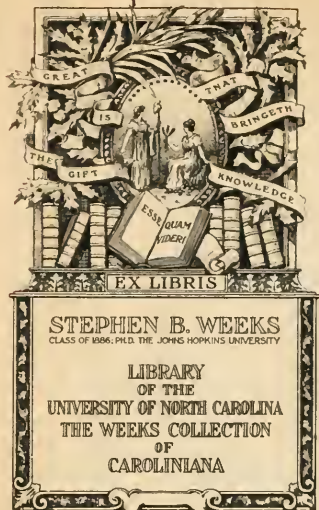


Binding, the gift of
John Sprunt Hill



181-4187

1231-2

UNIVERSITY OF N.C. AT CHAPEL HILL



00035472354

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

10A-'39 JH

May '42

31 July 50



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

ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

SESSION OF 1831-32.



RALEIGH:

PRINTED BY LAWRENCE & LEMAY,

Printers to the State.



1832.

LAWS OF NORTH CAROLINA,

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

MONTFORT STOKES, ESQUIRE, GOVERNOR.

CHAPTER I

An act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every sheriff shall return upon oath to the Court of Pleas and Quarter Sessions of his county, at the term next preceding the time at which he shall settle with the Comptroller for public taxes, a list of all the monies which he may have received for taxes imposed on merchants, retailers of spirituous liquors, pedlars, stage players, sleight of hand performers, rope dancers, tumblers, wire dancers, company of circus riders, equestrian performers, and all exhibitors of natural or artificial curiosities, setting forth in such list the name of each person who may have paid any such tax, the amount paid by each and for what tax; which list the court shall cause to be publicly read in open court; and it shall be the duty of the clerk of the court to enter upon the minutes of said court and preserve such return, and to cause to be set up in some conspicuous place in the court house a fair copy thereof at each and every court which may be held in his county within six months next thereafter, and to furnish each grand jury with a copy of the same.

Sheriffs to return, on oath to the county court, a list of monies received for certain taxes.

List to be read in open court.

Clerk's duty.

II. *And be it further enacted,* That the clerk shall deliver to the sheriff a certified copy of such return; which copy the sheriff shall deliver to the Comptroller at the time of settling for public taxes, and the Comptroller shall charge the sheriff according to such return: *Provided,* that nothing herein contained shall be so construed as to exempt any sheriff from liability for any monies which he may have received on account of such taxes, whether contained in such return or not: *And provided further,* that nothing herein contained shall be construed to affect in any manner the provisions of the laws regulating the manner of issuing licenses and accounting for them.

Clerk to deliver a certified copy to the sheriff, to be delivered to the comptroller.
Proviso.

Further proviso.

III. *And be it further enacted,* That if any sheriff shall fail to make the return to court required by this act, or shall fail to deliver a copy thereof to the Comptroller as before required, he shall forfeit and pay the sum of two hundred dollars, and the Comptroller shall charge him with the same in stating his account with the State; and the sheriff shall be moreover liable to pay the taxes which he has or ought to have collected.

Penalty for failing to make return to the court.

IV. *And be it further enacted,* That if any sheriff shall swear falsely in any oath which he is or may be required by law to take with regard to the collecting or accounting for any tax, he shall be deemed and taken to be guilty of wilful and corrupt perjury, and be liable to all the pains and penalties thereof; and if any

Penalty for swearing falsely, or returning false list.

sheriff shall wilfully and knowingly make out and return any false list or statement, concerning public, county or parish taxes which he may be required by law to make or return on oath, he shall in like manner be deemed and taken to be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties thereof.

Duty of comptroller when he shall suspect any sheriff may have made a false return.

Duty of prosecuting officer.

Evidence.

Penalty if any clerk shall fail to perform his duty, &c.

Pedlars, stage players, &c. to exhibit their licences to a justice or constable who may demand a view thereof.

Penalty.

Manner of proceeding against delinquents.

V. *And be it further enacted*, That it shall be the duty of the Comptroller, when he shall have just cause to suspect that any sheriff may have made a false return or sworn falsely in any matter relative to the collecting or accounting for any tax, to communicate the same to the officer prosecuting in the Superior Court of the county wherein the offence may have been committed; and it shall be the duty of such officer to prosecute such sheriff if in his opinion the circumstances of the case shall justify a suspicion of such sheriff's guilt; and in all such prosecutions a copy of any list returned on oath filed in the Comptroller's office, duly certified by the Comptroller, shall be admitted as evidence in the same manner, and have the same effect as the original, unless the court for special reasons shall previously order the original to be produced on trial.

VI. *And be it further enacted*, That if any clerk shall fail to perform the duties required of him by the first section of this act, or shall neglect or refuse to certify any return made to him as required by the second section, or shall falsely certify any return duly made to him, he shall be deemed and taken to be guilty of a misdemeanor in office, and shall on conviction in any court having cognizance thereof, for any or either of the aforesaid offences, be punished by fine or imprisonment or removal from office, at the discretion of the court.

VII. *And be it further enacted*, That it shall be the duty of all pedlars, stage players, sleight of hand performers, rope dancers, tumblers, wire dancers, company of circus riders or equestrian performers, and all exhibitors of natural or artificial curiosities, to exhibit their licenses to any justice of the peace or constable who may demand a view thereof; and if he, she or they shall neglect or refuse to show his, her or their license when so demanded, he, she or they shall forfeit and pay the sum of twenty dollars for every such neglect or refusal. If such neglect or refusal shall occur before a justice of the peace, it shall be the duty of such justice forthwith to issue his warrant in the name of the wardens of the poor of said county against such offender, and upon the return thereof to enter up judgment and issue execution for the said sum of twenty dollars and cost; and if such neglect or refusal shall happen before a constable, it shall be the duty of such constable to arrest the person or persons so neglecting or refusing, and carry him, her or them before some justice of the peace, who may, upon a warrant issued for that purpose, give judgment and issue execution forthwith for the said sum of twenty dollars and cost: *Provided*, That in either case the defendant shall have the right to stay execution or appeal from such judgment on giving security as in other cases of appeal.

VIII. *And be it further enacted*, That in all cases where the fine shall be imposed for failing to exhibit a license to a justice of the peace, the penalty shall be to the use of the wardens of the poor; and in cases where the fine shall be imposed for failing to exhibit a license to a constable, it shall be one half to the use of the constable making the arrest, and the other half to the use of the wardens of the poor. Fine how to be applied.

IX. *And be it further enacted*, That it shall be the duty of all constables to demand a view of the license of any pedlar, who may be peddling in his county, and the view of the license of any actors, performers or exhibitors as aforesaid, who may act, perform or exhibit in his county; and on his, her or their failing to exhibit such license, to prosecute for the penalty imposed by this act for such failure, and also for all other penalties for which he, she or they may be liable. Duty of constables.

X. *And be it further enacted*. That nothing herein contained shall be so construed as in any manner to exempt any person or persons from the payment of taxes, and obtaining license as heretofore, nor to exempt any sheriff from liability for any penalty heretofore provided by law for failing to pay any tax or to obtain any license heretofore required by any law. Not to exempt from duties and liabilities heretofore established.

CHAPTER II.

An act to amend an act, passed in one thousand seven hundred and seventy-seven, entitled "an act declaring what fences are sufficient, and to provide a remedy for abuses."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That upon complaint made by any person to any justice of the peace of any county, of any trespass or damage done by horses, mules or other stock, upon his inclosed grounds, it shall and may be lawful for such justice of the peace, and he is hereby authorised and required to issue a summons directed to any lawful officer of his county, commanding him to make known to the owner of such horses, mules or other stock, of such complaint and the time of trial, and also to summon two freeholders, unconnected with either of the parties, to appear with himself, who, after being duly sworn by the said justice, together with himself, shall view and examine whether the complainant's fence be a good and sufficient fence, at least five feet high; and if it shall appear that the complainant's fence be good and sufficient, and five feet high as aforesaid, to ascertain and assess what damages he has sustained by means of the trespass aforesaid, and certify the same under their hands and seals; and if the owner of such horses, mules or other stock shall not make full satisfaction for the trespass or damages ascertained and assessed as aforesaid to the party injured, it shall be the duty of the justice of the peace aforesaid to enter judgment against him for the same, and issue execution forthwith: *Provided always*, that the defendant shall have leave to stay execution as in other cases. How cases of trespass upon enclosed ground by any stock shall be tried.

II. *And be it further enacted*, That if any person shall think himself aggrieved by the order or determination of the justice Provido. Appeal may be granted.

75009

of the peace and freeholders aforesaid, he may appeal therefrom to the next County Court to be held for his county, he giving security as in other cases of appeal; which court shall, and is hereby authorised and empowered to take cognizance of the same, as in other cases of appeal from the judgment of a justice of the peace, and the trial shall, in all respects, be *de novo*, and the parties permitted to plead, and the issues shall be made up as in cases of actions of trespass.

III. *And be it further enacted*, That if any person, whose fence be adjudged insufficient, shall, with guns, dogs or otherwise, unreasonably chase, worry, maim or kill any horses, mules or other stock, or cause the same to be done when trespassing upon his inclosed grounds, such person so offending, on complaint being made to any justice of the peace of any county as aforesaid, shall make full satisfaction for all such damages to the party injured, to be ascertained and recovered as aforesaid: *Provided always*, that either of the parties dissatisfied with the determination of the said justice and freeholders shall be entitled to an appeal to the Court of Pleas and Quarter Sessions of the county, in like manner as is provided in the second section of this act, and the proceedings shall thereupon be had as are provided for in the said section: *Provided nevertheless*, that in all cases where proceedings shall be had in counties in which no jury trials are had in the Court of Pleas and Quarter Sessions, that the appeal of either party, under the several provisions of this act, shall be to the Superior Court of said county.

Witnesses
may be summoned.

IV. *And be it further enacted*, That it shall be lawful for the parties to summon witnesses, to appear before the justice of the peace and freeholders, and also in court as in other cases.

CHAPTER III

An act to change the disposition of the money constituting the Agricultural Fund.

To be transferred to the officer holding county funds and used as other county funds.

Be 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 clerk, sheriff or other officer, shall make a statement to court of all moneys remaining in his hands, as directed by an act passed in the year eighteen hundred and twenty three, entitled "an act to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures within this State;" the judge or chairman of the court shall transmit the return or affidavit, required by said act, to the officer appointed to receive and disburse the county funds; and such officer shall receive of the clerk, sheriff or other officer the amount so stated to be in his hands, and shall hold the same subject to the claims of the rightful owners, in the same manner that the Public Treasurer is directed by law to hold it, and until called for by such owner to be used by him as other county funds.

Officer authorised to collect said money.

II. *And be it further enacted*, That the officer who may be authorised to receive and disburse the county funds, shall have all the powers to demand, collect and receive the said moneys, which by law the Public Treasurer now has, and to enforce the

penalties against all clerks, sheriffs or other officers, who may fail to make due return and payment, in the same manner as the Public Treasurer is now authorised by law to do: *Provided*, that such officer shall prosecute for such penalties in the Superior Court of the county wherein the clerk, sheriff or other officer so failing may reside.

III. *And be it further enacted*, That all laws which require separate and distinct accounts to be kept on the books of the Comptroller and Public Treasurer of moneys received on account of the Agricultural Fund, and all laws which require the payment of any part of said funds to the Public Treasurer, shall be, and the same are hereby repealed: *Provided*, that the clerk of the Supreme Court shall continue to make return and payment to the Public Treasurer as heretofore; and the Public Treasurer shall place the moneys so paid to him in the general fund, and shall pay the same to the rightful owner, as at present directed by law: *And provided further*, that nothing herein contained shall be so construed as to lessen or impair the liabilities of any clerk, sheriff or other officer for any moneys which may be in his hands, or for any fine or penalty for failing to make due return, and paying over the money at the times and in the manner now prescribed by law.

Repealing
clause.

Proviso.

Further pro-
viso.

CHAPTER IV

An act for the better regulation of the conduct of negroes, slaves and free persons of color.

Be 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 under any pretence for any free negro, slave or free person of color to preach or exhort in public, or in any manner to officiate as a preacher or teacher in any prayer meeting or other association for worship where slaves of different families are collected together; and if any free negro or free person of color shall be thereof duly convicted on indictment before any court having jurisdiction thereof, he shall for each offence receive not exceeding thirty-nine lashes on his bare back; and where any slave shall be guilty of a violation of this act, he shall on conviction before a single magistrate receive not exceeding thirty-nine lashes on his bare back.

Prohibits free
negroes and
slaves preach-
ing or exhort-
ing.

Penalty.

II. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any slave to go at large as a freeman, exercising his or her own discretion in the employment of his or her time; nor shall it be lawful for any slave to keep house to him or herself as a free person, exercising the like discretion in the employment of his or her time; and in case the owner of any slave shall consent or connive at the commission of such offence, he or she so offending shall be subject to indictment, and on conviction be fined in the discretion of the court not exceeding one hundred dollars: *Provided*, that nothing herein shall be construed to prevent any person permitting his or her slave or slaves to live or keep house upon his or her land for the purpose of attending to the business of his or her master or mistress.

No slave to go
at large or to
keep house as
a freeman.

Penalty.

Proviso.

CHAPTER V

An act giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.

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

Gives 2 years. That all grants of land in this State, all deeds of mesne conveyance, powers of attorney, under which any lands, tenements or hereditaments have been or may be conveyed, and all other powers of attorney which are required to be proven and registered by any former act of the State, all bills of sale, deeds of gift already proved; all deeds of conveyance which are required to be proved or which may hereafter be proved, shall and may, within two years after the passage of this act, be admitted to registration, under the same rules, regulations and restrictions as are heretofore appointed by law; and said grants, deeds, mesne conveyances, powers of attorney, bills of sale and deeds of gift shall be as good and valid as if they had been proven and registered within the time heretofore allowed by law; any law to the contrary notwithstanding: *Provided*, that nothing herein contained shall be construed to extend to mortgages or to deeds of conveyance in trust.

Proviso.

CHAPTER VI

An act to authorize the clerks of the Courts of Pleas and Quarter Sessions to receive entries of vacant land 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,

Repealing clause. That so much of any law as requires of the justices of the peace in every county within this State to appoint an entry taker, be, and the same is hereby repealed.

II. *Be it further enacted*, That henceforth the justices of the peace in each county of this State may, when they deem the same necessary, appoint an entry taker as aforesaid; and the entry taker so appointed shall exercise all the duties, possess all the powers, and be entitled to receive for his services the same compensation as now is or hereafter may be prescribed by law.

Justices to appoint entry taker, when they deem it necessary.

III. *And be it further enacted*, That in any county where there may be no entry taker, and the justices shall not deem it necessary to make an appointment of an entry taker, the clerk of the Court of Pleas and Quarter Sessions of the county shall be bound to discharge all the duties, possess all the powers, and be entitled to the same compensation in all respects as is now or hereafter by law may be prescribed with respect to entry takers: *Provided*, that nothing herein contained shall affect the provisions of the act of one thousand eight hundred and nineteen, regulating the sale of the Cherokee lands.

Clerk to act if no entry taker be appointed.

Proviso.

CHAPTER VII

An act to repeal the second section of an act, passed in the year one thousand eight hundred and twenty-three, entitled "an act to amend the militia laws of this State relative to the cavalry."

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

That the second section of the above recited act be, and the same is hereby repealed.

CHAPTER VIII.

An act giving the power to regimental or battalion courts martial of laying off and altering the several captains' districts within their regiment or battalion.

Be 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 regimental or battalion courts martial of the several regiments or battalions in this State shall have the power so to lay off the several captains' districts as to render it as convenient to the inhabitants as a due regard to the requisite number of persons liable to perform military duty will permit; and they may at any subsequent court martial so alter or consolidate their respective districts as to create new ones, unite portions of districts together, so as to form other and separate districts, as a majority of the court martial may think proper; and all allotments or alterations shall be duly recorded by the judge advocate in the books of the regiment or battalion.

Courts martial may lay off, alter or consolidate captains' districts.

Alterations to be recorded by the judge advocate.

II. *Be it further enacted,* That when a small number of inhabitants are so detached by water courses or mountains as to render their attendance inconvenient at any place where they have been accustomed to muster, and when such detached sections contain a population of thirty six men liable to perform military duty, it shall be the duty of the regimental or battalion court martial to lay that section off into a separate captain's district and appoint officers in the same manner as other districts heretofore have been; and all laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

A small number of inhabitants detached by water courses or mountains, may be laid off into a separate district.

CHAPTER IX

An act to authorise a justice of the peace to take depositions in certain cases.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases where depositions of witnesses are authorised to be read on trials before a single justice, the same may be taken by any justice of the county where the witness may happen to be, on giving reasonable notice to the adverse party; and the said justice of the peace may have power to issue a summons to compel the attendance of the witness; and the officer for serving such notice shall have the same fee as is now allowed by law in similar cases.

