poor to any other person or persons, he shall forfeit and pay the sum of one hundred dollars for each of the poor thus transferred, to be recovered before any jurisdiction having cognizance thereof, one half to the informer, and the other half to the use of the poor of said county.

IV. *And be it further enacted*, That it shall be the duty of the wardens aforesaid to give at least three months' previous notice at the court house of said county of the time prescribed under the provisions of this act for receiving proposals for the keeping of the poor of said county.

CHAPTER CLVIII

An act concerning the poor 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 instead of the mode now prescribed by law for electing wardens of the poor in the several counties in this State, it shall be the duty of the justices of the peace in Stokes county, at the first court which may happen after the term of service for which the present wardens were elected, and annually thereafter, (a majority of the justices being present,) to appoint seven freeholders as wardens of the poor for said county, who shall have the same power and authority and be subject to the same duties and penalties as are now provided by law.

II. *And be it further enacted,* That the wardens hereafter appointed in conformity to the provisions of 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 for the proper management of the poor aforesaid, whose duty it shall be to keep at reasonable and moderate labor such as are committed to his 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 necessities, and to enforce such orders, rules and regulations as the wardens shall from time to time establish; and in case of the neglect or refusal to discharge the duties required of such superintendent, he may at pleasure be removed, and shall further be indictable in the County Court, and upon conviction shall be fined at the discretion of said court.

III. *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 CLIX

An act to amend an act, passed at the last session of the General Assembly of North Carolina, chapter fifty-five, to compensate jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin, so far as respects the county of Onslow.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the tax fee of one dollar on all civil suits and indictments, either in the County or Superior Courts, as are directed to be paid to the county trustee by an act of the last session, fixing the fees of the clerks of the County and Superior Courts and sheriffs' fees, chapter seven, are hereby directed to be paid over to the jury fund of Onslow; and the county trustee of Onslow is hereby directed to make a full and fair statement of all such monies as have come into his hands to the committee of finance of said county, whenever they call on him for the same; and he is hereby directed to pay all such monies as are now in his hands unappropriated to the said jury fund, as well as all such monies as may hereafter come into his hands by the said tax fee, in addition to those heretofore appropriated by the first above recited act.

II. *And be it further enacted,* That if the above tax fees on suits do not amount to enough to pay the jurors sixty cents per day for each day's attendance as juror, and sixty cents for every thirty miles travelling to and from court, the County Court of Onslow shall, at May court next, or as soon as they think it necessary, lay a tax on the lands, white polls and black polls of said county, adequate for the payment of said jurors; and that part of the act of last session, allowing seventy-five cents a day, and seventy-five cents for every thirty miles travelling, is hereby repealed.

Read three times and ratified in General Assembly, this the 4th day of January, 1831. }

CHS. FISHER, S. H. C.
D. F. CALDWELL, S. S.

A true copy.

WM. HILL, Secretary.

RESOLUTIONS,

PASSED BY THE GENERAL ASSEMBLY OF 1830-31.



Whereas it appears by the report of the committee of Finance, that William Robards, Esq. late Public Treasurer of this State, in compliance with the directions of a resolution passed at the present session, hath fully and fairly settled with said committee of Finance his public accounts up to the twenty-second of December, one thousand eight hundred and thirty; and hath fully accounted, surrendered and paid over to said committee all the bonds, money and funds belonging to the State, and all the books, papers, property and effects belonging to the office of Public Treasurer, according to the true meaning and intention of his obligation: Be it therefore *Resolved*, That the Comptroller be, and he is hereby directed to balance the accounts of William Robards, Esq. late Public Treasurer, in the books of his office.

Whereas, by the timely and energetic efforts of John B. Muse and Richard Roberts, at much personal hazard and risk, the Capitol of the State was preserved from destruction by fire, on Thursday the sixth instant; as a testimony of respect of this Legislature, and as an evidence of the high regard entertained for their exertions,

Be it resolved, That the said John B. Muse and Richard Roberts are entitled to the thanks of this Legislature and the public at large.

And be it further resolved, That the Public Treasurer of this State be authorised to pay to Richard Roberts the sum of twenty-five dollars out of any monies in the Treasury not otherwise appropriated, and that he be allowed the same in the settlement of his accounts.

Resolved further, That the sum of fifty dollars be presented by the Public Treasurer, and distributed by him, in such proportions as he shall think proper, to such of the negroes as shall make it appear satisfactorily to him were most active in assisting to extinguish the fire aforesaid; and that he be allowed the same in the settlement of his public accounts.

Resolved, That his Excellency the Governor be directed to cause to be published in pamphlet form the above Report [relative to the Declaration of Independence] and the accompanying documents in the manner and order following, viz. after the Report, first, the Mecklenburg Declaration, with the names of the delegates composing the meeting; second, the Certificates, testifying to the circumstances attending the Declaration; third, the Proceedings of the Cumberland Association; and that he be further directed to have reprinted in like manner, separate and distinct from the above; the accompanying Journal of the Provincial Assembly held at Halifax in one thousand seven hundred and seventy-six.

Resolved further, That after publication, the Governor be instructed to distribute said documents as follows, to wit: twenty copies of each to the Library of the State; to each of the Libraries at the University, ten copies; to the Library of the Congress of the United States, ten copies; and one copy to each of the Executives of the several States of the Union.

Resolved, That the Governor, Secretary, Treasurer and Comptroller be directed to contract with some suitable person to cover the Government House with good heart pine shingles and painting the roof; and that the Treasurer pay for the same out of any monies in the Treasury not otherwise appropriated.

Resolved further, That the said commissioners be directed to contract with some suitable person to paint the roof of the Capitol and stop the leaks in the gutters.

Resolved by the General Assembly, That William R. Hill be appointed Librarian to the State Library for the ensuing year, and that he be allowed the usual salary of one hundred dollars per annum for his services.

Whereas, by the Constitution of the United States, the subjects of commerce and national defence are committed to the regulation of the General Government; and whereas, in the opinion of this General Assembly, it is important to the commerce of the country and to national defence, that the old Roanoke Inlet, recently filled up, should be re-opened by the arm of the General Government: Therefore,

Resolved, That our Senators and Representatives in Congress be requested to use their best endeavors to induce the General Government to undertake the re-opening of the communication at or near Nagg's Head, between the Albemarle Sound and the Atlantic Ocean.

Resolved, That the Governor of this State be authorised and he is hereby directed to transmit to the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State in Congress now assembled at Washington City, a copy of the resolution and preamble on the subject of re-opening the Roanoke Inlet, adopted at the present session of this General Assembly.

Whereas at the last session of this General Assembly a resolution was adopted, authorising his Excellency the Governor to send some fit person as agent to Washington City, vested with full power to adjust and settle the claim of North Carolina upon the General Government for expenditures made during the late war in defence of the country against the common enemy: Therefore,

Be it resolved, That the said resolution is hereby rescinded, and the said agency accordingly discontinued.

Resolved further, That our Senators in Congress be requested and instructed to urge the speedy payment of the claim of this State upon the General Government, and that they use all proper means to effect that object.

Resolved further, That his Excellency the Governor transmit at an early day a copy of these resolutions to each of our Senators in Congress

Resolved, That the Public Treasurer, under the direction of the Governor and Attorney General, be, and he is hereby instructed to investigate the facts connected with the drawing, acceptance and paying of sundry checks, purporting to be drawn by John Haywood, Public Treasurer, by John S. Haywood, on the State Bank of North Carolina, at Raleigh, in one thousand eight hundred and twenty seven; and if it shall be deemed necessary to enforce the rights of the State, that resort be had to legal process.

Whereas David L. Swain was employed as counsel in several suits pending in the Circuit Court of the United States, and also in several suits directed to be brought, wherein the State was interested, and for which he had received, on warrants of the Governor, one thousand dollars, as his fee in the several cases; and he having been appointed a judge of the Superior Court of Law and Equity before the final termination of said suits, and has enclosed to the Public Treasurer his check for five hundred dollars, as so much returned in consequence of his inability to perform the residue of services required of him as counsel in the said several suits.