In cases where depositions may be read before a single justice.

CHAPTER X

An act to distribute the remaining Tactics.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That one copy of the System of Military Discipline be given to each of the Adjutants of the respective regiments of this State, one copy to each of the commissioned officers of the 94th regiment, and the remaining copies to the officers of the different volunteer companies.

What officers shall receive copies.

II. *Be it further enacted,* That the Adjutant General be authorised to deliver the same whenever called for.

Adj. Gen. authorised to deliver them.

CHAPTER XI

An act giving additional fees to registers in certain cases.

Preamble.

Whereas in the various acts regulating the fees of the registers of this State, no allowance is made for registration of orders made before a judge, or before the County Court for taking the private examination of feme covert: Therefore

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, That from and after the first day of February next, it shall and may be lawful for the several registers in this State to demand, in addition to the fees now allowed by law, the following: for registering the acknowledgment and certificate of a feme covert in the conveyance of lands or other estate, twenty five cents; and it shall be the duty of the clerks of the County Courts, where such probates are made, to receive for the use of the register the above additional fee, as they now receive the fees in such cases, as are already provided; and in case such examination shall be before any of the judges of this State, and order of registration, the register whose duty it shall be made to record the same may receive such fee for himself; any law, usage or custom to the contrary notwithstanding.

CHAPTER XII

An act to abolish the punishment of cutting off the ears.

It shall not be lawful to punish by cutting off the ears.

Proviso.

Further 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 it shall not be lawful hereafter to inflict the punishment of cutting off the ears, but the same is hereby abolished; any law or usage to the contrary notwithstanding: Provided, that in all cases where by the existing laws the cutting off an ear or ears is the prescribed, or part of the prescribed punishment, the offender on conviction shall in lieu thereof be sentenced to receive one or more public whippings, not less than thirty-nine lashes on his bare back: And provided also, that this act shall not extend to the punishment of any perjury or subornation of perjury, committed upon the trial of any capital offence.

CHAPTER XIII

An act to provide for the collection of fines imposed upon free negroes or free persons of colour.

Free negroes fined under a criminal law, and unable to pay the fine, to be hired out to any person who will pay the fine for his services the shortest time.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That when any free negro or free person of colour shall be hereafter convicted of an offence against the criminal laws of the State, and sentenced to pay a fine, and it shall appear to the satisfaction of the court that the free negro or free person of colour so convicted is unable to pay the fine imposed, the court shall direct the sheriff of the county, where such fine is imposed, to hire out the free negro or free person of colour so convicted to any person who will pay the fine for his services for the shortest space of time.

II. Be it further enacted, That it shall be the duty of the she-

riff, during the week of court, or as soon thereafter as convenient, publicly at the door of the court house, to hire out such free negro or free person of colour to any person who will pay the fine so imposed for his services for the shortest space of time, and to take from the person so hiring bond and security in double the amount of the fine so paid, payable in the same manner, and with the same conditions for the proper treatment of the free negro or free person of colour during the time for which he is so hired, as are now contained in apprentice bonds, except to learn them to read and write.

III. *Be it further enacted*, That the person to whom the sheriff shall so hire any free negro or free person of colour, shall, during the time for which the hiring is so made, have the same authority over, and the same right to control and require the services of such free negro or free person of colour, and shall be liable in all respects to the same obligations and duties as masters now have, and are liable to in cases of apprentice bonds.

IV. *Be it further enacted*, That if no person can be found who will pay the fine so imposed for the services of the free negro or free person of colour so fined, for a space of time not exceeding five years, then it shall be the duty of the sheriff to hire the free negro or free person of colour to any person who will pay the highest sum for his services for five years; which sum shall discharge the fine; and it shall be the duty of the sheriff, after deducting five per cent. commissions, to account for and pay over the money collected by virtue of this act as other fines: *Provided always*, that if any free negro or free person of colour hired out under the provisions of this act, shall abscond or leave the service of his master before the expiration of his or her time, he or she shall be liable and bound to make up such time so elapsed by serving double the time thereof: *And provided further*, that the fine imposed shall in all cases be at least equal to the amount of the costs of such prosecution.

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

CHAPTER XIV

An act to authorise the filing of petitions in vacation to hold defendants to bail on petitions, and authorise the County Courts to issue process to several counties at the same time.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all petitions to the County or Superior Courts may be filed during vacation; and it shall be the duty of the clerks of the courts in whose offices such petitions may be filed to endorse thereon the time of filing, and to issue copies and subpoenas to be served as heretofore. But in case the petitioner or petitioners shall specify the amount of his, her or their debt or demand, (as nearly as may be,) and shall make oath or affirmation to the same before the clerk of the court in whose office his, her or their petition is filed, it shall be the duty of said clerk to issue copies of said petition to, and a capias

Sheriff to hire out such free negroes, and to take bond and security from the person hiring the same.

Authority, liabilities & duties of persons hiring such free negroes.

If no person will pay the fine for a term of service not exceeding five years, then to be hired to such person as will pay the highest sum for 5 years' services. Proviso.

Further proviso.

Petitions to a, and c. courts may be filed during vacation, and the clerk shall endorse thereon the time & issue subpoenas to be served as heretofore. How to proceed if petitioner shall specify the amount of debt.

ad respondendum against, the defendant or defendants in the said petition, whom the petitioner or petitioners by his, her or their affidavit shall charge to be his, her or their debtor or debtors, for the amount so charged, and the sheriff is hereby directed to execute the said capias in the same manner as is now required by law in other cases of capias ad respondendum, and to take bail in like manner; and the bail, when so taken, shall be liable and proceeded against as bail are now liable and proceeded against at law.

Authorises
the co. court
to issue pro-
cess to sever-
al counties at
the same time

II. *Be it further enacted*, That after the passage of this act, in all actions, whether by writ, petition, or otherwise, in which the County Courts shall have jurisdiction, and one or more of the defendants shall reside in the county in which suit is instituted, and another or others shall reside out of it, it shall and may be lawful for the plaintiff to issue in the first instance such process as his case requires, directed to the sheriff or coroner of each of the counties in which it is supposed the defendants may be found, noting on each process that it is issued in the same suit; and when the several processes are returned, it shall be the duty of the clerk to docket them in the same manner as if one only had issued; and if any shall fail to be served, then alias process may issue.

Repealing
clause.

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

CHAPTER XV

An act to give longer time for paying in entry money.

Extends the
time 12 mos.
longer.

Be 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 all persons, who made entries in the year eighteen hundred and twenty eight and twenty nine, and had the same surveyed, and who sent on or may send on their plat and certificate to the Secretary, and failed to pay in the entry money, to have twelve months longer time for paying in the same: *Provided*, That nothing in this act contained shall be so construed as to interfere with any other person who has made entries before the passage of this act.

Proviso.

When to take
effect.

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

CHAPTER XVI

An act to amend the second section of an act, passed in the year of our Lord one thousand seven hundred and ninety six, entitled "an act to enforce the duty of inspectors in this State."

Preamble.

Whereas great imposition is practised on the good citizens of this State for want of uniformity in the size of fish barrels: For remedy whereof

Dimension of
barrels.

Be 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 barrels for the purpose of fish shall be of the following dimensions, to wit: each barrel shall be at least twenty nine

inches in length, and each barrel head shall be at least seventeen inches in diameter, and shall contain thirty gallons, and made in a workmanlike manner, and full of good sound fish, with a sufficient quantity of salt.

II. *And be it farther enacted*, That if any person or persons shall sell or offer to sell within this State any fish in barrels less than the size by this act prescribed, he or they shall forfeit and pay the sum of two dollars for each barrel they may sell or offer to sell, to be recovered by warrant before any justice of the peace in the county where the offence is committed, to be applied to the use of the prosecutor. Penalty.

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

CHAPTER XVII

An act to authorise the Courts of Pleas and Quarter Sessions of the several counties in this State to erect poor houses in their respective counties?

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Courts of Pleas and Quarter Sessions of the several counties within this State shall be, and they are hereby authorised, when they deem it necessary, a majority of the justices of the said courts being present, to cause to be erected poor houses and other out buildings for the maintenance and support of the poor of said counties, with full power and authority to purchase lands when the same may be deemed necessary. Court may cause poor houses to be erected and buy land.

II. *And be it farther enacted*, That the wardens of the poor of said counties shall, twenty days' notice at least being given, annually let out to the lowest bidder the said poor house and the poor of their respective counties, or shall employ some person as overseer to superintend the business, as to them may seem best, such contract or overseer giving bond and approved security for the faithful discharge of the duties assigned to him; and the wardens shall have full power and authority to ordain bye laws, rules and regulations, and do all matters and things as they may deem expedient for the promotion of said poor house and the comfort of the poor. Wardens of the poor annually to let out said houses, provide an overseer, and make by-laws, &c.

III. *And be it further enacted*, That the property held by the wardens of the poor of the several counties in this State for the use of the poor of the said counties, shall be exempt from the payment of any tax whatever. Property exempt from taxation.

IV. *And be it further enacted by the authority aforesaid*, That the said courts shall have full power and authority to lay the taxes necessary to the purposes of this act: *Provided nevertheless*, that the provisions of this act shall not apply to or affect the provisions of any act of the General Assembly of this State which is already passed in relation to any particular county or counties, except so far as to exempt the property belonging to the wardens of the poor from the payment of taxes. Court may lay taxes. Proviso.

CHAPTER XVIII

An act to limit the time within which actions may be brought against bail.

In cases of final decrees now existing, limited to 4 y^{rs} from the passage 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 no scire-facias shall be sued out or prosecuted against the bail of a defendant to any judgment or final decree now existing in court, but within four years from the passage of this act.

Limits to four years after final decree in cases now pending, or which may be hereafter brought. Proviso.

II. *Be it further enacted,* That no scire-facias shall be sued out or prosecuted against the bail of a defendant to any writ, or action, or suits now pending, or hereafter to be brought in any of the courts of this State, but within four years after the rendition of a final judgment, or the entering of a final decree in the action or suits to which bail is or shall be given: *Provided however,* that if the plaintiff in the action or suit aforesaid shall marry or die after a judgment has been rendered, or a final decree entered; and it shall therefore become necessary for his or her representative or her husband to be made a party to said judgment or decree, before execution thereon can be had; or if the plaintiff to any judgment or decree now existing be dead or marry, and thereby a like necessity is created, the time which elapses during the pendency of the proceedings that may be had to revive the said judgment or decree shall not be reckoned: *Provided nevertheless,* and *be it further enacted,* that if any person or persons that is plaintiff in any judgment or decree already rendered in any court of this State, shall be now an infant under the age of twenty one years, a feme covert, non compos mentis, imprisoned, or beyond seas, that then such person or persons shall be at liberty to sue out and prosecute a scire facias upon the bail bond aforesaid, if he, or she, or they sue out the same within four years after his, or her, or their coming to or being of full age, discover, of sound memory, at large, or returned from beyond seas; and that if any person or persons that shall be a plaintiff or plaintiffs in any judgment or decree that shall be hereafter rendered, be at the time of rendering the said judgment, or entering up the decree, an infant under the age of twenty-one years, a feme covert, non compos mentis, imprisoned, or beyond seas, that then such person or persons shall be at liberty to sue out and prosecute scire facias upon the bail bond aforesaid, if he, she or they sue out the same within four years after his, her, or their coming to, or being of full age, discover, of sound memory, at large, or returned from beyond seas.

Further proviso.

Case in which judgment shall be arrested or reversed for error.

III. *Be it further enacted,* That if the plaintiff shall sue out his scire facias upon the bail bond as aforesaid, and shall be there-in nonsuited or obtain judgment against the bail, and such judgment shall be arrested or reversed for error, the time which elapses from the day of issuing such scire facias to the nonsuit or arrest of judgment or reversal for error shall not be reckoned under this act.

CHAPTER XIX

An act to repeal in part an act, passed in the year one thousand eight hundred and thirty, regulating quarantine 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 so much of an act, passed at the last session of the General Assembly, chapter thirty, as subjects ships or vessels coming into ports of this State with free persons of colour on board to thirty days quarantine, be, and the same is hereby repealed.

CHAPTER XX

An act to amend an act, passed in the year one thousand eight hundred and twelve, entitled an act to amend the laws relative to the Supreme 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 it shall be the duty of the clerk of the Supreme Court, in all cases of equity now pending in that court, or which may hereafter be in said court, to record all bills, answers, pleas, replications and demurrers, with all decrees, whether interlocutory or final, made therein, together with the opinions of the Chief Justice and Judges of said court; and the said clerk shall only record other parts of the proceedings in equity cases, when, for sufficient reasons, it may be specially ordered by said court: *Provided,* that no account, deposition or commission to take the same shall be ordered to be recorded, except at the expense of the party or parties requiring it to be done.

II. *And be it further enacted,* That in estimating the allowance to the clerk for making the record as directed by the above recited act, the Judges shall not exceed the sum of thirty cents for each page recorded.

CHAPTER XXI

An act to amend an act, passed in one thousand eight hundred and nineteen, entitled an act to create a fund for Internal Improvements, and to establish a board for the management 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 from and after the passing of this act the President and Directors of the Board for Internal Improvements shall consist of the Governor of the State for the time being (who shall be president ex officio of said board, as is now provided for by law) and the Treasurer of the State for the time being, and such other person as the General Assembly will appoint annually, by joint ballot of both Houses.

II. *Be it further enacted,* That the Governor and Treasurer shall require of the other member of said board to investigate and examine the accounts, condition and liability to the State of each incorporated navigation, canal or road company, in which this State is or has been a subscriber for stock; and from such investigations it shall be the duty of said board especially to ascertain whether individuals who subscribed for stock have paid a fair per cent. upon their subscriptions, corresponding with that which has been paid by the State, and whether the said companies have complied with such conditions and limitations as were attached to the subscriptions of the State.

III. *Be it further enacted,* That the members of said board

Where the Board shall hold their meetings.

shall hold all their meetings in Raleigh; but the Governor and Treasurer may require the services of the other member of the board in any part of this State to superintend and direct all the public works which the General Assembly have heretofore or may hereafter order and authorise for the improvement of internal navigation.

Of the pay of the board and superintend't.

IV. *Be it further enacted*, That the members of the board for Internal Improvements shall not be paid, except the member who is elected as herein before provided, and he shall be paid out of the fund set apart for Internal Improvements three dollars for each day he shall be employed in performing the duties required of him by law: *Provided*, that the sum allowed the director or superintendent shall not exceed two hundred dollars annually.

Proviso.

Board to represent the State in gen'l meetings of companies.

V. *Be it further enacted*, That it shall be the duty of said board of Internal Improvements to represent the State by the personal presence of the member aforesaid, who shall be elected by ballot as aforesaid, if he can conveniently attend the general meetings of the stockholders in any canal, turnpike or navigation company, in which the State is interested; but if he cannot attend, the said board shall elect a proxy to represent the State, who shall not be a stockholder in said company.

When to take effect.

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

CHAPTER XXII

An act to provide for the punishment of felonious homicide in cases where the person assaulted shall not die in the county where the assault was made.

Cases where persons may die out of the co. in which they were assaulted.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases of felonious homicide, where the assault shall have been committed in one county, and the person assaulted shall die in any other county, the offender shall and may be indicted and punished for the crime in the county where the assault was made.

Where they may die out of the State.

II. *Be it further enacted*, That in all cases of felonious homicide, when the assault shall have been committed within this State, and the person assaulted shall die without the limits thereof, the offender shall and may be indicted and punished for the crime in the county where the assault was made, in the same manner, to all intents and purposes, as if the person assaulted had died within the limits of the county.

CHAPTER XXIII

An act extending the provisions of an act, entitled "an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same," passed in the year of our Lord one thousand eight hundred and twenty three.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the act, entitled "an act securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same," passed in

the year of our Lord one thousand eight hundred and twenty-three, shall hereafter extend to all cases where any citizens of this State shall die leaving a will, and a residue of personal property not bequeathed by said will, and where no next of kin claim the same.

CHAPTER XXIV

An act concerning corporations, the officers and managers of corporations, and trustees of funds for public 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 whenever it may be deemed proper by the Legislature of this State, or the Governor, or the Attorney General for the time being, that a judicial inquiry should be instituted to ascertain whether any corporation, by non user or abuser of its franchises, has incurred a forfeiture of its charter, or has been dissolved by the surrender of its franchises, or any other mode, it shall and may be lawful for the Attorney General in behalf of the State to file an information either in the Supreme Court or in the Superior Court of Law for the county wherein the general meetings of the members or the officers of such corporation have usually been holden, or by law ought to be holden, setting forth briefly and without technical forms the grounds on which such forfeiture or dissolution is alleged to have been incurred, or to have taken place; and thereupon it shall be the duty of the said court to take such order for enabling those interested in the charter or continuance of the corporation to have due notice of, and make defence against such information, and make all such rules for procuring and taking evidence, and having a fair trial of the controverted facts, as shall be deemed just and reasonable.

II. *And be it further enacted,* That when the said information shall be filed by the Attorney General, in consequence of the relation of any individual or individuals, it shall and may be lawful for the court in its discretion to require bond, with approved sureties, from the relator or relators, to indemnify the corporation against all the costs of such information.

III. *And be it further enacted,* That if such information be filed in the Supreme Court, it shall be lawful for said court, in regard to any facts upon which the finding of a jury may be necessary, either to cause such jury to be empaneled before the Supreme Court or to send the issues to be tried before the Judge of the Superior Court of any county of the State.

IV. *And be it further enacted,* That from the judgment which may be rendered in the Superior Court it shall and may be lawful for either party to appeal to the Supreme Court; and that on a final judgment of dissolution or forfeiture being rendered, such dissolution or forfeiture shall not extinguish the debts due to or from the corporation, but the court rendering such final judgment shall proceed to appoint a receiver or receivers, who shall have full power to collect in his or their own names all the debts due to said corporation, to the possession of all its property, and to

Whenever it may be deemed proper by the Legislature, Governor or At. Gen. to institute proceedings to ascertain whether any corporation has incurred a forfeiture of its charter, &c. it shall be lawful for the At. Gen. to file an information in the supreme or super'r court, setting forth the ground of such alleged forfeiture, &c. and the court shall give due notice t^o those interested.

Court to require bond to indemnify corporation.

Suprm. court may empanel a jury, or send cause to sup'r court.

Appeal may be taken.

Final judgment of dissolution or forfeiture shall not extinguish debts. Court shall appoint collector.

sell, dispose and distribute the same, in order to pay off the creditors of the said corporation, and afterwards to reimburse the stockholders thereof, under such rules, regulations, provisions and restrictions as the court rendering such final judgment shall direct.

Atto. General may file a bill in equity to restrain corporations from exercising powers not granted, and to bring certain officers to an account, &c.

V. *And be it further enacted*, That it shall and may be lawful for the Attorney General, as herein before directed, to file a bill in the nature of a bill in equity, either in the Supreme Court of this State or in the Superior Court of Equity of the county as herein before directed, to restrain by injunction any corporation from assuming or exercising any franchise or transacting any business not allowed by its charter; to restrain any individuals from exercising corporate franchises not granted; to bring the directors, managers and officers of a corporation, or the trustees of funds given for a public or charitable purpose, to an account for the management and disposition of the property confided to their care; to remove such officers or trustees upon proof of gross misconduct; to secure for the benefit of all interested the property or funds aforesaid; to set aside or restrain improper alienations thereof; and generally to compel the faithful performance of duty, and to prevent malversation, peculation and waste; and it shall and may be lawful for the said courts, upon such bill being filed, to make all such orders, rules and decrees as may be necessary to accomplish the ends of justice, and are consistent with the usages of a Court of Equity: *Provided always*, that the decree of a Superior Court of Equity shall be liable to be re-examined on appeal in the same manner as cases between individuals: *And provided also*, that the Supreme Court shall have the same power of causing a jury to be empaneled or directing issues to be tried elsewhere as is herein before provided: *Provided always*, that in cases of fraud by the president, directors, managers or the stockholders in any corporation, the said courts shall have full power to render personally liable to creditors and others injured thereby such of the directors, managers and stockholders as may have been concerned in such fraud.

Proviso.

Further proviso.

When to take effect.

VI. *And be it further enacted*, That this act shall commence and take effect from and immediately after its ratification.

CHAPTER XXV.

An act providing for the assignment of dower, and for the partition of the whole real estate of deceased persons, when a part thereof lies in North Carolina and part in other States.

Preamble.

Whereas in the event of a person dying seized or entitled to real estate within the State of North Carolina, and also to real estate in some other State or States of the United States, intestate, leaving a widow or more than one heir, or having by his will, duly attested, to pass lands in this State and also in the other States wherein said lands lie, it hath been held that a court of any State can decree dower and partition of lands only within its territory, and not in lands without the State; which want of jurisdiction hath been found of great inconvenience and injury to such widow, heirs and devisees: For remedy whereof,

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

Carolina, and it is hereby enacted by the authority of the same, That whenever any widow, on the death of her husband, shall become entitled to dower in his lands in this State, and also in any other State or States, and whenever, on the death of any person, his lands in this State, and also in another State or States, shall descend or be devised to several persons, who by the laws of this, and the other State or States shall hold in the lands so descended or devised undivided estates or interests, whether as parceners, as tenants in common or joint tenants, or by any other undivided tenancy, and such widow cannot without suit obtain assignment of her dower, or such heirs or devisees cannot without suit have partition either for want of the consent of the terre tenants in case of dower, or because of legal inability in one or more of the terre tenants, or in case of partition for want of consent, or because of like inability in one or more of the co-tenants, if such husband or deceased person shall have been at the time of his death a resident of this State, or not a resident at that time of any of the States in which his said lands lie, and in this last case the most valuable part of his lands shall lie in this State, it shall be lawful for such widow, or for any such heir or devisee, or any person claiming by, through or under them, to file a bill of chancery in the Superior Court of Equity, either for the county where the husband or deceased person resided at his death, or wherein any one tract or part of a tract of the land lies in this State, setting forth all of the lands in which the plaintiff is entitled to dower, or in which he has an undivided estate, as well those without as those within the State, described by their names and boundaries, or by the adjoining tracts, and also the estate the testator or intestate had in them, and the supposed value of the lands in each State, and the dower or share in severalty to which the plaintiff and each of his co-tenants is entitled under the laws of the several States in which the several tracts or parts of tracts may lie, and praying for dower to be assigned, and partition to be made of all the tracts as if the lands were situated in the jurisdiction of one sovereign State, respect being had to the value of the interest to which the tenant for dower, and the several co-tenants in joint tenancy, tenancy in common or coparcenary or other undivided tenancy may have in the several tracts by the laws of the several States in which they may be situated, and the material facts set forth in said bill shall be verified by the affidavit of the plaintiff, or his guardian or other person at the discretion of the court; and on the exhibition of such bill, all persons concerned in interest in the lands of which dower is to be assigned or partition is to be made, shall be made parties by process or publication as in other cases in equity according to the practice of the courts of Chancery in this State.

Widow or other heirs, if dower or partition cannot be obtained without suit, may file a bill in chancery in the court of equity for the county where, in dec'd person resided at his death, or wherein part of th' land lies in this State.

What the bill shall set forth.

Facts set forth in the bill to be verified by affidavit.

All persons interested to be made parties as in other cases in equity

What decree court shall make.

II. *And be it further enacted,* That on the hearing of any bill filed under this act of Assembly, the court may and shall by interlocutory order decree dower to be assigned in all the lands of which the husband died seized, as well those within as those without this State, according to the interest of the widow in the

lands in the several States by the laws of such States respectively, and may and shall decree a partition of all the lands in the seizin of any tenants of an undivided estate or estates derived by descent from a common ancestor or by devise from any testator, and shall allot in severalty to each tenant his just share of the lands according to the value of the interest he has in all the lands descended or devised to him by the laws of the several States respectively in which they are situate.

III. *And be it further enacted*, That the court making such interlocutory decree, shall issue a commission to five respectable freeholders in this or in any State where the land may lie, unconnected by blood or interest with the parties, directing the said commissioners, or any three of them, to assign the dower according to said decree in any tract, or in all the tracts in this State, or in any tract, or in all the tracts in any other State or States, or in all the tracts in all the States, as shall seem to them most convenient for the widow and terre tenants, having respect to her interest under the laws of the several States, or to make partition between the co-tenants, plaintiffs and defendants in said bill, and to assign each his respective share in value in severalty, in any tract or tracts, in any or all the States, having respect to the value of the interests he has under the laws of the several States; and before making such allotment, the said commissioners shall make a valuation of all the lands held by the co-tenants by descent or devise in all said States, and where they cannot, without injury to the value of some share, make an exact division of the lands, the said commissioners shall have power to charge the more valuable dividend or dividends with the sum of money, to be paid to the tenant in severalty of a less valuable dividend or dividends, to make an equality of partition; and the said commissioners, or any three of them, shall report their proceedings on said commission as they may be directed, and said report shall contain a valuation of all the estates in the lands in this, and in the other State or States, with respect to the laws of each State, and the assignment of dower, or the division among the co-tenants, according to such valuation; and the court may confirm such report, or, on sufficient cause shown, may correct and alter, or may set it aside; and order a new commission; and the court may, on motion, allow each commissioner a sum not exceeding three dollars per day for his services; and where any sum is charged upon a more valuable dividend, the court may direct, if the tenant taking such a dividend in severalty be an infant, or if otherwise, it seem to the court equitable that the sum charged shall not be paid until a future day, and may direct that the same shall bear interest at any rate not greater than the interest by law allowed in this State: *Provided always*, that the tenant of the larger dividend may discharge himself from accruing interest by paying the whole amount due at any time, and the sum due from the greater dividend shall be a charge on the land into whose hands soever it may come, which it may be taken in satisfaction of the same.

Court shall
commission 5
freeholders to
lay off dower,
or make partition
between
co-tenants.

Commissioners shall make
a valuation of
lands, and if
necessary to
an equal division,
charge the more valuable
dividend with a sum of
money, &c.
Comrs shall
report, and
what said report shall contain.

Proviso.

report of the commissioners, make a final decree, and where all the parties are within the jurisdiction of this court, the court shall, by the usual proceedings in chancery, direct and compel the said parties to execute and deliver deeds and assurances sufficient by the laws of this and the other States to give the assignment of dower, and the partition made, full force and validity in all the States; and in case any of the said parties are under such disabilities that they cannot execute such assurances, or are without the jurisdiction of the courts of this State, and so cannot be affected by their process, then the court upon receiving evidence from the plaintiffs that by a law or laws of the other State or States in which the parts of the lands described in the bill without the State lie, the decree can have effect on the said lands, shall direct the decree to be enrolled in the records of the court, and a copy of it shall be registered in the register's office of all the counties within this State where any of the lands lie, and a copy shall be also furnished to the plaintiff or other party interested, certified according to the acts of Congress prescribing the manner in which the records and judicial proceedings of one State shall be proved, so as to have full faith and credit in another State, to the end that it may be carried into effect as to the lands without this State in the State or States in which the said lands may lie, by such courts and in such manner as said State or States, by a law made substantially in accordance with this act of Assembly, may direct; and on satisfactory evidence being made to the courts in this State as aforesaid, that the decree may have full effect by such law of such other State, the court in this State shall by its decree declare the allotment of the dower and the partition in the land in this State to be final and conclusive; and the said decree shall be firm and irrevocable as hereinafter provided; and shall, on registration as aforesaid, pass the title to the tenant in dower, and to the tenants in severalty to the lands in this State, in the same manner as if all the lands mentioned in the decree, were situate within this State.

IV. *And be it further enacted*, That in any case where real estate may be partly in this State and partly in another State or States, and the deceased person from whom it was derived by descent or devise was at the time of his death a resident of some other State, or was a resident of none of the States in which he held lands, and in this last case the lands of which he was seized in this State was of less value than the lands of which he was seized in any one other State, the courts of record in such State in which such deceased person had his residence at his death, or in which he held lands of greater value than those he held in this State, shall have full power and authority, under any law passed by the Legislature of such State substantially in accordance with this act of Assembly, to decree dower and partition of the lands in this State, together with those within the territory in such other State or States in the same manner as if the whole real estate were within the jurisdiction of such court, and if the

On confirmation of report of com'rs, the court shall make final decree, and direct the parties to execute deeds, &c.

What proceedings shall be had, if any of the parties are unable to execute assurances, or are without th' jurisdiction of the courts of this State.

Case in which a person may die without the limits of this State, owning lands in this and another State.

same manner as the courts in this State are directed and authorised to do by the preceding sections of this act as to the lands of deceased persons resident here at their death, or having lands of greater value here than in another State or States in respect of the lands of such States; and in case any person having an interest in a final decree, made as aforesaid in another State, as to lands in this State, shall within twelve months after the same may be entered up in the said courts in said State produce the record and proceedings of such courts of record, certified according to the acts of Congress referred to in the third section of this act to a Superior Court of Equity in this State, where any of the land in this State lies, it shall be the duty of the courts, on petition in writing ex parte in such case, to order said proceedings to be entered of record in said court of this State by the proper officer, and to order that the said decree shall be of the same force and validity as if it had been a decree of the court in this State in which the petition is filed upon an original bill and regular proceedings had thereon; and such decree of the court of such other State, and the proceedings on it by petition in the Superior Court of Equity in this State, confirming it and giving it validity being enrolled in the said court of this State, and registered in all the counties where the lands lie in this State, shall pass said lands in this State according to said decree, and shall vest estates in dower and in severalty therein declared as to said lands in the same manner, and with the same effect in law, as if the lands in this State had been so assigned under a petition for dower are allotted on a petition for partition according to the laws now in force in this State.

Court t' judge whether any act of another State has been passed in conformity with this act, &c.

V. *And be it further enacted*, That when a copy of a decree and proceedings of a suit in another State shall be produced as in the preceding section of this act is authorised, and also when it is necessary for a Court of Equity to be certified that its decree of dower or partition of lands without this State and within the territory of another State or States can have effect in said State, that it shall be competent for the Court of Equity before which the existence of a law in such other State in conformity with this act is to be proved, to judge whether any act of the Legislature of such State has been passed, and whether it be in conformity with this law, and to that end to receive either the acts of the Legislature of such State printed by authority, or a copy duly certified under the acts of Congress in such cases made.

When judgment shall be taken pro confesso, th' final decree shall be entered with a reservation in favor of parties against whom it shall be taken, to file an answer in 3 ys.

VI. *And be it further enacted*, That on an original bill under this act as against *feme covert*s, infants, persons *non compos mentis*, and against all parties, against whom judgment shall be taken pro confesso, on publication, the final decree shall be entered up with a reservation in favor of such party against whom judgment was taken pro confesso to file his answer within three years after the final decree, to have said decree corrected or reversed, and with like reservation to have the same so reversed or corrected as to *feme covert*s and infants, and persons *non compos mentis* within three years after their several disabilities re-

moved: and after the time saved by said reservations shall have expired, said final decree as against all such persons and those claiming under them, and all other persons, parties and privies to the decree after three years from and after the enrolment of the same, shall be irreversible by petition for rehearing or bill of review or other proceeding in equity; and any suit by bill under this act may be removed into the Supreme Court for hearing, upon affidavit as in other cases in equity, and the final decree in any such suit shall be subject to an appeal to said Supreme Court.

After 8 years, decree shall be irreversible.

Suit may be removed to sup'me court.

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

When to take effect.

CHAPTER XXVI

An act to regulate retailers of spiritous liquors.

Whereas it appears from a late decision of the Supreme Court of this State that the acts heretofore passed to prevent gaming from being carried on in taverns and public houses do not extend to such retailers of spiritous liquors as do not keep entertainment for travellers:

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 every retailer of spiritous liquors, though he or she may not keep entertainment for travellers, who shall suffer any of the games mentioned in the several acts of the General Assembly of this State to prevent excessive gaming to be played in his or her dwelling house, store or out house, or any part of the premises whereon he or she lives, or shall furnish such persons with drink during their time of playing, he or she shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the court; and every person playing at any of said games in manner above described, shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the court: *Provided*, that said fine shall in no case exceed ten dollars, nor the imprisonment thirty days.

Extends the provisions of acts to prevent gaming to all retailers of spiritous liquors.

Penalty.

Proviso.

CHAPTER XXVII

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

Whereas by the above recited act it is made the duty of the commissioners to deliver to the purchaser a certificate of his purchase, with a plat of the lot and number of the section and district conformable to the plan returned to the Secretary's office, on producing of which, and proof of the payment of the purchase money, it was made the duty of the Secretary to issue a grant: and whereas by misfortune and otherwise many of these certificates become worn out or lost, and the purchaser thereby deprived of getting his grant from the State, although he may have paid all the purchase money, and got receipts accordingly: 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,

Sec'y shall issue a grant on affidavit of the purchaser.