Resolved, therefore, That the Public Treasurer collect the check for five hundred dollars enclosed to him by David L. Swain, and grant him a receipt for the same.

Resolved, That the State Librarian be directed to purchase, for the use of the Library, three copies of the Journal and Debates of the Federal Convention and State Conventions, (in four volumes,) edited by Jonathan Elliott, of Washington City.

Whereas there is likely to occur a deficiency in the common fund of the Treasury Department, and thereby many of the contingent and necessary charges devolving upon the State must be deferred to some future day, unless provided for: Therefore,

Resolved, That the Public Treasurer be, and he is hereby authorised and required to draw out of any fund belonging to the State such sums of money as may be necessary to meet the current demands upon the Treasury Department, in the event of such deficiency occurring.

Resolved, That the Secretary of State be directed to issue a grant to Samuel Reid for one hundred acres of land, entered in the county of Rutherford by entry number one thousand three hundred and thirty-three, and for which the Public Treasurer received the purchase money twenty eighth September, one thousand seven hundred and ninety-nine.

Resolved, That the Public Treasurer be, and he is hereby authorised and directed to receive of Hugh Black, of Moore county, the purchase money of one hundred acres of land, per warrant and survey number two thousand three hundred and ninety; and that the Secretary of State, on the payment of said money into the Treasury, make out and deliver to the said Black a grant for the same.

Be it further resolved, That the Public Treasurer be, and he is hereby directed to receive of David Smith, of Sampson county, the purchase money of one hundred and forty four acres of land, as by warrant and survey number one hundred and twenty one; and that the Secretary of State, upon the payment of the purchase money as aforesaid into the Public Treasury, make out and deliver to the said David Smith a grant for one hundred and forty-four acres of land as aforesaid.

Resolved, That the Public Treasurer be authorised to transfer to the Literary Fund, and enter the same in the books kept for that purpose, the sum of twenty-eight thousand one hundred and eighty-four dollars thirty-two and a half cents, and all interest that has or may accrue on said sum, it being an amount due from the late Public Treasurer, John Haywood, as Treasurer of that fund.

Resolved, That the Public Treasurer pay Thomas K. Morrissey, sheriff of Sampson county, the sum of twenty-nine dollars and ninety cents, being the amount of fees due him in the suit of the Governor, to the use of the State, against Gabriel Holmes and others, justices of Sampson county; and that the same be allowed the Treasurer in the settlement of his public accounts.

Resolved, That the committee of Finance be instructed to examine into, settle and adjust the accounts of William Robards, Esq. Public Treasurer, from the commencement of the current fiscal year to the expiration of the term for which he was elected.

Resolved further, That said committee, upon the settlement as required by the previous resolution being effected, be instructed to deliver over to Robert H. Burton, the Treasurer elect, the books, papers, property and effects which belong to the office of Public Treasurer, and to transfer and deliver to the said Treasurer elect the money and funds of the State so soon as his term of office shall commence, and he shall have given the bonds and taken the oath of qualification required by law.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to the legal representative of the late Chief Justice Taylor, instead of the sum specified in a resolution passed at the last session of the General Assembly, the sum of three hundred and sixty-nine dollars and forty-five cents, in full of a balance of salary due the said Chief Justice.

Resolved further, That the Treasurer cancel and deliver over to the legal representative aforesaid three bonds given by the intestate for the purchases of property of the late John Haywood, Esquire, for the several sums of fifteen dollars thirty-three cents, fifteen dollars thirty-four cents, and fifteen dollars thirty-three cents.

And resolved further, That the Comptroller credit the Public Treasurer for the sum directed to be paid by this resolution.

Whereas, by articles of agreement entered into between the State of North Carolina and Mrs. Elizabeth E. A. Haywood, the State agreed to allow her one fourth part of the proceeds of the sale of the real estate of her late husband, John Haywood, in lieu of dower; and owing to a devise to his minor children, part of the real estate was sold by execution issued from Wake County Court, and the real estate so sold was purchased by the Public Treasurer, to the use of the State, according to the terms of said agreement, she is entitled to one fourth part, with interest thereon: Therefore

Resolved, That the Public Treasurer pay to Elizabeth E. A. Haywood the sum of two hundred and eighty-eight dollars and four cents, with interest thereon from the seventeenth day of May, one thousand eight hundred and thirty, (after deducting from the same what she may owe the State,) in full of her one fourth of the proceeds of the sale of the real estate, so made by the sheriff of Wake county at the instance of the State.

Resolved, That William Robards, Public Treasurer, be allowed the sum of twenty thousand and eighty-five dollars and ninety-one cents, that sum being the amount of Treasury notes which have been counted and burnt, agreeably to a joint resolution of the two branches of the Legislature at the present session, by the committee of Finance; and that the Comptroller credit the Treasurer for the same in the settlement of his public accounts.

Resolved, That the Treasurer pay to David Scarborough, Thomas Hooker, administrator of Hymerick Hooker, deceased, Nathan Hooker, and Henry Miller, administrator of William Hooker, deceased, the sum of one hundred and sixty-two dollars and two cents, part of a judgment which the said David Scarborough, William Hooker and Hymerick Hooker paid as the securities of James Eastwood, sheriff of Greene county, for a forfeiture incurred by the said Eastwood for not settling his public tax within the time prescribed by law; and the same be allowed the Public Treasurer in settlement of his accounts.

Resolved, That William Robards, late Public Treasurer, be allowed the sum of one thousand five hundred and fifteen dollars and seventy cents, which is the amount of Treasury notes counted and burnt by the committee of Finance, on the seventeenth instant; and that the Comptroller credit the same on his books.

Resolved, That one hundred stand of the public arms of the smallest size be loaned to Daniel H. Bingham, the Principal of the North Carolina Literary, Scientific and Military Institution at Oxford, upon his entering into bond, with sufficient security, to be approved of by the Governor, for the safe keeping and return of the same, when they shall be demanded.

Resolved, That the Public Treasurer be, and he is hereby authorised and directed to receive of Daniel Southerland, sen. of Duplin county, the purchase money of one hundred acres of land, per warrant and survey number two thousand five hundred and one; and that the Secretary of State on the payment of the said money into the Treasury, make out and deliver to the said Southerland a grant for the same.

Be it further resolved, That the Public Treasurer be, and he is hereby authorised

and directed to receive of William Gardner, of Randolph county, the purchase money of forty five acres of land, per warrant and survey number one thousand six hundred and thirty five; and that the Secretary of State, on the payment of the said money into the Treasury, make out and deliver to the said Gardner a grant for the same.

Resolved, That the Secretary of State be authorised to issue a grant to John Camel, of Onslow county, for twenty six acres of land in said county, agreeably to warrant and survey returned to his office, entry number seven hundred and ninety six.

Resolved, That the Public Treasurer pay to David Graybeal, of Ashe county, or his agent, the sum of five dollars, it being the purchase money by him twice paid for fifty acres of land in said county, entry number five thousand three hundred and fifty nine; and that he be allowed the same in the settlement of his public accounts.

Resolved, That one copy of the State documents, which are now by law directed to be deposited in the State Library, be hereafter deposited in each of the offices of the Governor, Secretary of State, Public Treasurer and Comptroller.

Resolved, That the Governor issue warrants to William Robards, late Public Treasurer, and his clerks, for the amount of their salaries for the last quarter, commencing the first of October, and ending the twenty-ninth of December, one thousand eight hundred and thirty.

Resolved, That the committee of Finance be authorised to employ a clerk to make a list of the bonds in the Treasurer's office for the purchases of the Cherokee lands, the Tuscarora lands and property belonging to the estate of the late John Haywood, Esq. to be delivered over to the Treasurer elect.

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 think unfit for circulation, and that they report the amount to the Legislature.

Whereas there are two bonds in the Public Treasury, given by Jonathan Coward, of the county of Haywood, for Cherokee lands; and whereas there has been full payment of the same, as will be seen by the credits endorsed on said bonds:

Resolved, therefore, That the Public Treasurer be, and he is hereby authorised to hand over the same to the said Jonathan Coward or his agent.