That in all cases where certificates may have been lost or destroyed, it shall be the duty of the Secretary (on receiving the affidavit of the purchaser, his heirs or assigns, taken before some justice of the peace for his county, setting forth the number of the section and district, and that the certificate of his purchase has been lost or destroyed) to make out a copy of the plot and field notes from the books in his office, and issue a grant in the usual way: *Provided*, that no grant shall issue where the number of the section and district set forth in the affidavit does not agree with the books in the office, nor without a receipt or certificate from the Public Treasurer, setting forth the payment of the purchase money.

Proviso.

CHAPTER XXVIII

An act to amend the first section of an act, passed in the year one thousand eight hundred and thirty, which authorizes free persons of colour to hawk and peddle out of the limits of the county in which they 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,

No free negro shall hawk or peddle without license from the c. court of the county in which he peddles.

That hereafter it shall not be lawful for any free negro, mulatto or free person of colour to hawk or peddle within the limits of any county in this State without first obtaining a license from the Court of Pleas and Quarter Sessions of the county in which they propose to hawk or peddle; which license shall be granted only when seven or more justices are present, and annually thereafter, and upon satisfactory evidence of the good character of the applicant, to be approved of by said court; and for issuing such license the clerk shall be entitled to demand and receive from such applicant the sum of eighty cents: *Provided*, nevertheless, that nothing in this act shall be construed so as to allow such persons coming from another State to peddle in this State.

Proviso.

Penalty.

When to take effect.

II. *And be it further enacted*, That if any free negro or free person of colour shall offend against this act, he or she shall be subject to indictment.

III. *And be it further enacted*, That this act shall not be in force until the first day of March, one thousand eight hundred and thirty two.

CHAPTER XXIX

An act to amend the Statute of County Courts of this State, to compel plaintiff to give security for the costs of suit.

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

C. Court may compel plaintiff taking an appeal from the decision of a single justice to give security.

That when any defendant entitled to appeal from the decision of a justice of the peace shall claim an appeal, the Court of Pleas and Quarter Sessions having cognizance thereof may, upon sufficient cause being shown upon an affidavit, compel the plaintiff to give bond and sufficient security for the costs of said suit in the event of the plaintiff's failure to prosecute the same with success.

II. *And be it further enacted*, That if any judgment rendered by

a justice of the peace be removed at the instance of any defendant to any Superior Court by writ of recordari or otherwise, the said court may, upon sufficient cause shown by affidavit, compel the plaintiff in such judgment to give bond and sufficient security to pay all costs in the event of the plaintiff's failure to prosecute said suit with success.

CHAPTER XXX

An act to amend the fifth section of an act, passed in the year of our Lord one thousand eight hundred and sixteen, chapter nine hundred and twelve, entitled an act for the more speedy trial of slaves in capital cases.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases of insurrection or rebellion, or of conspiracy to make insurrection or to murder or rebel, or any such contemplated conspiracy, insurrection or rebellion, of any slave or slaves, upon the information and at the request of any five justices of the peace of the county in which such conspiracy, insurrection or rebellion shall happen or may be contemplated, the Governor for the time being shall be authorised and have power to issue a commission of Oyer and Terminer to any one of the judges of Superior Courts of Law; and in case the said judges are necessarily engaged on their circuits, the Governor shall be authorised and have power to issue a commission to one of the judges of the Supreme Court, whose duty it shall be to hold said court forthwith, and shall be clothed with all the powers necessary for the trial of all such slave or slaves that may be charged with any of the before mentioned offences.

II. *And be it further enacted,* That every judge holding a court of Oyer and Terminer, and the prosecuting officer in behalf of the State attending the said court, shall be entitled to receive the same compensation as may be allowed by law generally for holding and attending a term of a Superior Court.

III. *Be it further enacted,* That the prisoner or prisoners who shall be tried before any court of Oyer and Terminer in this State, shall have the right of appeal to the Supreme Court under the rules and regulations now prescribed by law for appeals.

IV. *Be it further enacted,* That when the prisoner who shall be indicted before a court of Oyer and Terminer in this State, shall, upon affidavit of himself or any other person, shew such circumstances and facts to the court as would induce the judge in the regular courts of this State to remove the trial of said indictment out of the county, the judge holding such court of Oyer and Terminer may in his discretion continue the said indictment and commit or bind over the prisoner as the case may require for trial at the next Superior Court for said county, when the same shall be disposed of according to the rules and regulations in force for the trial of such offences.

Whereas doubts exist whether slaves in capital cases are entitled to be tried by a jury of the owners of slaves: To remove the same

V. *Be it further enacted,* That in all trials of slaves hereafter

be tried by a jury of slaves for capital offences, the defendant shall be entitled to be tried by a jury of slaves, a jury composed of the owners of slaves.

CHAPTER XXXI

An act to authorise the County Courts of this State 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 Court of Pleas and Quarter Sessions in each and every county in this State at any court which shall happen after the first day of August in each and every year, a majority of the justices of the peace of said county being present, if such court shall 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 County and Superior Courts, and of the Clerks and Masters in Equity, and to audit and settle all accounts between said counties and the sheriffs, county trustees or any other officers or commissioners who may hold any monies belonging to said counties; and the said committee are hereby authorised and empowered to call on each of said clerks at their offices, to lay before them for inspection such records, documents and papers as aforesaid, and to call on such sheriffs, county trustees and other officers or commissioners of their respective counties to meet them at the court house of such counties, to audit and settle their respective accounts, at such time as said committee may designate.

II. Be it further enacted, That it shall be the duty of said committee to make a full investigation of all the financial concerns of their respective counties, and make a fair and true return to the said courts at the end of each financial year, setting forth a full statement of their investigation, designating therein all monies due from their respective counties 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 two dollars per day for each day he shall be necessarily employed on said committee to be paid by the county trustee out of any funds of the county; and all such allowances shall be made upon process to the satisfaction of said courts by the members of said committee of the number of days they were employed in the duties prescribed in 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 committee of Finance shall give such persons ten days' previous notice in writing of the time and place at which they will attend to make said settlement; and every officer receiving such notice as aforesaid, and failing to make settlement as required by this act, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt before said courts;

County Court in each county may appoint 3 persons to act as a committee of finance.

Committee to examine papers in clerks' offices relating to county monies, and audit and settle accounts with sheriffs, county trustees & other officers.

Committee to make investigation of all the financial concerns of the county, & make return to court at the end of each financial year.

Compensation

If any officer shall fail to settle, after 10 days' notice, he shall forfeit & pay \$100

which 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 Court shall release said officers from said forfeiture, which they are hereby authorised to do.

IV. *Be it further enacted*, That every person appointed by virtue of this act a member of the committee of Finance, shall, previous to his entering upon 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 perform the duties imposed on me by law as a member of the committee of Finance for the county of _____ in all business that shall come before me, without doing injustice to the county or to individuals, to the best of my knowledge and ability: So help me God."

Oath of office.

V. *Be it further enacted*, That if any person, who shall be appointed a member of the committee of Finance aforesaid, 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 trustee for said county or his successors in office: *Provided*, that no person shall be compelled to serve as a member of said committee for a longer time than three years.

Penalty for refusing to serve on committee.

VI. *Be it further enacted*, That it shall hereafter be the duty of the several clerks, sheriffs, county trustees and other officers or commissioners, who may have claims or demands on their respective counties, to deliver the same to the committee of Finance for their examination and inspection, whose duty it shall be to make out two fair and correct statements of each settlement by them made by virtue of their appointment; one of which, after having been submitted to and passed upon by the court, shall be filed with the clerk of the County Court, and the other kept by the committee for their own use.

Persons having claims, shall deliver them to the committee, who shall prepare 2 statements of each settlement, 1 for court, and the other 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.

Clerk shall furnish a statement of sums allowed by a court.

VIII. *Be it further enacted*, That it shall be the duty of the committee of Finance, appointed under this act, and they are hereby empowered to institute suits for the recovery of all monies found to be due to their respective 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 trustee for the time being or his successors in office, except in cases where the county trustee is to be sued: then such suit shall be brought in the name of the committee of Finance for such county who are in office at the time such suit is brought; which said committee or county trustee, as the case may be, shall recover the same with costs of suit, to the use of the county; and in case said committee or trustee shall fail in said suit, the county shall pay the costs; and in case any person or

Committee may institute suit for the recovery of monies belonging to the county.

persons sued by said committee or county trustee shall have judgment rendered in his or their favor, he or they shall recover his or their costs, to be paid by the county.

Court shall fill vacancies.

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

An act pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion, and outlawed and run-away negroes.

7 Justices may require the commanding officer of a county to call out the militia, & may again require him to dismiss them.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases of insurrection among slaves or free persons of colour, either in the county, an adjoining county, or in a distant county of the State, or in an adjoining State, seven justices of the peace deeming the emergency requiring it, may, at their discretion, require in writing of the commanding officer or officers of their county to call out the militia to suppress or repel such invasion or insurrection, or to protect the inhabitants of their county from the danger apprehended; and may again require of the said officer to dismiss his men when they think the danger is over, and the commanding officer may dismiss in like manner.

Officer shall forthwith order out the militia, make contracts for ammunition, and appoint a commissary to provide rations—shall sell surplus, and forward bill of expenses to the Gov. which shall be paid by the State.

II. *Be it further enacted*, That it shall be the duty of the commanding officer forthwith to order out the militia in the way he shall judge best to effect the purpose desired; that he may make such contracts as he may think most to the interest of the State, for the requisite ammunition, and appoint some person a commissary to provide the necessary rations for the subsistence of the men while in service; and immediately on the discharge of the men the commanding officer is hereby empowered to dispose of any surplus ammunition or provision, for the benefit of the State; and all expenses hereby incurred shall be properly certified by said officer, and forwarded to the Governor, and shall be paid by the State, after undergoing an examination, and approval by the Governor, Treasurer and Comptroller, who are hereby created a board for that purpose.

The commanding officer of any regiment, as soon as he has called out the militia under the provisions of this act, shall immediately send an express to the Brigadier or Major General of his brigade or division, informing him of that fact, and any other official facts he may be in possession of, and continue to do so from time to time; and the

III. *Be it further enacted*, That the commanding officer of any regiment, as soon as he has called out the militia under the provisions of this act, shall immediately send an express to the Brigadier or Major General of his brigade or division, informing him of that fact, and any other official facts he may be in possession of, and continue to do so from time to time; and the

Brigadier or Major General shall immediately apprise the Governor, either by express or mail, as he may judge the emergency requires, of all the circumstances; in the mean time said general officer shall pursue the most effective measures for repelling such invasion or suppressing such insurrection; and the militia thus called out shall be armed according to law.

IV. *Be it further enacted*, That when there may be outlawed or runaway negroes committing depredations, or in any way alarming the citizens of any county, or when the guarding of a jail is necessary, three justices of the peace certifying the same in writing, and requesting of the officer in command in their county, he is hereby required to effect the object set forth in said request of the justices; and the expenses of said militia so called out shall be paid by the court of the county, who are hereby authorised to lay a sufficient tax to pay said militia at the same rates as the regular troops of the United States are by law now entitled to when in actual service.

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

CHAPTER XXXIII

An act amending the laws relative to the manner of appointing jurors for the Superior and County Courts 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 hereafter if any County Court shall fail or neglect to draw jurors to attend the Superior Court of the county or the next term of the said County Court, it shall and may be lawful for the sheriff of the county and the clerk of the said County Court, and they are hereby required, in the presence of, and assisted by three of the justices of the peace of the county, to draw from the jury box the same number of jurors, and in the same manner and under the same rules, regulations and laws as jurors are now drawn by the County Courts; and the said jurors shall be summoned in the same manner as jurors are now summoned: and any such juror failing to appear at the court for which he is summoned, shall be liable to the same penalties as are now prescribed by law for defaulting jurors; *Provided nevertheless*, that this act shall in no wise hinder or prevent the justices of the Court of Pleas and Quarter Sessions of the several counties in this State from exercising the discretion in them vested by law of dispensing with the drawing of jurors in certain cases provided.

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

CHAPTER XXXIV

An act to allow appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity.

Whereas it often happens, as well in suits of law as in suits of equity, that judgments and decrees, not in their nature final, do materially affect the rights of the parties to such suits, and may h

inconvenience and delay, and sometimes much injustice results for want of power in the judges of the said courts to allow appeals from such judgments and decrees; For remedy whereof,

Judges of the
sup'r courts
may allow an
appeal to the
sup'rme court
from interloc-
utory judgm't
at law, or order
or decree
in equity; pre-
scribe terms,
&c.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Judges of the Superior Court- may, whenever it shall seem to them necessary or proper, allow an appeal to the Supreme Court from any interlocutory judgment at law, or any interlocutory order or decree in equity, at the motion of the party supposing himself aggrieved thereby, upon such terms as the said judges shall deem it just and equitable to prescribe; and when such appeal shall be allowed, the judge allowing the same shall and may direct so much only of the record and proceedings in the cause to be certified to the Supreme Court as he shall think necessary to present the question or matter arising upon such appeal fully to the consideration of the said court.

Allowance of
appeal shall
not be deem-
ed to remove
the record of
the cause into
the supreme
court.

II. *And be it further enacted,* That the allowance of such appeal, and carrying the same up by the appellant, shall not be deemed in law to remove the record of the cause into the Supreme Court, but the same shall be deemed in law to remain in the court whence the appeal was taken; and the said court shall have power, notwithstanding such appeal, to make all necessary orders for preparing the cause for trial or hearing, as fully as if the said appeal had not been taken.

Sup'rme court
shall not enter
any judgment,
but shall deli-
ver its opinion
with instruc-
tions to the
court below.

III. *And be it further enacted,* That the Supreme Court shall not enter any judgment, reversing, affirming or modifying the order, judgment or decree, so appealed from, but shall cause their opinion to be certified to the court below, with instructions to proceed upon such order, judgment or decree, or to reverse or modify the same according to said opinion; and it shall be the duty of the court below to enter upon its record the said opinion at length, and to proceed in the said cause according to the said instructions.

Time in which
appell't shall
carry up ap-
peal.

IV. *And be it further enacted,* That the appellant shall carry up and prosecute his appeal within the time prescribed by law, in case of appeals from final judgments and decrees of the Superior Courts; and the Supreme Court may render judgment for costs against the appellant or appellee, as in other cases of appeal, and award execution therefor.

Of judgment
for costs.

CHAPTER XXXV

An act to authorise the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon.

On the paym't
of \$10, Gov'r
to grant to the
trustees land
described.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That upon the payment to the Public Treasurer of this State the sum of ten dollars, and a receipt obtained of him therefor, it shall be the duty of the Governor to grant, in behalf of the State of North Carolina, to Thomas Love, sear. George Penland, Jesse R. Siler, John Hall and James Whitaker, trustees of the Franklin Academy, in the county of Macon, a piece of land, it being

part of the four hundred acres of land reserved by a former act of Assembly for the further disposition of the Legislature, and included within the lines of said four hundred acres of land, butted and bounded as follows: beginning on a Spanish oak, the north west corner of the land conveyed to the Baptist congregation; thence a west course twenty poles to a stake in the west line of said four hundred acre tract; thence south with said line, so as to include ten acres between that and the lands conveyed to the Baptist congregation; to have and to hold to the said Thomas Love, senior, George Penland, Jesse R. Siler, John Hall and James Whitaker, their heirs or successors in office, forever in trust, and for the use and behoof of the Franklin Academy. Boundaries.

II. *Be it further enacted*, That the Secretary shall issue the grant as aforesaid when the receipt of the Public Treasurer is presented to him, together with a plot shewing that the purchase money has been paid, and the plot of survey certified by the county surveyor, showing that said ten acres have been surveyed according to the provisions of this act. Sec'y shall issue grant, &c.

III. *Be it further enacted*, That the grant so obtained from the Governor, agreeably to the provisions of this act, shall vest in said trustees an estate in fee simple to the use of said academy: *Provided always*, that in no event shall the State be in any manner or under any circumstances bound to make any compensation to any person who may be evicted of the said lands by title paramount to the title of the State. Grant shall vest in trustees an estate in fee simple. Proviso.

CHAPTER XXXVI

An act to aid in making the Tennessee River Road 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 Public Treasurer of this State be, and he is hereby authorised, empowered and directed to loan to Joseph Welsh, E. L. Poindexter and William Bryson, proprietors of the Tennessee River Turnpike Road, the sum of two thousand dollars, out of the funds set apart for Internal Improvements, for the term of five years, on their giving bond with good and sufficient security, payable to the Governor for the time being, for said sum, and six per centum per annum interest, to be paid either in money or in shares of stock in said company, at the discretion of this General Assembly. Treas. authorized to loan proprietors \$2000.

II. *Be it further enacted, &c.* That the Treasurer, at the time he loans out the said money, shall take from the borrowers and their securities an obligation to the State, that the money so loaned shall be applied to the improvement of the road aforesaid, and that they will at any time, upon application of said Treasurer, before the expiration of the credit on said bond, give other and new security for the payment of the money and interest aforesaid; and the Treasurer shall require it, if he shall at any any time entertain the least doubt as to the solvency of the obligors in said bond. Treas'r shall take an obligation that the money shall be applied to the improvement of the road.

CHAPTER XXXVII

An act in aid of the North Carolina Central Rail Road and Cape Fear and Yadkin Rail Road Companies.

Board of Int.
Imp. or Gov.
shall cause a
survey of the
routes, and
draw on the
Treas. for a
sum not ex-
ceeding \$4000
for each route.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the board of Internal Improvements, or in case there should not be a board appointed at the present session, then the Governor of the State, be authorised and directed, as soon as may be after the close of the present session, to cause surveys to be made in order to ascertain the most eligible route by which the rail roads contemplated by the acts for incorporating the North Carolina Central Rail Road and the Cape Fear and Yadkin Rail Road Companies may be made; and that the said board or Governor, as the case may be, be authorised to draw on the Public Treasurer from time to time for such sums of money as may be necessary to defray the expenses of such surveys to an amount not exceeding the sum of four thousand dollars for each survey.

N. C. shall be
entitled to
stock.

II. And be it further enacted, That the State of North Carolina shall be entitled to as many shares of capital stock in each of the said Rail Road Companies, as may be equal to the amount expended in the survey for said Company, estimating a share of stock at one hundred dollars.

CHAPTER XXXVIII

An act to amend an act, entitled an act, passed in the year one thousand eight hundred and thirty, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State.

Confirms the
sale of the ma-
chine tract.

Be 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 sale made by the Public Treasurer of the Machine tract of land, under an act of the last General Assembly, chapter, as reported to the Legislature by the said Treasurer, be, and the same is hereby ratified and confirmed; and that the Governor of the State be, and he is hereby authorised and instructed to execute to the purchaser a good and sufficient title to the said tract of land in fee simple, so soon as the purchase money shall be paid, or secured to the satisfaction of the Public Treasurer.

CHAPTER XXXIX

An act to extend the time within which the Reports of the Supreme Court shall be published.

Allows 5 m^{ts}
to prepare re-
ports for the
press.

Be 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 Reporter of the Supreme Court shall be allowed five months from the close of each term of the Supreme Court to prepare the decisions of that court for the press.

Of the salary
of Reporter.

II. And be it further enacted, That the salary now allowed the Reporter of the Supreme Court shall be paid by the Treasurer upon satisfactory evidence that seventy-one copies of the Reports of the Supreme Court have been deposited and distributed, as now required by law, within the time hereby allowed, and not otherwise.

CHAPTER XL

An act to amend the law relative to malicious and unlawful maiming and wounding.

Be 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 hereafter of malice aforethought unlawfully castrate any other person, or cut off, maim or disfigure any of the privy members of any other person, with intent to murder, maim, disfigure, disable or render impotent, the person so offending, and his or her counselors, abettors and aiders, knowing of, and privy to the offence as aforesaid, shall, on conviction thereof, be deemed guilty of felony, and suffer death without benefit of clergy. Castration with malice aforethought to be punished with death.

II. *And be it further enacted,* That if any person shall hereafter, on purpose and unlawfully, but without malice aforethought, castrate any other person, or cut off, maim or disfigure any of the privy members of any other person, with intent to murder, maim, disfigure, disable or render impotent, the person so offending, shall, on conviction thereof, be imprisoned for a term not less than six months, and be fined at the discretion of the court. The same offence, without malice aforethought, shall be punished with fine and imprisonment.

III. *And be it further enacted,* That this act shall not be construed in any manner to affect the prosecution or punishment of any offence committed before the passage of this act; but every such offence so committed shall and may be prosecuted and punished in the same manner as if this act had never been enacted. Shall not affect prosecutions for offences committed before the passage of this act.

CHAPTER XLI

An act to repeal the eighth section of an act, passed in the year of our Lord one thousand eight hundred and twenty-eight, entitled "an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by Justices of the Peace.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the eighth section of an act, entitled "an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace," passed in the year of our Lord one thousand eight hundred and twenty-eight, be, and the same is hereby repealed.

CHAPTER XLII

An act to prevent persons on the sea coast from holding out false lights.

Be 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, any person who shall make or display or cause to be made or displayed any false light or beacon on or near the sea coast, within the limits of this State, for the purpose of deceiving and misleading masters of vessels, whereby they may be in danger of shipwreck, such person so offending shall, on conviction thereof, be fined, or fined and imprisoned, at the discretion of the court. Persons holding out false lights, shall be fined and imprisoned at the discretion of the court.

CHAPTER XLIII

An act to repeal an act, entitled an act prescribing the manner in which staves, heading and shingles shall hereafter be counted, passed in the year one thousand eight hundred and twenty-seven.

Be 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 XLIV

An act to repeal part of the act of one thousand seven hundred and forty-one, chapter thirty-five, authorising the County Courts of this State to grant certificates in certain cases.

Repeals so much as authorizes county courts to grant certificates to slaves to carry guns.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That so much of the before recited act as authorises the County Courts of this State to grant certificates, permitting slaves to carry guns in certain cases, be, and the same is hereby repealed.

CHAPTER XLV

An act for the distribution of a part of the public arms among the several counties of the State, and for the preservation and accounting for of the same.

Manner in which arms shall be distributed.

Be 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 muskets already received under the law of Congress for arming the militia of the United States, as the quota of this State, including such number of the arms now deposited at Fort Johnson as will be sufficient to complete the distribution herein directed, the residue remaining therein, and not subject to distribution, shall be distributed in the following manner, that is to say: to each of the counties of Granville, Halifax, Edgecomb, Craven, New Hanover, Cumberland and Stokes, one hundred and sixty stand; to the counties of Bertie, Northampton, Pitt, Beaufort, Sampson, Duplin, Onslow, Wayne, Johnston, Rutherford, Burke, Lincoln, Mecklenburg and Wake, one hundred and thirty stand of arms each; to the counties of Currituck, Camden, Pasquotank, Perquimons, Chowan, Gates, Hertford, Washington, Tyrrell, Hyde, Martin, Carteret, Jones, Brunswick, Columbus, Bladen, Robeson, Lenoir, Greene, Nash, Franklin and Warren, eighty five stand of arms each; to the remaining counties of the State, sixty five stand of arms each.

Adj. General shall lay before the Gov't specification of arms already distribut'd, and cause others to be distributed.

II. *Be it further enacted,* That the Adjutant General shall lay before the Governor a specification of the arms, as at present distributed to the several counties of this State; and under the direction of the Governor, the Adjutant General shall cause the arms to be distributed agreeable to the provisions of this act, reference being had to the number of arms already delivered to said counties; and should any county have already received more than its quota, as by this act prescribed, then the Adjutant General shall order the excess to be delivered over to any adjoining county which may not have received its full quota.

To whom the arms shall be delivered.

III. *Be it further enacted,* That the arms by this act assigned for each of the counties shall be delivered to the Colonel commandant thereof; and in case of more than one Colonel in a county, they shall be delivered to that Colonel whose command

embraces the district around the court house of that county, to be by him placed in the hands of such company of militia of his county as he may think fit, giving to volunteer light infantry companies the preference; and the said Colonel commandant shall take receipts of the Captains, in whose hands they may be, or are placed, and shall give the necessary orders for keeping said arms safe and in good order; and the Captains, when they distribute the arms to their respective companies, shall take a receipt at full length in the muster book of their companies from each man in double the value thereof, *under seal*, conditioned for the safe keeping and returning of the arms when called for by the Colonel commandant; which said muster book, containing the receipts for the arms, shall be taken good care of, and be subject to the inspection of the Colonel whenever he may desire it; and on the death, resignation or removal of the Captain, the receipt book shall be handed over to the officer who may be appointed to the command of said company.

Receipts shall be given.

IV. *Be it further enacted*, That every non-commissioned officer and private belonging to any company so equipped, shall keep and preserve his arms and accoutrements in good order, and in a soldier-like manner; and for every refusal or neglect to do so, shall be fined by the court martial of his company a sum not less than two, or more than ten dollars; which fines shall be paid out by the captains for the repairs of said arms; and if a company so equipped, shall generally keep their arms in a negligent and unsoldier-like manner, the colonel to whose regiment said company belongs, shall and may deprive said company of the public arms and accoutrements, and bestow them on some other company belonging to his regiment; which last mentioned company shall receive, keep and deliver said arms and accoutrements, on the same terms, and under the same regulations prescribed by this act.

Arms and accoutrements shall be kept in good order.

Penalty.

V. *And be it further enacted*, That if any person or persons, to whom the public arms and accoutrements, or any of them, shall be confided, shall sell, or in any manner embezzle the same, or any part thereof, and be thereof convicted in any Court of Record, he or they shall forfeit and pay, by sentence of said court, for the use of the State, a sum not less than twenty dollars, nor more than fifty dollars, for every stand of arms and accoutrements so sold or embezzled; and shall moreover be imprisoned for a period not less than one month, nor more than six months; and any person or persons purchasing any of the said public arms and accoutrements, knowing them so to be, shall be prosecuted in the same manner, and shall on conviction be liable to like penalties and imprisonment as the seller or embezzler thereof.

Penalty for selling or embezzling arms

VI. *And be it further enacted*, That when any non-commissioned officer or private, belonging to any of the said companies, shall die, remove from any county, or be excused from performing military duty, it shall be the duty of the captain of the company to which he belonged immediately to take the arms and

Capt. to take possession of the arms of persons dying, &c.

accoutrements of the person so dying, removing or excused, into his possession and deliver to whoever shall succeed thereto in the said company; and the captain shall keep the said arms and accoutrements safely and in good order while they remain in his possession.

Commission'd officers shall demand arms of all persons holding them illegally.

VII. *And be it further enacted*, That it may be lawful, and shall be the duty of every commissioned officer of the militia of this State, whenever and wherever he shall see or learn that any of the arms belonging to the State are in the possession of any person other than those in whose hands they may be placed for safe-keeping under the provisions of this act, to make immediate demand of said arms, either personally or in writing; and should such person refuse to deliver up such arms to the officer demanding the same, he or they shall be subject to the same fines and penalties as are prescribed in this act for selling or embezzling said public arms.

Gov. may order the col. to deliver arms to militia ordered into service.

VIII. *And be it further enacted*, That the Governor shall have power to order the Colonel Commandant of the county where any of the public arms may be distributed, to place the same in the hands of any detachment of the militia, ordered into the service of this State, or of the United States, if the same shall by him be deemed necessary.

Repealing clause.

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

CHAPTER XLVI

An act to provide for the collection of costs in certain cases.

If judgment be entered ag'tst plff. for dlt's. cost, the court shall, on motion, also give judgment against security of prosecution

Be 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 suit shall be brought in any of the courts of Law or Equity in this State, in which security shall be given for the prosecution of such suit, and a judgment or decree shall be entered up against the plaintiff for the defendant's or defendants' cost in said suit, it shall be the duty of the court, upon the motion of the defendant, also to give judgment or make a decree for said costs against the security of the prosecution; whereupon execution shall issue jointly against the said plaintiff and security.

In cases of appeal, bond for prosecution of suit shall be a part of the record.

II. *And be it further enacted by the authority aforesaid*, That in all cases of appeal from the County to the Superior Court, the bond given for prosecuting the suit shall be made part of the record, and transmitted to the Superior Court.

CHAPTER XLVII

An act to amend an act, passed in the year one thousand eight hundred and seventeen, chapter twenty-two, entitled "an act to revise and amend the laws respecting wrecks and wrecked property in this State."

Extends third district.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the before recited act as relates to the county of Currituck, and which provides that from Caffey's Inlet to

Kellyhank bay shall compose the third district in said county, be so amended as to extend said district from Caffey's Inlet to a place usually called the Sheep Pen; which place shall henceforth be considered the eastern point of the fourth district.

CHAPTER XLVIII

An act amendatory of the act to authorize and point out the method how the road commonly called the State road, running through the county of Haywood, may hereafter be altered.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John M'Dowell, of Haywood county, be, and he is hereby appointed and substituted as a commissioner in the room and stead of James Patton, with all the powers and authority, and subject to the same restrictions as conferred and imposed upon said Patton in the said recited act, passed in the year of our Lord one thousand eight hundred and twenty-four.

John M'Dowell
shall be com'r
in place of J.
Patton.

CHAPTER XLIX

An act to amend an act, passed in the year one thousand eight hundred and twenty, entitled "an act to repeal an act, passed in the year one thousand seven hundred and ninety-six, entitled 'an act to punish persons for removing debtors out of one county to another, and out of the State,' and for other purposes."

Whereas doubts have been entertained whether the remedy given by the second section of the above recited act against persons removing debtors as therein mentioned, survives against their personal representatives; therefore to remove those doubts, and 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 hereafter the same remedy which may be had and prosecuted against persons removing debtors as mentioned in the second section of the above recited act, shall survive against their executors or administrators, subject to the limitation therein prescribed.

Remedy shall
survive ag'tst
executors.

Read three times and ratified in General Assembly, this 14th day of January, A. D. 1832.

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

A true copy.

WM. HILL, Secretary.



PRIVATE ACTS.

CHAPTER I.

An act to incorporate the Cape Fear and Yadkin 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 be lawful to open books in the town of Wilmington, under the direction of Armand J. Derosette, sen., Edward B. Dudley, James Owen, Gabriel Holmes and William B. Meares; in the town of Fayetteville, under the direction of Duncan McRae, John W. Wright, John H. Hall, Robert Strange and Alexander Elliott; in the town of Salisbury, under the direction of Thomas L. Cowan, James Martin, junior, Michael Brown, Maxwell Chambers and William Horah; in the town of Lincolnton, under the direction of Daniel M. Forney, Daniel Hoke, Lawson Henderson and Robert H. Burton; and at such other places, and under the direction of such other persons, as the commissioners herein named for the town of Wilmington may appoint, for the purpose of receiving subscriptions not exceeding the sum of two millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock, for the purpose of effecting a communication by a rail road, or by a rail road and a canal or canals, from the town of Wilmington through or by the town of Fayetteville to the Yadkin river, at or above the narrows thereof; thence through, or as near to the town of Salisbury as may be deemed advisable, to Beatties Ford, or such other point on the Catawba river, as may be practicable; which route shall be determined on by the company hereby incorporated. That the said books shall be opened in each place, at such time as the commissioners or deputy commissioners shall respectively appoint, between the 31st day of March and the first day of July next, and shall be kept open at each place at least sixty days; and if it shall appear that more than the whole amount, authorised by this act, shall be subscribed, then it shall be the duty of the commissioners, or a majority of them, appointed to receive subscriptions at Wilmington, 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 twenty thousand. But if the whole number of shares shall not be subscribed for within one year from the time books shall be opened to receive subscriptions, then the books may be closed or continued open, as a majority of the commissioners named to receive subscriptions at Wilmington may judge most beneficial, until the whole number of shares shall be subscribed for. And the time and place of receiving such subscriptions as aforesaid, shall be advertised in one or more of the newspapers published in the city of Raleigh, in the towns of Wilmington, Fayetteville and Salisbury.

II. When three 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 "Cape Fear and Yadkin 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 the well ordering and conducting the affairs of the company.

III. Upon any subscription of stock, there shall be paid at the time of subscribing to the person or persons appointed by this act or by virtue of this act to take subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company. The said commissioners and deputy commissioners shall forthwith, after the election of a president and directors of the company, pay over to the said president and directors all monies received by them; and on 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 Courts, or in the Courts of Pleas and Quarter Sessions, or before a justice of the peace of the county in which such commissioner, his executor or administrator may reside.

IV. *Be it further enacted.* That when three 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, appointed to receive subscriptions at Wilmington, 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 holding a majority of 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.

V. *Be it further enacted.* That 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 vacancies 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, or in the absence of the president, any three of the directors who shall appoint any 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.

VI. *Be it further enacted,* That 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 or canal or canals, to be located as aforesaid, and to begin at such point, and be prosecuted in such direction as the stockholders shall direct, and may cause to be made and constructed all works whatsoever which may be necessary and expedient, in order to the completion of the said rail road or canal or canals.

VII. *Be it further enacted.* That the president and directors shall have power to make contracts with any person or persons on behalf of the company, for making the said rail road or canal or canals, and performing all other works respecting the same, which they shall judge necessary and proper;

to call on any emergency a general meeting of proprietors of the stock, giving one month's notice thereof in some newspaper published at the seat of government; 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.