Resolved, That the Public Treasurer pay to Ichabod Wetmore the sum of twenty dollars, for making a list of the bonds given for the purchase of the Cherokee and Tuscarora lands, in conformity to a resolution of the Legislature, passed at the present session; and that the same be allowed in the settlement of the accounts of the said Treasurer.

Resolved, That the Public Treasurer pay to Richard Roberts twelve dollars, for articles purchased for the use of the Legislature.

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

Whereas the publication of an accurate map of this State is an enterprise of great risk and expense, and requires much time, and is an object of indispensable utility to the government of this State and its citizens at large; and whereas John M'Rae has completed his map of the State, all except the printing, engraving and varnishing, which it is expected will be executed and ready for delivery in about six or eight months from this time; and whereas the loan was made to him under the expectation that he would be able to pay it out of the proceeds of the sale of his map when completed, but which will be prevented by the intrinsic difficulty and expense of the project:

Be it resolved therefore, That the Public Treasurer be instructed not to enforce the collection of the bond of the said John M'Rae of three thousand dollars, due on the first of May next until after the first of December next, unless the safety of the debt may require its earlier collection; and resolved also, that he shall continue to renew his bond in the manner prescribed by the resolution authorising the loan to him of five thousand dollars.

Whereas it appears that David Rogers, who was a purchaser of a tract of land in section number eleven, and district seven, of the Cherokee land, and has paid into the Public Treasury twenty-two dollars and fifty cents for interest on his second bond more than is due, he being entitled, under the act of Assembly of one thousand eight hundred and twenty-five, to a deduction of interest from the date of his bond to the first of May, one thousand eight hundred and twenty five, according to affidavits filed in the Treasury office: It is therefore

Resolved, That the Public Treasurer pay to the said David Rogers the said sum of twenty-two dollars and fifty cents, or grant a receipt for the said sum, to be allowed on the third bond of said David, now in the Treasury office.

Resolved, That the Secretary of State be directed to issue to Duncan Black, of the county of Moore, a grant for one hundred acres of land on Lower Little river, by warrant number 1042.

Resolved, That the Secretary of State be, and he is hereby authorised to issue a grant to John Balmore, of Montgomery county, for two hundred acres of land in said county, agreeably to the warrant and survey returned to his office on entry number 2319, which, by the Treasurer's receipt, appears to have been paid for on the twenty-fourth day of November, one thousand seven hundred and ninety-five, and survey made and returned in due time, but for want of the receipt for the purchase money the grant has been delayed.

Resolved, That the Secretary of State be directed to issue a grant to Solomon Green, of Wilkes county, for fifty acres of land by him entered in said county on the first of January, one thousand eight hundred and twenty seven, number three thousand and eighteen, for which he paid the purchase money into the Treasury of this State on the fifteenth of December, one thousand eight hundred and twenty eight.

Resolved, That the Public Treasurer pay to Bridger I. Montgomery, or his agent, the sum of one hundred and twenty six dollars, it being at the rate of three dollars per day for forty two days he was detained at Raleigh after the rise of the last Legislature, in consequence of a fracture of his leg, and the same shall be allowed him in the settlement of his public accounts.

Resolved, That the Treasurer refund to John Coulter, former sheriff of Lincoln county, eighteen dollars and seven cents, monies paid into the Public Treasury by mistake.

Resolved, That the Public Treasurer pay to John Brown, of Robeson county, the sum of twenty-seven and half dollars, as a compensation for conveying to the proper authorities of South Carolina, a demand from the Governor of North Carolina for the delivery of James G. Pitman, a fugitive from justice from this State, and for endeavoring to apprehend the said James G. Pitman; and that the Treasurer be allowed the same in the settlement of his public accounts.

Resolved, That the Public Treasurer be authorised to pay to Thomas Bell, of Pasquotank, the sum of thirty dollars, as a compensation for the time he was detained by sickness in this city after the adjournment of the last General Assembly

Resolved, That the Secretary of State be directed to issue a grant to George Watson and William Kannon for sixty acres of land, entered in the county of Rutherford, by entry number 1235, and for which the Public Treasurer received the purchase money 29th September, 1799.

Resolved, That the Secretary of State be authorised and required to issue a grant to James Rainey, of the county of Orange, for one hundred and thirty-six and one half acres of land, a part of an entry made by him in one thousand eight hundred and ten, for which the purchase money was paid, the receipt for which is herein enclosed.

Resolved, That the Public Treasurer be directed to pay to William Carson, sheriff of Rutherford county, the sum of seventeen dollars and twenty eight cents, that amount having been paid by him into the Treasury over and above the amount properly due for taxes, owing to an error in the clerk's certificate.

Resolved, That the Public Treasurer be directed to pay to William Carson, of Rutherford county, the sum of thirty-two dollars and ninety-five cents, being amount due him for his attendance as a witness on behalf of the State, in the suit of the Governor, for the use of the State, against the justices of Rutherford county; and that the Treasurer be allowed the same in the settlement of his accounts.

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Authorising the Governor to dismiss field officers in certain cases, and for other purposes,	34	Incorporating the Fayetteville Female School of Industry,	80
Incorporating the City Guards of Raleigh,	59	Incorporating the Dorcas Society in Elizabeth City,	79
For the encouragement of light infantry, cavalry, artillery or rifle companies in the county of Hertford,	86	To repeal in part the act of 1809, requiring a majority of the acting justices of Wayne and Montgomery to be present in certain cases,	85
Concerning the militia of Fredell county,	88	Authorising the County Court of Northampton to employ a person to transcribe a part of the records of said county,	119
Concerning the officers of the 62d regiment,	90	Authorising the justices of the peace of the county of Moore to compel the several officers therein named to hold their offices at or near the court house,	121
Repealing the act of 1829, to divide the regiment in Macon county,	96	Authorising the erection of a bridge across Pungo river at the Log House Landing,	127
Incorporating the Newbern Greys,	116	Concerning the distribution of the public arms to the police authorities, and to provide in case of invasion or insurrection,	23
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To prevent the circulation of seditious publications, and for other purposes	10	Incorporating the Winton Ferry Comp'y,	58
Explaining and amending an act, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," passed in the year 1822, so far as it respects exhibitions of artificial curiosities,	15	NEGROES.	
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Explaining and amending the act of 1822, relative to insolvent debtors,	26		
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To prevent all persons from teaching slaves to read or write, the use of figures excepted,	11	For the regulation of the patrol,	17
Prohibiting free persons of color from peddling and hawking out of the county in which they respectively reside,	ib	Repealing the act of 1825, to regulate the patrol of Lenoir county,	111
Providing further punishment for harboring or maintaining runaway slaves,	12		
Regulating the emancipation of slaves,	ib	ROADS.	
To prevent the gaming of slaves, and to prevent free persons from gaming with them or suffering them to game in their houses,	14	Incorporating the Williamston and Windsor Turnpike Company,	42
Amending the act of 1826, entitled an act to prevent free persons of color from migrating into this State, for the good government of such persons resident in the State, and for other purposes,	16	Enacting, with sundry alterations and additions, the act of Virginia to incorporate the Petersburg Rail Road Company,	45
Amending the act of 1826, prohibiting trading with slaves except in the manner therein prescribed,	ib	Amending the act of 1828, to appoint commissioners on a part of the road leading from Morganton to Avery's turnpike road, in Burke county,	58
Amending the act of 1818, authorising the County Courts to direct the sheriff to sell runaway slaves after certain length of imprisonment and public notice,	18	To enlarge the capital stock of the Plymouth Turnpike Company,	77
Amending the several laws to regulate quarantine,	20	Amending the act of 1829, to authorise the County Court of Burke to appoint commissioners to view and lay off a turnpike road from the Lincoln line to Mull's mill,	87
Amending the act of 1829, to provide for a division of negroes and other chattel property held in common,	35	Incorporating the Fayetteville Rail Road Company,	96
Authorising Aquilla Day to reside in this State,	79	Amending the act of 1826, to establish the Tennessee River Turnpike Road,	96
Compelling owners of slaves to keep white persons on their plantations in certain cases in the counties of Brunswick and New Hanover,	119	Incorporating the White Oak Turnpike Company,	101
More effectually to prevent the depredations of runaway slaves, and to promote their apprehension in the counties of Onslow, Jones, Craven, Lenoir, New Hanover, Brunswick and Carteret,	128	Reducing the number of jurors to lay off roads in Macon county,	110
To prevent slaves from attending muster or election grounds in certain counties,	130	Appointing commissioners to view, mark and lay off a road from Fort Defiance to the Three Fork Meeting House,	112
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Authorising the County Courts of Gates to appoint wardens of the poor, and to build a poor and work house,	57		
For the establishment of a poor house in Pasquotank county,	70	RIVERS AND CREEKS.	
Amending the 1st and 4th sections of the act of last session, to authorise the County Court of Franklin to appoint wardens of the poor, and to build a poor & work house,	72	Concerning the North Carolina Catawba Company,	23
Extending the provisions of the act of 1811, to establish a poor house in Orange county,	95	Repealing part of the act of 1828, to improve the navigation of creeks and rivers in Sampson county,	40
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Authorising the purchase of a tract of land, and the erection of buildings for the poor, in Sampson county,	122	For improving the navigation of New Hope river, in Chatham and Orange counties,	60
Concerning the poor of Chatham county,	131	Repealing the act of 1829, entitled an act to repeal so much of an act, passed in 1810, as prevents any person from working seines, skimming with nets, or of setting nets in Tar river above the mouth of Fishing creek,	85
Concerning the poor of Stokes county,	132	Amending the act of 1819, to prevent obstructions to the passage of fish up Neuse river,	85
		Extending the provisions of the act of 1829, to prevent obstructing the run of Rocky river in a portion of Chatham county,	86
		To prevent obstructing the run of Sandy creek, in Randolph county,	88
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TREASURER'S REPORT.

— — — — —

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

TREASURY DEPARTMENT, Nov. 16, 1830.

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, 1829, as reported to the General Assembly of that year, and for which the Public Treasurer is charged in the books of this office, amounts to

\$74,014 12½

Cash received of the State Bank of N. Carolina, on the Governor's check, according to the resolution of last session of Assembly,		\$2,113 90
Ditto	received for arrears of taxes, per exhibit A,	
	Principal,	\$794 61
	Interest on do.	98 39
		<hr/> 893 00
Ditto	John Haywood, late Public Treasurer, by his executor, George W. Haywood, exhibit B,	1,095 94
Ditto	additional return of taxes, exhibit C,	310 15
Ditto	of John Holloway, amount of first bond, Principal,	\$337 57
	Interest,	22 56
		<hr/> 360 13
Ditto	Fabius I. Haywood, amount of first bond, Principal,	261 75
	Interest,	23 58
		<hr/> 285 33
Ditto	Bonds for sales of land and negroes, per exhibit D,	
	Principal,	10,033 99
	Interest on do.	1,142 49
		<hr/> 11,176 48
Ditto	Rent of public land	
	Principal,	71 75
	Interest,	3 17
		<hr/> 74 92
Ditto	Benjamin Foreman, Clerk of Hyde county, for wreck money received by him under the act of 1801,	57 65
Ditto	James Owen, Collector of Wilmington, for tax under the act of 1817, for the erection of a Marine Hospital,	656 35
Ditto	on bonds due for sales of Tuskarora lands, per exhibit E,	
	principal,	1,491 16¼
	Interest,	8 74
		<hr/> 1,494 90½
Ditto	John M'Rae, for interest on loan,	40 25
Ditto	William H. Haywood, jr. part of fee paid under resolution of 1827, refunded	50 00
Ditto	Buncombe Turnpike Company, for dividend on 50 shares of stock, payable January, 1830,	250 00
Ditto	Bank of Newbern, for tax of one per centum, on 6,182 shares of stock, for 1830,	6,182 00
Ditto	Bank of Cape Fear, for tax of one per centum, on 4,274 shares of stock, for 1830, payable 1st October,	4,274 00
Ditto	State Bank of N. Carolina, for dividend on 2,764 shares of stock, at 3 per centum, for 12 months, ending 31st December, 1829,	8,292 00

Cash received of State Bank of N. Carolina, for dividend on 2,764 shares of stock, at 2 per centum, for 6 months, ending June, 1830,	5,328 00	
Ditto Bank of Cape Fear, for dividend on 10 shares of stock, at 2 per centum, for 6 months ending 1st January, 1830,	20 00	14,840 00
Cash received of the Sheriffs for taxes, the revenue of 1829, payable in the Treasury the 1st of October, 1830, and not otherwise appropriated,	67,951 09	
Aggregate amount,		185,120 21
Deduct disbursements at the Treasury, from the 1st of November, 1829, to the 1st of November, 1830, for which vouchers have been delivered to the Comptroller, and by him allowed,		115,369 37
Shewing the balance of cash remaining in the Treasurer's hands, and for which he is accountable, to the first of November, 1830, to be	69,750 84	
The disbursements during that period, and thus deducted, consist of the following items:		
General Assembly,	\$59,927 52	
Executive Department,	2,300 00	
Treasury Department,	2,000 00	
Department of State,	1,122 00	
Comptroller's Department,	1,000 00	
Adjutant General's Office,	200 00	
Public Printers,	900 00	
Judiciary,	24,567 00	
Sheriffs for settling taxes,	1,013 15	
Congressional Elections,	93 32	
Repairs of State House,	1,111 53	
Public Library,	100 00	
State Bank of North Carolina, interest on deferred payment,	3,356 24	
Pensioners,	930 00	
Governor's House,	13 10	
Stock in Roanoke Navigation Company,	9,500 00	
Treasury Notes burnt session 1829,	19,971 85	
Money burnt,	123 20	
Contingencies,	6,081 30	
William M. Sneed, agent appointed by the Governor under the resolution of 1829 to adjust and liquidate the claim of the State against the United States,	1,000 00	
Boque Banks,	59 10	
		\$115,369 37

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 1827, will fully appear in the statement of the Comptroller, prepared for the use of the members of the present General Assembly, which is respectfully referred to. The specification of the disbursements therein stated, agree with the vouchers on which payments have been made at the Treasury, and with the entries in the books of this office.

In addition to the receipts and disbursements as Public Treasurer, there have been received from the first of November, 1829, to the 1st of November, 1830, the funds of Internal Improvement, Literary and Agricultural. The following estimates will shew the receipts and disbursements of each fund during that period:

INTERNAL IMPROVEMENT.

The balance of cash remaining on hand belonging to this fund, as reported to the General Assembly of 1829, \$8,440 4

Cash received on notes given for purchases of Cherokee lands, appropriated by law to this fund, from first of Nov. 1829, to the first of Nov. 1830, \$2,817 00

Do. Bank of Cape Fear, for dividend on 1,358 shares of stock, at 2 per centum for 6 months ending 1st January, 1830, appropriated to this fund,	2,716 00	3,333 00½
		<hr/>
Aggregate amount,		13,973 48½
Deduct disbursements from 1st November, 1829, to 1st November, 1830, as particularly enumerated in exhibit F, for which vouchers have been delivered to Comptroller and allowed,		9,949 60
		<hr/>
Balance remaining to the 1st Nov. 1830,		\$4,023 88½

LITERARY FUND.

The balance of cash remaining in the Treasurer's hands unexpended, to the 1st of November, 1829, as reported to the General Assembly of that year,		\$17,029 2½
The receipts from the first of November, 1829, to the 1st of November, 1830, consist of the following items:		
Cash for entries of vacant land,	\$6,636 00	
Do. tavern tax received of Sheriffs,	2,782 66	
Do. Auction do of Auctioneers,	394 12	
		<hr/>
		9,812 78
Cash received of State Bank of North Carolina, Dividend on 282 shares of stock belonging to this fund, at 3 per centum, for 12 months ending with December, 1829,	846 00	
Ditto State Bank of North Carolina, dividend on the above shares of stock, at 2 per centum, for 6 months ending with June, 1830,	564 00	
Ditto Bank of Cape Fear, dividend on 50 shares of stock belonging to this fund, for 6 months ending 1st January, 1830, at 2 per centum,	100 00	
Ditto Bank of Cape Fear, dividend on 704 shares of stock, at 2 per centum, for 6 months, ending 1st Jan. 1830, which is appropriated to this fund,	1,408 00	
Ditto Cape Fear Nav. Company, dividend on the shares of stock belonging to the State, and money expended, as declared by the said company, and payable January, 1830,	392 86	
		<hr/>
		3,310 86
Aggregate amount,		30,152 88½

AGRICULTURAL FUND.