VIII. *Be it further enacted*, That 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 some newspaper published at the seat of government, 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 his legal representative; and if the sale shall not produce the sum required to be advanced, with the incidental charges attending the same, 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 motion on ten days' notice before the Court of Pleas and Quarter Sessions of the 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 of the president and directors, shall be subject to the same rules and regulations as the original proprietor.

IX. *Be it further enacted*, That if the president and directors cannot agree with the owners of land, through which it may be necessary to make the said rail road or canal or canals, as to the terms upon which the said rail road or canal or canals shall be opened through the same, then it shall be lawful for the said president and directors to file their petition in the Court of Pleas & Quarter Sessions of the county wherein the land lies, under the same rules and regulations as are now prescribed by law for 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 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 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 enter upon the land laid off, and construct their road or canal thereon, to make all necessary excavations and embankments, and other structures necessary to the construction and preservation of said road or canal, and to hold the said land to their own use and benefit during their corporate existence; and in all things to have the same power and authority over said land so laid off, during their existence as a corporation, as though they owned the fee simple therein: *Provided*, that nothing in this act contained shall be construed to give power to said company to lay off said road or canal through the yard, garden, burial ground attached or appurtenant to the dwelling house, or any plantation through which it may be deemed necessary to lay off said road or canal, without the consent of the owner thereof.

X. *Be it further enacted*, That whenever any wood, gravel, stone or earth may be wanted for the construction or repairing of said Road or Canal, and the president and directors cannot agree with the owners of the

lands adjacent, as to the terms on which they can procure the same, then it shall be lawful for the president and directors, by themselves or officers or agents, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, gravel or earth so needed 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 or stone, constituting any part of a fence or building; and when any gravel, stone, wood or earth shall be so taken as is provided for in this act, it shall and may be lawful for the owner to file his petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, stone, gravel or wood may have been taken, first giving ten days' notice to 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 damages the owners of said land shall have sustained; and after assessing the same, shall return their proceedings to said court; and if the court shall approve thereof, the damages so assessed, together with all costs, shall be paid by the president and directors. But if the said court shall not approve thereof, they shall order another jury to be summoned, who shall 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 the said president and directors; and if said president and directors shall not pay the damages so assessed and all cost, execution may issue against them therefor as 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.

XI. *And be it further enacted*, That it shall be lawful for said company to purchase lands from the proprietors at any point on said road or canal or canals, not exceeding ten acres in any one tract, to be used by them for all necessary purposes of said road or canal or canals, or to be disposed of by them when it shall be deemed proper.

XII. *And be it further enacted*, That whenever, in the construction of said rail road or canal or canals, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said president and directors of said company so to construct the said road or canal across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual such waggon ways across said road or canal from one part of his land to the other.

XIII. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to purchase with the funds of said company, and place on the rail road or canal or canals, constructed by them under this act, all machines, waggons, vehicles, boats, carriages and teams of any description whatsoever, which they may deem necessary and proper for the purposes of transportation.

XIV. *And be it further enacted*, That all machines, waggons, vehicles,

boats, carriages and all the other personal property purchased by said company, or 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 said shares shall be deemed personal estate; and the property of said company and the shares therein shall be exempt from any public charge or tax whatsoever.

XV. *And be it further enacted*, That so soon as ten miles of said road or canal shall be completed, and as often thereafter as any other section of like length shall be completed, the said president and directors shall transport all produce or other commodities that shall be deposited convenient to said rail road or canal, and which they shall be required to transport to any point to which the said rail road or canal 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 said rail road or canal, 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 produce or other commodities required to be transported by said company on said rail road or canal or canals, shall pay or tender to said company at their toll gate or gates, the toll due on such produce or 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 the following rates, viz. on goods, produce, merchandize or property transported, not exceeding four cents a ton per mile for toll, and eight cents a ton per mile for transportation; and for the transportation of passengers not exceeding six cents per mile for each passenger 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 or canal or canals shall be fixed and regulated, from time to time, by the Governor, or such other person as may be appointed by the Legislature for that purpose, so as to make them sufficient in his or their estimation to yield a nett profit equal to ten per centum per annum on the capital stock expended in making and completing the said rail road and canal or canals, over and above what may be necessary for the repairs and renewal of the same. The president and directors of said company shall, at, or shortly before each session of the Legislature, report to the Governor, or such other person or persons as the Legislature may hereafter appoint for that purpose, shewing the whole amount of capital stock expended in the construction of the said road or canal or canals, 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. And it shall not be lawful for any other company or person or persons whatever to travel upon or use the road of said company, or to transport persons or property of any description along the said road,

without the license or permission of the president and directors of said company. And nothing herein contained shall be construed to prevent said company from making contracts for the transportation of the Mail upon such terms as may be agreed on between said company and the agents of the United States.

XVI. *And be it further enacted*, That it shall be lawful for the company hereby created to receive donations and to borrow money for the objects of this act, and to pledge the property of the company for the payment of such loans, and to make and issue proper evidence of such loans and assurances for the repayment thereof.

XVII. *And be it further enacted*, That it shall and may be lawful for the company hereby created so to construct all such bridges as it may be necessary for them to erect for the purposes of their rail road as to afford general accommodation to all travellers, and to demand and receive from all persons passing over or using such bridges a reasonable toll, which shall in no case exceed the highest rate of toll now allowed by law on any bridge in this State: *Provided, however*, that no toll shall be demanded for using said bridge on account of either property or person passing along the rail road and paying tolls therefor. And if it shall be necessary for the company, in the selection of the route or construction of the road or canal by them to be laid out or constructed, to connect the same with, or to use any turnpike road, bridge or canal, made or erected by any company or person incorporated or authorised by any law of this State, it shall be lawful for the president and directors of the company hereby created to contract with such corporations or persons for the right to use such road, bridge or canal, or for the transfer of any of the rights or privileges of such corporations or persons.

XVIII. *And be it further enacted*, That it shall be lawful for said company to erect scales at the toll gate or gates to weigh the burthen of any waggon, carriage, machine or other vehicle used in transporting produce or other commodities along said rail road.

XIX. *And be it further enacted*, That an annual meeting of the proprietors of the stock of said company shall be held at such time, and at such place, 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 holding a majority of all the shares 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.

XX. *And be it further enacted*. That 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 said company.

XXI. *And be it further enacted*, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the subscribers.

XXII. *And be it further enacted*, That so soon as said rail road or rail road and canal or canals shall be completed, so far as the company may deem it expedient to extend the same, the president and directors of the said com-

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

XXIII. *And be it further enacted,* That 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 said rail road, and which the said president and directors shall be required to transport as aforesaid, the toll for transportation being tendered, as a penalty for such failure or neglect, the company shall be liable to the party injured by such failure or neglect.

XXIV. *And be it further enacted,* That 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 recovered against him, the said company shall be liable to pay the same.

XXV. *Be it further enacted,* That if the said president and directors shall not begin the said work within three years after the passage of this act, or shall not complete fifty miles thereof within ten years thereafter, then the interest of the said company in the said rail road and the tolls aforesaid shall be forfeited and cease.

XXVI. *Be it further enacted,* That 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 thereon, and such assignee having first caused the transfer or assignment to be entered in a book to be kept by the company 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.

XXVII. *Be it further enacted,* That if the said president and directors, or a majority of them, cannot agree with proprietors for the purchase of any such quantity of ground, not exceeding one acre at any one place, as may be necessary for a toll house, or a house to cover any stationary engine, or for any other necessary purpose, it shall and may be lawful for the president and directors to file a petition in the Court of Pleas and Quarter Sessions of the county in which the land lies, against the proprietor of the land, setting forth the circumstances; and it being made to appear to the satisfaction of such court that the president and directors have caused the proprietor of such land to be notified ten days before court, the said court shall order the sheriff to summon a jury of good and lawful men, who, after having taken an oath (which oath the sheriff or his deputy is hereby authorised to administer) that they will assess the

damages which such proprietor will sustain by reason of the condemnation of such land, shall assess the amount which the petitioners ought to pay to such proprietor; and the said jury, in assessing such damages, shall not take into estimate the benefit resulting to said proprietor from conducting such rail road or canal through or near the lands of said owner or proprietor, but only in extinguishment of damages; and upon payment of the value found by the jury, upon any such proceeding, to the proprietor of the ground so condemned 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 in fee simple.

XXVIII. If any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of the rail road or canal or canals constructed by authority of this act, or any of the 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 State at the time, for the protection of the public works, or property of the State.

XXIX. *And be it further enacted*, That the corporation shall exercise the corporate powers hereby granted for ninety years, and no longer, without a renewal of the charter.

XXX. *And be it further enacted*, That full right and privilege is hereby reserved to the State, or to any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for any other rail road leading from the main route to any part or parts of this State: *Provided*, that in forming such connection no injury shall be done to the works of the company hereby incorporated.

XXXI. *And be it further enacted*, That such compensation shall be made from time to time to any of the officers, servants or agents of the company, as the proprietors in general meeting shall prescribe, or may authorise the president and directors to allow.

CHAPTER LI

An act to incorporate the North Carolina Central 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 be lawful to open books in the town of Beaufort, in the county of Carteret, under the direction of Jechonias Pigot, Benjamin Leecraft, Bridges Arundel, James W. Hunt, Elijah Whitehurst, Josiah Bell, Allen Davis, senior, Thomas Marshall, John H. Hill and Elijah Canaday, senior, or any three of them; at the town of Swansborough, in Onslow county, under the direction of William P. Ferrand, Luke Huggins, Bazil Hawkins and George A. Thompson; at Onslow Court House, under the direction of James Thompson, Edward S. Jones, John A. Averett, Williams Humphrey and John B. Thompson; at Trenton, in Jones county, under the direction of Hardy Bryan, Edmund Hatch, Lemuel H. Simmons, John H. Hamonds and Owen B. Cox; at Kinston, in Lenoir county, under the direction of William D. Mosely, Needham Whitfield, John C. Washington, Nathan G. Blount, Blount Coleman, Isaac Croom, junior, and John P. Dunn, or any three of them; at Newbern, under the direction of John Washington, John H. Bryan, John W. Guion, John M. Roberts, Richard D. Spaight, John P. Daves,

Moses Jarvis, Sylvester Brown, James C. Cole, Thomas H. Daves, John Harris of Core Creek, Robert Primrose, Hardy B. Lane, Matthias E. Manly, Wm. P. Biddle and John M. Bryan, or any three of them; at Snow-hill, in the county of Greene, under the direction of Jesse Speight, Charles Edwards, Tillman Holliday, Samuel H. Hart, William Williams, (clerk) Wyatt Moye, Arthur Speight and James Harper, or any three of them; at Stantonsburg, in the county of Edgecomb, under the direction of William Stewart, William Little, Patrick C. Cromwell and Josiah R. Horn; at Waynesborough, in the county of Wayne, under the direction of Gabriel Sherrod, Arnold Borden, Nicholson Washington, James Whitfield, John Davis and Richard Washington, or any three of them; at Smithfield, in the county of Johnston, under the direction of Bythorn Bryan, Thomas Rice, John M'Leod, James H. Smith, David Thompson and Joseph Richardson, or any three of them; at the city of Raleigh, under the direction of William R. Hinton, Joseph Gales, John Bell, Charles Manly, Romulus M. Saunders, Charles L. Hinton, Gavin Hogg, Wesley Jones, Willis Whitaker, Johnson Busbee, Allen Rogers, William Rolles, Henry A. Donaldson, Henry M. Miller, George W. Haywood, George W. Mordecai, Josiah Crudup and Parker Rand, or any three of them; at Hillsborough, in the county of Orange, under the direction of James Webb, Frederick Nash, Duncan Cameron, David Yarborough, Walker Anderson, William Montgomery, James S. Smith, James Mebane and William Cain; at Chapel Hill, under the direction of Joseph Caldwell, Green Huckaby and Charles Johnston; at Greensborough, in the county of Guilford, under the direction of John M. Dick, Jesse M'Cuiston, John A. Mebane and Henry Humphreys; at Jamestown, in said county, under the direction of George C. Mendenhall, David Lindsay and Richard Mendenhall; at Louisburg, in Franklin county, under the direction of Joel King, John D. Hawkins, William P. Williams, Gideon Glenn and Henry G. Ruffin; at Oxford, under the direction of William M. Sneed, Benjamin Bullock, Maurice Smith, John S. Eaton, Thomas Turner and Stephen K. Sneed, or any three of them; at Salem, in Stokes county, under the direction of Emanuel Shober, Frederick H. Shuman, James Waugh and Charles F. Bagge; at Ashborough, in the county of Randolph, under the direction of Benjamin Elliott, Jonathan Worth, William Hogan, Alexander Gray, Samuel Hill and John B. Troy, or any three of them; at Lexington, in the county of Davidson, under the direction of William R. Holt, Alexander Colcleugh, Henry R. Dusenberry, Samuel Hargrave, John A. Hogan and Benjamin D. Rounsaville; at Salisbury, under the direction of Isaac Burns, William Chambers, Ezra Allemong, William H. Slaughter, Charles Fisher, Thomas L. Cowan, Samuel Reeves, Burton Craige, Samuel Lemley and Michael Brown, or any three of them; at Pittsborough, in the county of Chatham, under the direction of Nathan Stedman, Thomas Farish, John J. Allston, junior, Robert Palmer, Charles Williams, Thomas M. C. Prince, Hugh M'Queen and Joseph Ramsey, or any three of them; at Caswell Court House, under the direction of Paul A. Harrelson, Quintin Anderson, Doctor Wilie Jones and Henry Cobb, or any three of them; at Huntsville, in the county of Surry, under the direction of Peter Clingman, Nicholas Williams and Henry P. Poindexter; at the town of Statesville, in the county of Iredell, under the direction of Theophilus Falls, John Mushat and William F. Cowan; at Germanton, in Stokes county, under the direc-

tion of Thomas T. Armstrong, John L. Bitting, John F. Poindexter, John Pepper, Reuben D. Golding and John Hill, or any three of them; and at such places, and under the direction of such persons, as any three of the commissioners, herein before named to superintend the receiving of subscriptions at Raleigh, shall direct, for the purpose of receiving subscriptions to an amount not exceeding two millions of dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of effecting a communication by a rail road, or by a rail road and canal or canals, from some point at Beaufort, or in the immediate neighborhood of the waters of Beaufort harbor, through or near Newbern, thence through or near Raleigh, and thence westwardly by the most convenient and eligible route through the central parts of North Carolina, as far as may be practicable; which route shall be determined on by the company hereby incorporated. That the said books shall be opened in each place, at such time as the commissioners or deputy commissioners shall respectively appoint, between the 31st day of March and the first day of July next, and shall be kept open in each place at least sixty days; and if it shall appear that more than the whole amount, authorised by this act, shall be subscribed, then it shall be the duty of the commissioners, or a majority of them, appointed to receive subscriptions at Raleigh, 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 twenty thousand. But if the whole number of shares shall not be subscribed for within one year from the time books shall be opened to receive subscriptions, then the books may be closed or continued open, as a majority of the commissioners named to receive subscriptions at Raleigh may judge most beneficial, until the whole number of shares shall be subscribed for. And the time and place of receiving such subscriptions as aforesaid, shall be advertised in one or more of the newspapers published in the city of Raleigh, in the town of Newbern and in the town of Salisbury.

II. When three 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 North Carolina Central 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 a body politic in law, and may make all such bye laws, rules and regulations, not inconsistent with the laws or constitution of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of the company.

III. Upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing to the person or persons appointed by this act or by virtue of this act to take subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company. The said commissioners and deputy commissioners shall forthwith, after the election of a president and directors of the company, pay over to the said president and directors all monies received by them; and on 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 no-

tice, in the Superior Courts, or in the Courts of Pleas and Quarter Sessions, or before a justice of the peace of the county in which such commissioner, his executors or administrators may reside.

IV. *Be it further enacted*, That when three 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, appointed to receive subscriptions at Raleigh, 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 said notice. To constitute any such meeting, a number of persons holding a majority of 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.

V. *Be it further enacted*, That 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, or in the absence of the president, any three 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.

VI. *Be it further enacted*, That 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 or canal or canals, to be located as aforesaid, and to begin at such point, and be prosecuted in such direction as the stockholders shall direct, and may cause to be made and constructed all works whatsoever which may be necessary and expedient, in order to the completion of the said rail road or canal or canals.

VII. *Be it further enacted*, That the president and directors shall have power to make contracts with any person or persons on behalf of the company, for making the said rail road or canal or canals, and performing all other works respecting the same, which they shall judge necessary and proper; to call on any emergency a general meeting of the proprietors of the stock, giving one month's notice thereof in some newspaper published at the seat of government; 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.