Cash received from judgments obtained against Clerks and Clerks and Masters, and on returns made by them to the 1st of Nov. 1830, per exhibit G, \$1,529 67		
Deduct disbursements during that period, for which vouchers have been delivered to Comptroller and allowed, per exhibit G,	311 03	
		<hr/>
Balance,		1,218 64
Which, by act of Assembly of 1825, is transferred to the Literary Fund, when added, makes that amount to		<hr/>
		31,371 52½

From the foregoing estimates, it will appear that the cash in the Treasury to the 1st of Nov. 1830, & for which the Public Treasurer is accountable to that date, consists of the following sums:

Amount of cash as Public Treasurer,	\$69,750 84
Ditto ditto Treasurer of the Board of Internal Improvement,	4,023 88½
Ditto ditto Treasurer of the Literary Fund,	31,371 52½
	<hr/>
Aggregate amount,	\$105,146 25
This sum, for which the Public Treasurer is accountable, consists of the following items:	
There has been deposited in the Banks of this State, and remains to the credit of the Public Treasurer to the 1st of November, 1830, the end of this fiscal year, the following amounts:	
State Bank of North Carolina at Raleigh,	\$39,011 68
Bank of Newbern do	27,158 01
Bank of Cape Fear Fayetteville,	16,077 08
	<hr/>
	82,246 77
Treasury Notes remaining in the vault,	22,899 48
	<hr/>
	105,146 25

The Treasury Notes now in circulation, as directed to be issued, and now redeemable at the Treasury, will appear by exhibit H. The mutilated state of the notes affords an opportunity to the wicked and evil disposed citizens to practice many frauds in their circulation. Many are presented at the Treasury, raised and made up of parts of bills, the denominations altered, and devices used that are difficult of detection. There are many counterfeits of seventy-five, fifty and twenty-five cent bills in circulation. Whether the penal laws of the State punish these offences with the severity they deserve, is submitted to your consideration.

The resolution of last session of the Assembly, "directing the Public Treasurer to abstain from collecting any money due upon bonds given for land sold by 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 the grants issued to Holdeman and Esselman," or "Catheart and Stedman," does not state the boundaries of the grants, or how they interfere with the sales of the commissioners of the Cherokee lands. There being no evidence in this office to show in what manner the sales interfere with these grants, or which of the bonds were directed not to be collected, to avoid a violation of the resolution, payment has not been enforced, and only received when voluntarily made.

According to the act of last session, "to provide for the collection of a judgment obtained by the State against the devisees of the late John Haywood," a sale of the real estate was made by the Sheriff of Wake county, on a credit of one, two and three years. No bid having been made to the amount of the valuation adjudged by those directed by the act, it was purchased for the State, at the price of twelve hundred dollars. The costs and commissions of the Sheriff amounted to forty-six dollars and forty cents. The balance being eleven hundred and fifty-three dollars sixty cents, is liable to the claim of Mrs. E. E. A. Haywood, of one fourth part, which, according to the agreement she entered into with the State, is allowed her in lieu of dower, which gives to her of this balance 288 dollars 40 cents, leaving 865 dollars 20 cents to be credited on the judgment. The amount due the widow is carrying interest. It is respectfully submitted whether it will not be advisable to pay this claim. The title to the land sold is conveyed by the Sheriff of the county by deed, and is on file in this office. The act directs a sale to be made on a credit of one year. No offer of a price near the valuation has been made. It therefore remains subject to your directions.

The President and Directors of the State Bank of North Carolina resolved to receive shares of stock in payment of debts due from stockholders at the rate of seventy-five per centum, and the President and Directors of the Bank of Cape Fear at the rate of eighty per centum; which resolutions have been approved by the Public Treasurer according to the provisions of the acts of last session.

The revenue officers, and particularly the Sheriffs, have been unusually prompt in accounting for, and paying into the Treasury the amount of the taxes for the last fiscal year, within the time prescribed by law. For this extraordinary punctuality and faithfulness, they deserve well of the State, and it proves that the existing laws for the collection of the revenue are ample; and only require a strict execution to insure, annually, the full receipt of the revenue in the Treasury.

If it should be found on examination that the funds of the State, now available, will not be sufficient to meet the contingent charges of government and the redemption of the Treasury notes, the regulation of the State Bank, to loan sixty per centum on the share, on a pledge of stock, affords an expedient to supply such deficiency, without an increase of taxes or diminution of such appropriations, as the true interest of the State may demand.

It will appear by the monthly settlements in the last year, the demands on the Treasury exceeded at several times the funds on hand unappropriated. To meet this contingency, the cash belonging to the Literary Fund was used. As no possible injury could arise in the exercise of this discretion, it is believed and hoped that it will meet with your approbation.

The net amount of the revenue, and the cash received thereon and from other sources, during the last fiscal year, will appear from exhibit I.

The several allowances for insolvencies allowed by the Comptroller in the settlements with the different Sheriffs will appear from exhibit K.

The file L, contains the expenses or statements of the affairs of the Banks of the State, as filed in this office during the last year.

All which is respectfully submitted.

WM. ROARDS, Pub. Treasurer.

November 16th, 1830.

(A)

Statement of cash received at the Treasury on account of arrears of taxes, from the 1st of November, 1829, to the 1st of November, 1830

From whom received.	Counties.	Year in which tax was due.	Principal	Interest.	Total.
			D. C.	D. C.	D. C.
Jos. B. Hinton, late clerk,	Beaufort	1824	80	12 30	92 50
Isaiah Rogerson, sheriff,	Perquimans	part of tax 1828	369		369
Abraham Forrester, do.	Montgomery	1826	217 89	15 91	233 80
Dillon Jordan, auctioneer,	Fayetteville		127 72	70 18	197 90
			794 61	98 39	893 00

I. WETMORE, Clk T. D.

(B)

Statement of cash received in the Treasury of John Haywood, late Public Treasurer, on bonds assigned by George W. Haywood, executor, to the State, from the first of November, 1829, to the first of November, 1830.

From whom received.	How due.	Time paid.	Amount paid.	Total.
			D. C.	D. C.
Joseph T. Hunter	Judgment on note	21st Nov'r, 1829,	180 88	
Thomas P. Devereux	Note	14th Dec'r, do	52 75	
John J. Christopher	do	23d January, 1830,	29 55	
Merritt Dilliard	Judgment on notes	3d April, do	832 76	
				1095 94

I. WETMORE, Clk T. D.

(C)

Statement of cash received in the Treasury from the first of November, 1829, to the first of November, 1830, on additional returns of taxes.

Sheriffs.	Counties.	Years in which Tax was due.	Amount paid.	Total.
			D. C.	D. C.
Wyatt Moyer	Greene	1827	1 56	
Fielding Slater	Rowan	1828	11 76	
Lewis Bond	Bertie	do	24 44	
William C. Clanton	Warren	do	12 93	
John Odeneal	Rockingham	1827	5 24	
ditto	do	1828	31 54	
Wyatt Moyer	Greene	do	75	
John Coulter	Lincoln	do	22 41	
William Carson	Rutherford	do	18 98	
John Parker	Edgecomb	do	8 47	
Richard G. Cooper	Hertford	do	9 11	
James H. Wood	Northampton	do	10 22	
Wm. M. Chesson	Washington	do	16 01	
Thomas D. Watts	Orange	1827	1 79	
ditto	do	1828	31 21	
William Crawford	Richmond	do	2 03	
Salathiel Stone	Stokes	do	22 14	
Samuel W. W. Vick	Nash	1828-7 and 8	57	
Samuel A. Laspeyre	Brunswick	1828	9 36	
Thomas K. Moressey	Sampson	do	4 69	
Horace D. Bridges	Chatham	1827	27 52	
John Gambill	Ashe	do	3 91	
ditto	do	1828	8 52	
Thomas B. Wright	Surry	do	1 21	
George Williamson	Caswell	do	20 04	
James H. Wood	Northampton	do	3 74	
				310 15

I. WETMORE, Clk T. D.

Statement of cash received in the Treasury on the bonds due for the sales of land and negros from the first of November, 1829, to the first of November, 1830.