VIII. *Be it further enacted*, That 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 some newspaper published at the seat of government, 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 stockholders 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 his legal representative; and if the sale shall not produce the sum required to be advanced, with the incidental charges attending the same, 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 motion on ten days' notice before the Court of Pleas and Quarter Sessions of the 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.

IX. *Be it further enacted*, That if the president and directors cannot agree with the owners of land, through which it may be necessary to make the said rail road or canal or canals, as to the terms upon which the said rail road or canal or canals shall be opened through the same, then it shall be lawful for the said president and directors to file their petition in the Court of Pleas & 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 assessed the damages to be paid to the owners of 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 enter upon the land laid off, and construct their road or canal thereon, to make all necessary excavations and embankments, and all other structures necessary to the construction and preservation of said road or canal, and to hold the said land to their own use and benefit during their corporate existence; and in all things to have the same power and authority over said land so laid off, during their existence as a corporation, as though they owned the fee simple therein: *Provided*, that nothing in this act contained shall be so construed as to give power to said company to lay off said road or canal through the yard, garden 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 or canal, without the consent of the owner thereof.

X. *Be it further enacted*, That whenever any wood, gravel, stone or earth may be wanted for the construction or repairing of said Road or Canal, and the president and directors cannot agree with the owners of the lands adjacent, as to the terms on which they can procure the same, then it shall be lawful for the president and directors, by themselves or officers or agents, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, gravel or earth so needed 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 or stone, constituting any part of a fence or building; and where any gravel, stone, wood or earth shall be so taken as is provided for in this act, it shall and may be lawful for the owner to file his petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, stone, gravel or wood may have been taken, first giving ten days' notice to 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 damages the owners 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 president and directors. But if the said court shall not approve thereof, they shall order another jury to be summoned, who shall 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 against them therefor 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.

XI. *And be it further enacted*, That it shall be lawful for said company to purchase lands from the proprietors at any point on said road or canal or canals, not exceeding ten acres in any one tract, to be used by them for all necessary purposes of said road or canal or canals, or to be disposed of by them when it shall be deemed proper.

XII. *And be it further enacted*, That whenever, in the construction of said rail road or canal or canals, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said president and directors of said company so to construct the said road or canal across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where 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 said road or roads from one part of his land to the other.

XIII. *Be it further enacted*. That the said president and directors, or a majority of them, shall have power to purchase with the funds of said company, and place on the said rail road or canal or canals, constructed by them under this act, all machines, waggons, vehicles, boats, carriages and teams of any description whatsoever, which they may deem necessary and proper for the purposes of transportation.

XIV. *And be it further enacted*, That all machines, waggons, vehicles, boats, carriages and all the other personal property purchased by said company, or 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 said shares shall be deemed personal estate; and the property of said company and the shares therein shall be exempt from any public charge or tax whatsoever.

XV. *And be it further enacted*. That so soon as ten miles of said road or canal shall be completed, and as often thereafter as any other section of like length shall be completed, the said president and directors shall transport all produce or other commodities that shall be deposited convenient to said rail road or canal, and which they shall be required to transport to any

point to which the said rail road or canal 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 said road or canal, 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 produce or other commodities required to be transported by said company on said rail road or canal or canals, shall pay or tender to said company at their toll gate or gates, the toll due upon such produce or 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 the following rates, viz. on goods, produce, merchandize or property transported, not exceeding four cents a ton per mile for toll, and eight cents a ton per mile for transportation; and for the transportation of passengers not exceeding six cents per mile for each passenger 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 or canal or canals shall be fixed and regulated, from time to time, by the Governor, or such other person or persons as may be appointed by the Legislature for that purpose, so as to make them sufficient in his or their estimation to yield a nett profit equal to ten per centum per annum on the capital stock expended in making and completing the said rail road or canal or canals, over and above what may be necessary for the repairs and the renewal of the same. The president and directors of the said company shall, at, or shortly before each session of the Legislature, report to the Governor, or such other person or persons as the Legislature may hereafter appoint for that purpose, shewing the whole amount of capital stock expended in the construction of said road or canal or canals, 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. And it shall not be lawful for any other company or person or persons whatever to travel upon or use the road of said company, or to transport persons or property of any description along said road, without the license or permission of the president and directors of said company. And nothing herein contained shall be construed to prevent the said company from making a contract for the transportation of the Mail upon such terms as may be agreed on between said company and the agents of the United States.

XVI. *And be it further enacted*, That it shall be lawful for the company hereby created to receive donations and borrow money for the objects of this act, and to pledge the property of the company for the payment of such loans, and to make and issue all proper evidences of such loans and assurances for repayment thereof.

XVII. *And be it further enacted*, That it shall and may be lawful for the company hereby created so to construct all such bridges as it may be ne-

cessary for them to erect for the purposes of their rail road as to afford general accommodation to all travellers, and to demand and receive from all persons passing over and using such bridges a reasonable toll, which shall in no case exceed the highest rate of toll now allowed by law on any bridge of the State: *Provided, however*, that no toll shall be demanded for using said bridge on account of either property or persons passing along the rail road and paying tolls therefor. And if it shall be necessary for the company, in the selection of the route or construction of the road or canal by them to be laid out and constructed, to connect the same with, or to use any turnpike road, bridge or canal, made or erected by any company incorporated or authorised by any law of this State, it shall be lawful for the president and directors of the company hereby created to contract with such corporations or persons for the right to use such road, bridge or canal, or for the transfer of any of the rights and privileges of such corporations.

XVIII. *And be it further enacted*, That it shall be lawful for said company to erect scales at their toll gate or gates to weigh the burthen of any waggon, carriage, machine or other vehicle used in transporting produce or other commodities along said rail road.

XIX. *And be it further enacted*, That an annual meeting of the proprietors of the stock of said company shall be held at such time, and at such place, in each and every year, as the stockholders, at their first general meeting, or at any subsequent 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 holding a majority of all the shares 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.

XX. *And be it further enacted*, That 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 said company.

XXI. *And be it further enacted*, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the subscribers.

XXII. *And be it further enacted*, That so soon as the said rail road or rail road or canal or canals shall be completed, so far as the company may deem it expedient to extend the same, the president and directors of the said company or a majority of them, shall semi-annually declare and make such dividend from the nett profits from the tolls herein granted as they may deem advisable, to be divided among the proprietors of the stock of said company in proportion to their respective shares.

XXIII. *And be it further enacted*, That after 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 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 party injured by such failure or neglect.

XXIV. *And be it further enacted.* That if any toll-gatherer, at any toll gate to be erected by the 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 recovered against him, the said company shall be liable to pay the same.

XXV. *Be it further enacted.* That if the said president and directors shall not begin the said work within three years after the passage of this act, or shall not complete fifty miles thereof within ten years thereafter, then the interest of the said company in the said rail road and the tolls aforesaid shall be forfeited and cease.

XXVI. *Be it further enacted.* That 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 thereon, and such assignee having first caused the transfer or assignment to be entered into a book to be kept by the company 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.

XXVII. *Be it further enacted.* That 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 a toll house, or a house to cover any stationary engine, or for any other necessary purpose, it shall and may be lawful for the president and directors to file a petition in the Court of Pleas and Quarter Sessions of the county in which the land lies, against the proprietor of the land, setting forth the circumstances; and upon its being made to appear to the satisfaction of such court that the said president and directors have caused the proprietor of such land to be notified ten days before court, the said court shall order the sheriff to summon a jury of good and lawful men, who, after having taken an oath (which oath the sheriff or his deputy is hereby authorised to administer) that they will assess the damages which such proprietor will sustain by reason of the condemnation of such land, shall assess the amount the petitioners ought to pay to such proprietor; and the said jury, in assessing such damages, shall take into the estimate the benefit resulting to said proprietor from conducting such rail road or canal through or near the lands of said owner or proprietor, but only in extinguishment of damages; and upon payment of the value found by the jury, upon any such proceeding, to the proprietor of the ground so condemned 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 in fee simple.

XXVIII. If any person or persons shall wilfully, by any means what-

soever, injure, impair or destroy any part of the rail road or canal or canals constructed by authority of this act, or any of the 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 State at the time, for the protection of the public works, or property of the State.

XXIX. *And be it further enacted*, That the corporation shall exercise the corporate powers hereby granted for ninety years, and no longer, without a renewal of the charter.

XXX. *And be it further enacted*, That full right and privilege is hereby reserved to the State, or to any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for any other rail road leading from the main route to any part or parts of this State: *Provided*, that in forming such connection no injury shall be done to the works of the company hereby incorporated.

XXXI. *And be it further enacted*, That such compensation shall be made from time to time to any of the officers, servants or agents of the company, as the proprietors in general meeting shall prescribe, or may authorise the president and directors to allow.

CHAPTER LII

An act to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the first term of the Court of Pleas and Quarter Sessions of the counties of Richmond, Columbus, Sampson and Robeson, at which, under the existing laws, those courts are required to appoint for their respective counties a county trustee and a treasurer of public buildings, those courts shall respectively have power, a majority of the acting justices being present, by order of court to abolish said offices, or either of them, in their respective counties.

II. *Be it further enacted*, That in any or all of said counties in which the said offices may be abolished by virtue of this act, it shall be the duty of the sheriffs of said counties respectively to collect, receive and retain all money or sums of money which heretofore the said county trustee or treasurer of public buildings was authorised or bound to collect; and that the said sheriffs in their respective counties shall attend to all matters and things, and do and perform all acts and things, which the said county trustee or treasurer of public buildings is now by law authorised or bound to perform and do; and that the said sheriffs shall settle and discharge all claims against the county in the same manner and under the same rules, regulations and restrictions as the said county trustee and treasurer of public buildings is now bound or authorised to settle claims of the like character; and that the said sheriffs shall annually settle with the committee of finance of their respective counties, at or before the County Court in their respective counties next immediately preceding the election that shall be held therein for sheriff, for all sums which they may receive by virtue of this act, or which they are hereby authorised or bound to receive, if there be a committee of finance; if not, that they shall for the sums so received, or which they ought to receive, in the same manner as they are now bound to settle for other sums which they are now authorised to receive; and that the bond hereafter to be given by the sheriffs of the aforesaid counties, which shall abolish the offices of county

trustee and treasurer of public buildings, shall be drawn so as to include expressly the foregoing duties; and it shall not be lawful for said sheriffs to receive or claim any additional compensation for the duties imposed on them by this act.

III. *Be it further enacted*, That where it is now necessary to bring suits in the name of the county trustee or treasurer of public buildings, such suit or suits may be brought in the name of the chairman of the Court of Pleas and Quarter Sessions of said counties respectively.

IV. *Be it further enacted*, That all clerks of courts, all clerks and masters in equity, after the abolition as aforesaid of the said offices of county trustee and treasurer of public buildings, shall pay over all amercements, fines and forfeitures, and all other sums of money which are now payable to the county trustee or treasurer of public buildings, shall pay the same to the sheriffs of the county entitled to receive the same; and all clerks and all clerks and masters in equity shall settle with and pay to the sheriffs of said counties respectively, after the abolition as aforesaid of the said offices aforesaid, in the same manner and under the same rules, regulations, liabilities and penalties as they are now bound to settle with and pay over to the county trustee and treasurer of public buildings of their respective counties.

V. *And be it further enacted*, That after the abolition of the offices aforesaid, or either of them, in the aforesaid counties, it shall be the duty of the county trustee or treasurer of public buildings, as the case may be, to pay over immediately to the sheriff of their respective counties all money or sums of money which they or either of them may have received, or which they ought to have received by virtue of their respective offices, and which shall remain in his or their hands unaccounted for; and upon his or their failure to pay the same upon demand made by the sheriff, it shall be his duty to institute suit or suits for the recovery of the same against him or them in the name of the obligee in his or their bonds, to the use of the county entitled to receive the same.

CHAPTER LIII

An act to incorporate Shiloh Academy, in the county of Camden.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Caleb Peckins, John S. Burgess, Abner Forbes, Joseph G. Hughes and Edmund S. Barco be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name of "The Trustees of Shiloh 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 which now be owing to said academy, (reserving all above the second floor of said academy, with a passway thereto, to the use of Widow's Son Lodge, number seventy-five,) 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 to collect and receive all monies which are now due, and the same to apply according to the will of the donor or donors, 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 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, or a majority of 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.

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

CHAPTER LIV

An act to incorporate the Salisbury Gold Mining 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 a gold mining company shall be established in this State by the name and style of "The Salisbury Gold Mining Company," with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each; and that Henry Trexler, Jesse W. Walton, Samuel Reeves and Daniel H. Cress, or a majority of them, be, and they are hereby authorised to open books in the town of Salisbury, and at such other places as they may direct, for the purpose of receiving subscriptions for shares in said company, having previously given twenty days' notice in some newspaper of the times and places of opening said books; and they may keep said books open for ninety days, with power to re-open the same in like manner if the capital stock shall not in the first instance be all subscribed.

II. *Be it further enacted,* That at the expiration of the ninety days for keeping the books open, the commissioners, or a majority of them, shall meet together and compare their books; and if it shall be found that twenty-five thousand dollars of the capital stock shall have been subscribed, they shall by advertisement, in some newspaper, call a general meeting of the stockholders at such time and place as they may appoint; and if a number of stockholders representing a majority of all the stock subscribed shall attend, either in person or by proxy, they may proceed to appoint five directors, one of whom shall be president of the company; and the said directors shall be appointed for one year, and until their successors be elected.

III. *Be it further enacted,* That it shall be the duty of the directors, within ten days after their appointment, to meet and choose one of their body as president, and execute such bonds as may be required of them by the stockholders for the faithful performance of their respective duties while in office.

IV. *Be it further enacted,* That when the sum of twenty-five thousand dollars shall have been subscribed in manner aforesaid, the subscribers, their successors or assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of "The Salisbury Gold Mining Company," and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the period of twenty-five years from and after the ratification of this act, and shall be able and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature or quality, and

the same to sell, grant, demise, alien or dispose of, and shall possess and exercise all the rights and privileges of a corporation or body politic in law; and also may make, have and use a common seal, and may make all such bye laws, rules and regulations, not inconsistent with the constitution and laws of the State as may be necessary for the well ordering and management of the affairs of the company.

V. *Be it further enacted*, That if the whole of the capital stock shall not have been subscribed within the first ninety days, or when the books are re-opened under the commissioners, and the sum of twenty-five thousand dollars shall have been subscribed, and the company organized as before provided for, then it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of the stock.

VI. *Be it further enacted*, That if more than the whole amount of the capital stock shall have been subscribed at the opening of the books, then it shall be the duty of the commissioners to reduce the same in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders should re-open the books, and more than the capital stock should be subscribed, then the directors shall reduce the subscriptions to the sum prescribed, as the capital stock, in manner as above directed.

VII. *Be it further enacted*, That the stockholders shall have annual meetings either in person or by proxy; and at such meetings, a majority of the stock being represented, they shall elect their directors and officers, and do all other acts and things authorized by this act; and in all general meetings, each stockholder shall be entitled to give as many votes as he may hold shares; and the shares or stock of said company shall be deemed, taken and considered as personal property or estate, and as such shall go to administrators or executors, and be assets in their hands.

VIII. *Be it further enacted*, That the stockholders, or so many of them as may hold or represent one third of the stock, may at any time call a general meeting of the company; and at such meeting, a majority of the stock being represented, may remove all officers and directors of the company, and appoint others in their stead, and generally do and perform whatever may be done and performed at the annual meeting of the company.

IX. *Be it further enacted*, That the said corporation shall not apply its capital to any other than the purposes of mining, and all banking operations are strictly prohibited, under the penalty of forfeiting this charter.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself, and two good securities, neither of whom shall be a corporator; and if a security shall afterwards become a corporator, the president and directors shall require other security in his place; and in case such requisition shall not be complied with, the president and directors shall forthwith collect the amount due on said bond or note, which shall bear interest from the date; but any bond or note so taken may be made payable in such sums or instalments and at such times as the president and directors may by resolution require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond or note, with two securities, as by this act required, such subscriber, and any and every director conniving at, or assenting to such failure, shall be liable to any creditor of the company for the full

amount of such subscription, to be recovered from either or all of them, their executors, administrators or assigns, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts, or become bound by instrument, security or agreement in writing, signed by the president, or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements, hereditaments, aliened by the corporation, shall pass to the purchaser only by deed under their corporate seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State, or avoids service, then service of the same on any director; and in case there be no director in the State, then service on any stockholder shall be sufficient.

XIV. *Be it further enacted*, That it shall be the duty of said corporation to keep a full and fair record of all their proceedings in a book procured for that purpose, and shall produce said records in any court of justice when required so to do by the court; and it shall be the duty of the said corporation to preserve all bonds and notes given for stock, and give credit for such payments as may from time to time be made on them, until they are fully paid off and discharged.