Names.	Bonds paid.	Principal.	Inte est.	Total.
		D. C.	D. C.	D. C.
Edward Rigsbee	1st bond	626 88	30 7	657 16
Wyatt Harrison	2d do	116 67	12 68	129 35
E. E. A. Haywood	part of bonds	525 25		525 25
Wyatt Harrison	3d bond	116 67	12 90	129 57
M. T. Hawkins	2d do	100 33	13 07	113 40
Henry M. Miller	2d do	120 34	14 50	134 84
John S. & G. W. Haywood	do	1238 32	170 63	1408 95
James Boyd	do	66 67	8 44	75 11
John Dunn	do	89 33	10 96	100 29
Martha Jones	part of 1st do	295		295
George W. Mordecai	2d do	1000	70 17	1070 17
Archibald M'Eachen	do	330 34	41 29	371 63
Stephen W. Cotton	1st do	123	13 68	136 08
Martin Pickett	bond balance	75	108 68	183 68
Durrell Rogers	2d bond	125 34	15 86	141 20
Robert Boyd	do	131 67	16 29	147 96
Eliza E. Haywood	do	794 67	101 18	895 85
William Hogan	do	907	120 25	1027 25
Edmund H. Whitfield	do	133 67	17 60	151 27
Alfred Williams	do	132	17 48	149 48
Fabius J. Haywood	do	117	15 50	132 50
Alfred M. Haywood	part of 1st do			
	for land	250		250
Bennett Flanners	2d bond	96 67	12 33	109
John Stuart	do	133 34	18 22	151 56
Eliza E. Haywood	3d do	794 66	109 19	903 85
Junius Sneed	part of 2d do	64		64
Abner Pasteur	2d do	100	13 18	113 18
William H. Haywood, jun.	do	213	31 60	244 60
Rufus Haywood	2d do	148 33	22 89	171 22
William H. Hunter	1st do	131	13 60	144 60
William Montgomery	1st do	65	7	72
Charles Manly	2d and 3d do	343 34	39 48	382 82
George E. Badger	2d and 3d do	400	42	442
William H. Hunter	2d do	130	15 12	145 12
		10033 99	1142 49	11176 48

I. WETMORE, Clk T. D.

Statement of cash received in the Treasury on bonds given for sales of Tus-
kara Indian lands, from the first of Nov 1829 to the first of Nov. 1830.

From whom received.	Bond paid.		Principal.		Interest.	Total.
			D.	C.	D. C.	D. C.
William S Mhoon	1st & 2d bond		53	52		53 52
Mary Mhoon	do	do	19	20		19 20
James G. Mhoon	do	do	59	45		59 45
Je-se A Powell	do	do	28	12½		28 12½
William M Clark	1st	do	137	81½		137 81½
William Williams	1st	do	183	09		183 09
Thomas Ruffin	1st & 2d	do	92	50		92 50
A.ried M. Slade	do	do	74			74
John Young	do	do	27	27		27 27
Francis K. Pugh	do	do	51			51
John S. Smallwood	1st	do	15	60		15 60
Noah B. Hinton	do	do	69	75		69 75
Joseph J. Williams	do	do	28	50		28 50
Lewis A. Williams	do	do	88	71		88 71
Thomas I. Pugh	do	do	37	40		37 40
William Pugh	do	do	163	79		163 79
J. B. Outlaw	} part of 1st	do	96	24		96 24
R. H. Cowan and		do				
David Stone		do				
Robert A. Jones	1st	do	179		2 23	181 23
Robert F. Purrington	1st	do	86	20½	1 51	87 71½
			1491	16½	3 74	1494 90½

I. WETMORE, Clk T. D.

Statement of Disbursements at the Public Treasury of North Carolina, on account of the
Fund for Internal Improvement, from 1st November, 1829, to 1st November, 1830.

1829			Dolls.	Cts.
Nov.	18	Cash paid James Mebane, superintendent of works on Cape Fear, above Wilmington,	500	
	23	do Cadwallader Jones, Member of the Board,	19	40
	28	do Governor Owen, do do	24	
	"	do Joseph Gales, Secretary do	24	
	"	do Joseph Gales & Son, for stationary, adv &c.	19	59
	"	do Charles M'Clure, for surveying road from Pettigrew's Canal to Cahoon Lake,	50	
	"	do Andrew Joyner, Member of the Board,	35	
Dec.	3	do Lawrence & Lemay, for reports furnished,	2	68
	9	do James Mebane, superintendent of works on Cape Fear, for balance due him, as per his account rendered the Board,	513	93
1830				
Jan.	8	do Marsden Campbell, Member of the Board,	24	
	"	do James Welborn, commissioner for making road in Iredell county, balance due him,	37	
	12	do Jame Mebane, superintendent, on account of works on Cape Fear, above Wilmington,	500	

				D.	C.
March 29	Cash paid	John G. Roulhac, Treasurer of Plymouth Turnpike Company, 4th instalment, on 100 shares,			0
April 2	do	James Mebane, superintendent of works on Cape Fear, above Wilmington,		31	0
	do	do do do do		51	0
"	do	David L. Swain, agent, being a loan to the com'rs for improving the road from Old Fort Road, in Burke county, according to an act of the General Assembly, passed 1829,		2000	
"	do	David L. Swain, agent of commissioners of Hickory Nut Gap Road, an appropriation made by the General Assembly in 1829		1200	
June 25	do	James Mebane, superintendent of works on Cape Fear, above Wilmington,		500	
July 14	do	John G. Roulhac, Treasurer of Plymouth Turnpike Company, 5th instalment on 100 shares,		1000	
Sept. 4	do	James Mebane, superintendent for work on Cape Fear, above Fayetteville,		750	
11	do	Robert H. Burton, Treasurer of Catawba Company, 4th instalment,		600	
Oct. 5	do	James Mebane, sup. for carrying on works on Cape Fear, above Fayetteville,		750	
				9949	60

I. WETMORE, Cl'k T. D.

(G)

Statement of receipts and disbursements at the Public Treasury of North Carolina on account of the Agricultural Fund, from 1st November, 1829, to 1st November, 1830.

RECEIPTS.

Date.	From whom received.	Official character.	Counties.	Sum.	D.	C.
1829						
Nov. 12	John Hanner	Cl'k Co. Court	Guilford	4	27	
14	James Morris	do do do	Rutherford	2		
16	Robert Martin	do do do	Wilkes	2	90	
"	William Williams	do do do	Greene	20	46	
"	Benjamin E. Cook	do Sup'r do	Warren	6	30	
"	Thomas F. Davis	do C'ty do	New Hanover	13	35	
17	Gilbert Rumley	do do do	Carteret		90	
18	Lawson Henderson	do Sup'r do	Lincoln	15	43	
19	Thomas Searcy	do do do	Rockingham	1	46	
20	Nicholson Washington	do do do	Wayne		19	
"	Wm. B. Lockhart	do do do	Northampton	26	05	

1829

Nov'r	23	Lewis M. Cowper	Cl'k Co. Court	Rutherford	2 90
	"	Wm. L. Chesson, former	do do do	Washington	12 25
	"	Jesse Harper	do do do	Randolph	6 30
	25	James M. Hutcherson,			
		former	do Sup'r do	Mecklenburg	12 56
	27	John C. Blum	Cl'k & Master	Stokes	4 50
	"	Wm. Robards, former	Cl'k Supreme		
			Court		121 96
	30	Benjamin S. King	do C'ty do	Wake	15 17
	"	Philip Hooks	do do do	Wayne	8 32
	26	Charles W. Jacocks	Cl'k & Master	Bertie	26
Dec'r	1	Farquhar Martin	do Sup. Court	Montgomery	5 84
	"	John B. Martin	do C'ty do	do	90
	2	Thomas F. Armstrong	do Sup'r do	Stokes	10 83
	"	Walter R. Lenoir	do do do	Wilkes	31 45
	4	Joseph Wood	do do do	Randolph	10 75
	9	Ezrah Rhodes	do C'ty do	Bertie	6 74
	"	John Bragg	Cl'k & Master	Warren	3 05
	"	Alex. McDowell, late	do C'ty Court	Bladen	5 95
	14	Arch'd M'Bride, former	do Sup. do	Moore	60
	26	Blount Coleman	do do do	Lenoir	8 70

1830

March	1	Malachi L. Lewis	do C'ty do	Camden	94 60
	25	James Webb	Cl'k & Master	Orange	53 14
April	3	Robt Work's security	do Sup. Court	Iredell	134 76
May	5	John H. Drake	do do do	Nash	8 29
	6	Ransom Hinton	do do do	Wake	25 40
	15	Mark M. Henderson	do do do	Granville	57 92
July	11	John Taylor	do C'ty do	Orange	38 78
	19	Abner B. Bruce	do Sup'r do	do	46 88
Sept'r	7	Robert Galloway	do C'ty do	Rockingham	12 09
	10	Cornelius Dowd	do do do	Moore	2
	20	Isaac Craton	do do do	Rutherford	1 60
	28	Stephen K. Sneed	do do do	Granville	28 95
	"	Jethro Sumner	do do do	Gates	4 80
Oct'r	1	Robert Martin	do do do	Wilkes	4 32
	2	Gilbert Rumley	do do do	Currier	1 95
	"	James Pearsall	do do do	Daphn	6 12
	"	Jeremiah Pearsall	do Sup'r do	do	2 52
	4	Mark M. Henderson	do do do	Granville	10 92
	8	Jos. B. Hinton, former	do C'ty do	Beaufort	64 50
	16	Henry Bleunt, late	do do do	Nash	13 27
	25	Ransom Hinton	do Sup'r do	Wake	55 71

1529 67

DISBURSEMENTS.			D	C.
1829				
Dec.	7	Cash paid John Templeton	54	34
	8	do William Brown	69	44
	14	do John Wright	3	00
	18	do Benjamin Bullock	12	60
1830				
Jan'y		do John Black	2	40
"		do William Emerson	4	86
"		do Ransom Hinton	10	83
Feb'y	23	do Alexander M'Kay	3	40
May		do William Robards	16	00
"		do Thomas Hooker	1	60
"		do Turner Pullen	6	95
June	28	do Nathaniel Robards	14	85
July	15	do Thomas Ruffin	34	00
	19	do William Norwood	12	00
Oct.	2	do William Robards	2	00
	8	do Allen Grist	62	76
			311	93

I. WETMORE, Cl'k T. D.

(H)

Statement of Treasury Notes issued and reported by the late Public Treasurer to the Comptroller of the State to have been put in circulation according to the acts of Assembly of 1814, 1816 and 1823.

Amount issued under the act of 1814,		\$82,000 00
Ditto	1816,	80,000 00
Ditto	1823,	100,000 00
		<u>262,000 00</u>
Deduct the different amounts burnt by the Committee of Finance, per Comptroller's Report, 1819,		
	1821,	\$943 34
Ditto	1822,	7,710 00
Ditto	1823,	9,784 52
Ditto	1824,	6,310 51½
Ditto	1825,	5,696 25
Ditto	1826,	12,170 89½
Ditto	1827,	15,392 46
Ditto	1827,	15,523 98
Burnt by the Committee of Finance, 1827,		9,303 76
		<u>82,835 71½</u>
Burnt session of the Assembly,	1828,	17,781 89
Ditto	ditto 1829,	19,971 85½
		<u>120,589 45½</u>
		<u>141,410 54½</u>
Deduct the amount reported to be in the Treasury to the 1st November, 1830,		
		23,187 93
The amount now redeemable at the Treasury,		<u>\$118,222 61½</u>

I. WETMORE, Cl'k 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, 1829, to 1st November, 1830.

Branches of revenue of 1829, and from whom cash has been received.	Amount.	Aggregate.	Amount paid.
	D. C.	D. C.	D. C.
Tax on land	24547 57		
Do town property	1383 10		
Do polls	27923 06		
Do stud horses	1688 94		
Do gates	206 80		
Do artificial curiosities	1658 74		
Do natural do	789 60		
Do billiard tables	1410 00		
Do stores	7078 93		
Do pedlars	1574 50		
		68261 24	68261 24
Do Bank of Newbern	6182 00		
Do Bank of Cape Fear	4274 00		
		10456 00	10456 00
Dividend from State Bank	13820 00		
Do Bank of Cape Fear	20 00		
		13840 00	13840 00
Arrears of taxes	893 00		
John Haywood, late Pub. Treas'r	1095 94		
Cash of State Bank on Governor's check	2113 90		
John Holloway	360 13		
Fabius I. Haywood	285 33		
Bonds for sale of land and negroes	11176 48		
Rent of public land	74 92		
Wreck money	57 65		
Tax for Marine Hospital	656 35		
Bonds for sales of Tuskarora lands	1494 90 $\frac{1}{4}$		
John M'Rae, for interest	40 25		
William H. Haywood, jr.	50 00		
Buncombe Turnpike Company	250 00		
		18548 85 $\frac{1}{4}$	18548 85 $\frac{1}{4}$
		111166 09 $\frac{1}{4}$	111166 09 $\frac{1}{4}$

I. WETMORE, Clk T. D.

Statement of Insolvents allowed by the Comptroller to the Sheriffs, in their settlements of the taxes of 1829.

Sheriffs.	Counties.	Amount	
		D.	C.
Binum W. Bell	Macon	9	60
Fielding Slater	Rowan	32	
James W. Doak	Guilford	39	60
James Long	Perquimons	8	80
William C. Clanton	Warren	11	40
John W. Taylor	Greene	9	
Hiram Caldwell	Iredell	20	40
James Simmons	Halifax	36	40
William Carson	Rutherford	15	20
John Coulter	Lincoln	8	80
John Parker	Edgecomb	58	80
Elijah Clark	Craven	27	20
William Crawford	Richmond	10	40
Samuel Cain	Bladen		20
James H. Wood	Northampton	14	80
William Kenneday	Davidson	8	20
Isaac Baxter	Currituck	7	40
Salathiel Stone	Stokes	20	20
Samuel W. W. Vick	Nash	17	80
Joshua A. Pool	Pasquotank	27	80
William D. Rascoe	Chowan	2	80
James R. Riddick	Gates	10	
William R. Hinton	Wake	18	80
Henry G. Williams	Franklin	12	
James S. Clark	Pitt	26	40
Joseph Medley	Anson	15	20
Horace D. Bridges	Chatham	22	
Joel Vannoy	Wilkes	18	60
John Black	Cumberland	15	
Samuel C. Tate	Burke	12	40
Thomas B. Wright	Surry	12	80
Absalom Fulford	Carteret	13	
Allen S. Ballenger	Johnston	7	80
Calvin R. Blackmon	Wayne	17	60
		588 40	

I. WETMORE, Cl'k T. D.

An Exhibit shewing the situation of the State Bank of North Carolina, 17th November, 1829

	Dollars.	C.		Dollars.	C.
Specie,	70,494	52	Capital Stock,	1,598,775	
Foreign notes & bills of exchange, 233,172 95			Notes in circulation,	730,413	75
Foreign Bank credits,	82,102	64	Due to foreign Banks,	220,715	83
Bank Stock taken for debt;			Profits reserved to cover bad debts, losses on		
Due from State of North Carolina,	385,770	11	real estate, and out of which the present di-		
vidend is payable,	28,340			249,773	59
Stock unpaid,	83,906	11	Due for deposits, &c.	245,945	95
Real estate in banking houses and lands taken	2,290,278	19	Internal bills and checks,	16,039	91
for debt,	225				
Deficiencies of sundry defaulting officers,	183,522	87			
	89,621	75			
	3,061,664	03		3,061,664	03

To William Roberts, Esq. Public Treasurer of North Carolina.

CHAS. DEWEY, Cash'r.

An Exhibit, shewing the situation of the State Bank of North Carolina.

	Dollars. C.		Dollars. C.
Specie,	57,989 23	Capital stock,	1,598,775 00
Foreign notes and bills of exchange,	183,169 71	Notes in circulation,	695,976 30
Foreign Bank credits,	143,520 30	Due to foreign Banks,	120,277 87
Bank stock taken for debt,	39,790	Profits reserved to cover bad debts, losses on	
Due from State of North Carolina,	83,906 11	real estate, &c.	187,058 55
Do. individuals, being notes discounted, &c.	2,044,620 70	Due to deposits and dividends unpaid,	228,955 37
Stock unpaid,	225		
Real estate,	187,778 12		
Internal bills and checks,	22,027 96		
Deficiencies,	68,016 14		
	2,831,043 29		2,831,043 29

14

HAS. DEWEY, Cash'r.

State Bank of North Carolina, Raleigh, 18th May, 1830.

To William Robards, Esq. Public Treasurer of North Carolina.

— 1830 —

“State Bank of North Carolina, January 15, 1830.

“Resolved, That the President and Directors of the Principal Bank be, and they are hereby authorised to receive, and cause to be received from the debtors of this Bank and its Branches, in payment of their debts, shares of the capital stock of this Bank, at the rate of seventy-five per cent. for each and every share of the same.”

I hereby certify that the above is a correct copy from the Journal of the Stockholders of the State Bank of North Carolina.
JO. GALES, Sec'y.

State of the affairs of the Bank of Newbern, taken on 22d May, 1830.

	Dolls. C.		Dolls. C.
Due on bills receivable,	1,268,351	Capital stock,	797,400
Do property of the Bank,	52,000	Deposites,	140,761 62
Do deficit ascertained,	41,274	Bank notes in circulation,	392,479
Do foreign Bank credits,	52,367 38	Due to foreign Banks,	381,659 29
Do specie and foreign notes,	47,903 21	Do dividends unpaid,	1,500
	260,904 39	Profit and loss,	\$21,365 27
Balance,			

The above exhibit was made for the purpose of being laid before the Stockholders at their meeting on the 4th June, 1830. It excludes all bad and doubtful debts, and gives the true valuation of the effects of the Bank as correctly as they could be then ascertained.

JNO. W. GUNN, Cash'r.

State of the Bank of Cape Fear, on Thursday, the 1st July, 1830.

	Dollars		Dollars.
Capital stock paid in,	796,000	United States Bank notes and specie,	56,624
Notes of this Bank in circulation,	235,460	Funds at the North,	144,564
Deposites,	60,607	Due by Banks in North Carolina,	3,479
Dividends unpaid,	6,064	Notes of other Banks on hand,	26,196
Due to Banks,	12,416	Real estate,	84,786
Profit and loss,	72,613	Bills of Exchange,	25,009
		Debt, Notes discounted, Judgments and C. F. stock owned by the Bank,	861,600
			1,183,165
			1,183,160

JOHN HILL, Cash'r.

Bank of Cape Fear, April 13th, 1830.

Extract from the minutes of a meeting of the Stockholders of the Bank of Cape Fear, held this day, pursuant to adjournment and public notice.

“On motion of John R. London, it was unanimously resolved, that whereas it is provided, by the amended charter, that the President and Directors may receive stock of this Bank in payment of debts at a reasonable value, to be fixed on by the Stockholders, and to be approved by the Public Treasurer, and the stock so received shall be considered as extinguished, and forming no part of the capital; therefore resolved, that

be a committee to report to this meeting the value of stock, and that it shall be the duty of the President to transmit to the Public Treasurer for approval such valuation of stock as shall be sanctioned by this meeting; and that the stock of this Bank be thereafter received in payment of debt, at such rate as shall be approved by the Public Treasurer: *provided however*, that the Board of Directors be at liberty, in the exercise of a sound discretion, to suspend at any time the operation of receiving stock.”

“It was moved and agreed to, that the blank in the above resolution be filled up with the names of Isaac Wright, Richard Bradley, David Smith, Fred. H. Shuman and John R. London.”

Thursday, April 15th, 1830.

“The committee, to whom was referred the resolution directing them to report the value of stock, beg leave to state to the meeting, that by resolution of the Board of Directors, under date the 16th September, 1829, and to which reference can be had, ‘the several cashiers and agents are required fully to investigate the concerns of their offices, and to furnish certified statements of the amount and description of cash on hand, balances due to, and from the offices, and a schedule of the debts, designating the same as good, doubtful, or bad, the whole to embrace a full and complete state of the offices up to the 1st day of November ensuing.’ Your committee have therefore taken the statements and returns then made, as the best evidence in relation to the matter submitted to them; and from the classification of debts, as reported by the cashiers and agents at that time, which they have every reason to believe, does present at this time a true state of things concerning the value of stock, they would submit as follows, to wit: that the total amount of debt due to the Bank as per general state of the Bank the 9th November, 1829, was \$904,316. In this sum is included, however, as a debt due to the Bank, the sum of \$84,108; when in truth the Bank only holds for that amount, 916 shares of B. C. F. stock, which now stands in the name of the President of the B. C. F.

received by the Bank for that amount. The committee further submit that the good debt at

Wilmington,	is	\$304,028 34
Fayetteville,	is	232,295 11
Salem,	is	82,776
Hillsborough,	is	61,906

making a total of good debt of \$681,605 45. The committee beg leave further to state that the real estate in the state of the Bank before referred to, set down at its cost, to wit: \$84,827, in their opinion, is only to be valued at \$21,000. Your committee further report, that the item in said general state of the Bank, termed 'bills of exchange in suit,' ought to be expunged and classed as bad debt. Your committee further report, that from the amount of notes in circulation, to wit: \$179,132, there should be deducted as lost, \$50,000, this estimate on that amount being deemed but a reasonable allowance. The committee further report, that as they have classed all doubtful debts as bad, such classification will make it unnecessary for any allowance for future bad debts. The committee therefore submit the annexed statement, as a correct exposition of the true condition of the Bank, and from which it would appear, that the stock of the Bank of Cape Fear is worth, strictly calculated, a fraction over \$84 per share. But as the committee cannot but take into view the future low profits of stock, they are unwilling to estimate the real value of stock higher than 80 dollars per share; at which price, in their opinion, it might be received in payment of debts due to the Bank.

" All which is respectfully submitted.

[Signed]

JNO. R. LONDON,
D. SMITH,
J. WRIGHT,
F. H. SHUMAN,
R. BRADLEY.

Statements referred to in annexed report.

State of the Bank of Cape Fear, in reference to the value of Stock on the 14th April, 1834, calculated from documents prepared in November last, by special J.R. resolution.

	Dollars.	Dollars.
Capital stock due,	708,400	77,709
Notes of this Bank in circulation,	\$179,132	75,842
Deduct as lost,	50,000	43,100
		3,559
Deposites,	129,132	11,030
Dividends unpaid,	50,165	21,000
Amount due to Banks,	8,671	681 605
	130,380	
		913,845
		112,903
		1,026,748

Loss,

1,026,748

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State of the Bank of Cape Fear, Monday, 9th Nov. 1839.

	Dollars.	Dollars.
Capital stock,	795,100	77,709
Notes in circulation,	179,132	75,842
Deposites,	50,165	43,100
Dividends unpaid,	8,671	3,559
Due to other Banks,	130,380	11,030
Profit and loss on surplus.	63,698	26,663
		84,827
		904,316
		1,227,046

United States notes and specie,
Funds at the North,
Certificates bearing interest,
Due by Banks in North Carolina,
Notes of other Banks on hand,
Bills of exchange in suit,
Real estate,
Debt. Notes discounted and Judgments,

The above report was accepted and confirmed, and ordered to be filed.

Wm. C. LOMB, Secy.

Wm. B. MEARES, Chairman.

2nd 725.

Chen H.