XV. *Be it further enacted*, That it shall be the duty of said corporation, at the first County Court to be held for the county of Rowan after the organization of said company, and annually thereafter, to present to said court a full and fair statement of the amount which has been paid in, in cash, and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That all the property of the corporation of whatsoever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the said corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER LV

An act to incorporate a gold mining company, called the Greensboro' Gold Mining 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 a gold mining company shall be established in this State by the name and style of "The Greensboro' Gold Mining Company," with a capital of one hundred thousand dollars, to be divided into shares of one hundred dollars each; and that Henry Humphries, Jacob Hubbard and Henry M. Macy, or any two of them, be, and they are hereby appointed commissioners, and are authorised to open books in the town of Greensboro', Guilford county, and such other places as they may direct, for the purpose of receiving subscriptions for shares in said company, having previously given notice in some newspaper of the times and places of opening said books; and they shall keep said books open for the period of ninety days, with power to re-open said books, if thirty-five thousand dollars of the capital stock shall not be subscribed within the said ninety days.

II. *Be it further enacted*, That at the expiration of ninety days, the said Humphreys, Hubbard and Macy, or any two of them, shall meet together

and compare their books; and if it shall be found that the sum of thirty five thousand dollars shall have been subscribed, they shall make advertisement in the State Gazette, and therein call a general meeting of the stockholders at such time and place as they shall appoint; and if a majority of the stock subscribed be represented at said meeting, either by the stockholders in person or by proxy, the stockholders may proceed to appoint four directors for the term of one year, and until their successors are appointed; one of which directors shall be president of the company, to be appointed by the other directors.

III. *Be it further enacted*, That it shall be the duty of the directors within ten days after their appointment, to meet and choose one of their body president, and to execute such bonds, as may be required of them by the stockholders, conditioned for the faithful performance of their official duties.

IV. *Be it further enacted*, That when the sum of thirty-five thousand dollars of the capital stock shall have been subscribed as before provided, the subscribers and their successors shall be, and they are hereby declared to be a body corporate and politic, by the name and style of "The Greensboro' Gold Mining Company," and by that name may sue and be sued, plead and be impleaded before any court or justice of the peace, and shall so continue for the term of twenty-five years from and after the ratification of this act, and be able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall have, possess and exercise all the rights and privileges of a corporation or body politic in law; and also may make, have and use a common seal, and may make all such bye-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering and management of the affairs of the company.

V. *Be it further enacted*, That if the whole of the capital stock shall not have been subscribed within the first ninety days or before the incorporation of the company, it shall and may be lawful for the stockholders after their incorporation to re-open the books and receive subscriptions for the balance remaining unsubscribed of the aforesaid sum of one hundred thousand dollars.

VI. *Be it further enacted*, That if more than the whole amount of the capital stock shall have been subscribed before the first meeting of the stockholders, it shall be the duty of the commissioners before named to reduce the same in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders should re-open the books, and more than the capital stock shall be subscribed, then the directors shall reduce the subscriptions to the amount of the capital stock before mentioned, reserving to each subscriber at least one share.

VII. *And be it further enacted*, That the stockholders shall have annual meetings in the town of Greensboro', either in person or by proxy; and at such meetings, if a majority of the stock subscribed shall be represented, they may proceed to the election of their directors, and such other officers as they may deem necessary, and do all other acts and things authorised by this act; and in all general meetings the stockholders shall be entitled to vote according to the following scale, viz. one vote for each share as high as three shares, and one vote for every three shares above three, as high as thirty shares, and one vote for every five shares above thirty shares, by him or her

held in said company; and all the stock held in said company shall be deemed and taken as personal property, and as such shall go to executors or administrators, and shall be assets in their hands.

VIII. *Be it further enacted*, That the stockholders, or so many of them as may hold or represent one third of the capital stock subscribed, may at any time call a general meeting in case of emergency; and at such meeting shall have power to remove any director or other officer for misconduct, and appoint others in his or their stead, and generally to do and perform all necessary acts until the annual meeting of the stockholders.

IX. *Be it further enacted*, That the powers and privileges hereby granted to the said company, are granted solely and exclusively for the purpose of mining and no other, and all banking operations are hereby strictly forbidden to the corporation, under the penalty of forfeiting this charter.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by the bond or note of the subscriber, signed by himself and two good securities, neither of whom shall be a corporator; and if any surety shall become a corporator, the president and directors shall require another surety in his place; and in case such requisition be not complied with, the president and directors shall forthwith collect the amount due on said bond or note. Bonds or notes given for stock as aforesaid, shall bear lawful interest from their date, but may be paid in such portions and at such times as the president and directors may from time to time require.

XI. *Be it further enacted*, That no subscription shall be for a less sum than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond or note with two sureties as by this act required, such subscriber and any or every director conniving at or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from either or all of them, their executors or administrators, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts or become bound by any instrument, security or agreement in writing, signed by the president or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements and hereditaments aliened by the corporation shall pass to the purchaser only by deed under their corporate seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State or avoids service, then service of the same on any director; and in case there be no director in the State, then service on any stockholder shall be sufficient.

XIV. *Be it further enacted* That it shall be the duty of the said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall produce said records in any court of justice in this State, when required so to do by the court; and it shall be the duty of said corporation to preserve all bonds and notes given for stock, and to enter credits for such payments as from time to time may be made on them until they are fully paid off and discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first Court of Pleas and Quarter Sessions held for the county of Guilford after the organization of said company, and annually thereafter, to present to said court a full and fair statement of the amount which has been paid in, in cash,

and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. And be it further enacted, That all the property of the corporation, of whatever kind or nature, whether lands, legrees, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of said corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER LVI

An act to incorporate Contentnea Academy, in the county of Pitt, and to appoint 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 Moses Turuage, Lewis Turuage, Abram Baker, Elbert Moye, William D. Moye and Alfred Moye, be, and they are hereby incorporated by the name and style of "The Trustees of Contentnea Academy," and by that name shall be able and 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 any 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 LVII

An act to incorporate the trustees of Jordan Plain 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 Hugh Telfair, Thomas Jordan, Volentine Jordan, Benjamin F. Ebern, James Little, Churchill Perkins and Josiah Daniel, be, and they are hereby declared to be a body politic and corporate, by the name and style of the Trustees of Jordan Plain Academy, and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and in general shall have, exercise and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy within this State.

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

CHAPTER LVIII

An act to alter the manner of appointing inspectors for the town 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 the justices of the Court of Pleas and Quarter Sessions for the county of New Hanover shall, at the first term of the said court holden after the first day of May next, and every two years thereafter, appoint such number of inspectors of naval

stores and provisions, staves and heading and lumber, for the town of Wilmington, under the same rules, regulations and restrictions as heretofore authorised and prescribed by law; any law to the contrary notwithstanding.

CHAPTER LIX

An act to prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek in the counties of Rowan and 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 if any person or persons, after the passage of this act, shall fell timber in, or otherwise obstruct the channel of Hunting creek from its junction with the Yadkin river, in the county of Rowan, to the Rev'd James Patterson's, in the county of Iredell, he, she or they shall forfeit and pay for every offence the sum of ten dollars, to be recovered before any justice of the peace in the county where the offence may be committed, one half to the use of the informer, and the other half to the use of the poor of the 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: *And provided further*, that no person shall incur the penalty herein prescribed who shall fell timber in, or otherwise obstruct the channel of said creek in clearing his, her or their lands on said creek: *Provided* he, she or they shall remove the same within twenty days.

CHAPTER LX

An act for the better regulation of the town of Nixonton, in the county of Pasquotank.

Whereas the commissioners for the town of Nixonton, in the county of Pasquotank, have either died, removed or refused to act: For remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Noah Hollowell, William Price, John N. Butt, John C. Blatchford and Adam Knight, be, and they are hereby appointed commissioners for the town of Nixonton, in the county of Pasquotank, with full power and authority to make all such bye laws, rules, regulations and restrictions for the better government of said town, as they, or a majority of them, may deem proper, not inconsistent with the laws and constitution of this State or the United States.

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

CHAPTER LXI

An act to extend an act, passed in one thousand eight hundred and thirty, chapter one hundred and fifty one, entitled an act to authorise Major J. Clark, or him and his associates, to build a toll bridge across Pungo river at Loghouse 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 J. Clark, or he and his associates, are hereby authorised and empowered to repair the Marsh road, leading from the eastern side of the ferry at Loghouse Landing for about three quarters of a mile to the high land.

II. *Be it further enacted*, That when the said road shall be completed, the emoluments and profits arising therefrom for the term of forty years shall be vested in said Major J. Clark, or him and his associates, his or their heirs

or assigns: *Provided* the same shall be completed by the first day of September, one thousand eight hundred and thirty two; and they shall be entitled to receive the following toll, in addition to the bridge toll: for a single person, three cents; each horse, mule, neat cattle, &c. two cents; each sheep, &c. one cent; one horse and wheel carriage, ten cents; for each four wheel carriage, twenty cents.

III. *And be it further enacted*, That when the said road shall be finished, the proprietor or proprietors thereof for the time being shall keep the said road in good and sufficient repair, under the same rules, regulations, restrictions and penalties prescribed by the laws of this State for the keeping other public roads

CHAPTER LXII

An act to incorporate "the United Brothers' Library Society," in the county of Lenoir.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the members of "The United Brothers' Library Society," in the county of Lenoir, be, and they are hereby declared a body politic and corporate for the establishment and support of a circulating library, and under that name shall have perpetual succession and a common seal, and be capable by gift or otherwise of taking, possessing and transmitting property, real and personal, and in all things relating to the objects of said association to have, enjoy and exercise the powers and privileges usually belonging and appertaining to corporations aggregate.

CHAPTER LXIII

An act to authorize William M. Davidson to erect a gate or gates on his land across the road leading through his plantation on Jonathan's creek, in Haywood county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William M. Davidson, of Haywood county, be, and he is hereby authorized to erect and keep up a gate or gates upon his own land across the public road leading from Catalucha Mountain to Waynesville, under the same rules and regulations as are now established by law for the erection of such gates.

CHAPTER LXIV

An act to authorise William Chambers to erect gates across a public road.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Chambers, of the county of Rowan, be, and he is hereby authorised to erect two gates across the road passing through his plantation, and crossing the Yadkin river at a place commonly known by the name of Chambers' ferry, on each side of the river, under the rules and regulations now established by law for the erection of such gates.

CHAPTER LXV

An act for the better regulation of pilotage on vessels trading within the Cape Fear Inlets.

Be 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 first day of March, eighteen hundred and thirty-two, all vessels trading within the Cape Fear Inlets over forty tons burthen, shall be liable to pay pilotage in proportion to the rates already established by law; and any pilot boarding such vessel and bringing her in, shall be entitled to his pilotage, whether such vessel shall have hoisted her signal or not.

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

CHAPTER LXVI

An act for the better regulation of the town of Tarborough, in Edgecombe county.

Whereas the limits and boundaries of the town of Tarborough have been ascertained and fixed by law, but the laws made for the regulation and government of the same are imperfect and deficient:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the government of the town of Tarborough, the sheriff of Edgecombe county shall annually, on the first Monday in April, (or in case of unavoidable necessity as soon thereafter as possible,) hold an election at the court house in the town of Tarborough for one magistrate of police and five commissioners for said town; which election the sheriff shall give public notice of ten days previously, and shall nominate two freeholders of said town to hold said election; and the polls shall be kept open from eleven in the morning till three o'clock in the afternoon of the appointed day; and every free white male residing in said town, and who shall have resided there six months previously, shall be entitled to vote for said officers; and the sheriff shall declare those persons elected who shall receive the highest number of votes for the respective offices, and shall immediately notify said persons of their election, who shall, within ten days after notification, qualify and take charge of the duties of their offices, or forfeit the sum of twenty dollars, to be for the use of the town treasury, recoverable before any justice of the peace of the county at the suit of one or more of the commissioners who do qualify; and in the event of a refusal to qualify by all elected, with any consent or understanding whatever, where the election is defeated, they shall be guilty of an indictable offence, cognizable before the Superior Court of Edgcombe; and when any vacancy occurs in the above offices, the sheriff on being duly notified shall order a new election, in the same manner as prescribed above; and for every election held under this act, the sheriff shall be paid by the commissioners the sum of four dollars, and for failing to comply with the requisitions of this act, shall forfeit for every offence the sum of twenty dollars, to be recovered by motion in the County Court, at the instance of the chairman of the court, for the use of the town treasury, the sheriff having had five days previous notice of the same.

II. *Be it further enacted by the authority of the same*, That no person shall be eligible as magistrate of police, or commissioner, who does not reside in the town of Tarborough, and possess therein a freehold estate; nor shall any magistrate of police or commissioner be eligible for more than two years in succession.

III. *Be it further enacted*, That the commissioners, before they take on themselves the discharge of their duties, shall qualify and take the following oath: "I, A. B. do solemnly swear that I will faithfully perform the duties of commissioner of the town of Tarborough: so help me God." And when thus qualified, they shall be, and are hereby incorporated into a body corporate and politic by the name of "The commissioners of the town of Tarborough," and by that name shall have succession by election as prescribed in this act, and have ability to sue and be sued, implead and be impleaded, answer and be answered, in any court of record or other judicial tribunal whatever; and for the proper regulation, protection, improvement and govern-

ment of the town, shall have full power and authority to make and enforce all laws, rules and ordinances which they consider right or necessary, provided they are not inconsistent with the laws or constitution of this State or of the United States; they shall keep a record of their proceedings, and may appoint a treasurer, clerk, town constable, overseer of the streets, and any inferior officer their situation or convenience may require; to assign and point out their duties, and fix their compensation; and to enforce their laws and ordinances, they are hereby fully authorised and empowered to impose such fines, taxes or punishments as may enforce obedience. Said fines, taxes and punishments to be recovered and enforced through a magistrate of police. The commissioners are required to meet monthly during their continuance in office; a majority of them shall at all times be necessary and requisite to transact business.

IV. *Be it further enacted*, That the magistrate of police shall, before entering on the discharge of his duties, take the following oath: "I, A. B. do solemnly swear that, as magistrate of police of the town of Tarboro', I will do justice and equal right in all cases whatever to the best of my judgment; and all fines and amercements made in accordance with the laws and regulations of said town, I will cause to be duly returned to the proper officer; and that I will faithfully discharge the duties of my office to the best of my ability and judgment: so help me God!" And it shall be his duty to enforce the laws and ordinances of the town, and punish the offenders and violators of the same; and to do and effect which, he is fully authorised and empowered to issue his warrant to the sheriff, or to any constable, to bring before him the offender or offenders; and on conviction, which shall be in the same manner of trials before justices of the peace, the said magistrate of police is authorised to give judgment, and award execution agreeable to law; which judgment or execution the sheriff or constable is fully authorised and required, under the usual penalties of the law, to execute and enforce; and for the proper execution of the above purposes, and the laws of the town, the magistrate of police is hereby invested with full power to issue subpoenas, examine witnesses, administer oaths; as far as the limits and laws of the town are concerned, is vested with all the powers and authorities of a justice of the peace; and all fines, penalties, forfeitures and punishments incurred under the town laws, or imposed by the commissioners of the town, shall be enforced by him in accordance with the powers vested in him by virtue of his office: *Provided always*, that the defendant shall be allowed to appeal to the County Court, upon giving good and proper security for the costs, or for his personal appearance at court, as the case may be.

V. *Be it further enacted*, That for the improvement and support of the town, and for the payment of the contingent expenses thereof, the commissioners shall annually, before the first day of August, levy a tax on the real estate, with the improvements, in said town, not exceeding the rate of fifty cents to every hundred dollars worth of the same; and also a poll tax on the white male residents of the town between the ages of twenty one and fifty-five, not exceeding one dollar per capita; and in order to procure an accurate list of the property and persons liable to be taxed by the town laws, it is hereby made the duty of the County Court of Edgecombe, at every May term, to appoint some justice of the peace of said county, who shall, between the first and last days of June, receive on oath from the inhabitants of said town a true and accurate list of all persons and property liable to pay taxes,

and shall make return of such lists under his hand and seal to the commissioners at their next meeting thereafter; and every person failing to give in as aforesaid, shall be assessed in double the amount he would otherwise be liable for; and to collect these taxes, the commissioners shall depute some person properly qualified, allowing him sufficient compensation for the same, who shall collect and account for the taxes by the first of November succeeding; and the person or officer thus deputed or appointed shall have all the powers and authorities to collect the same that any other collector of the public taxes of the State or county have; and if any owner of real estate in the town shall neglect or refuse to pay the taxes for the same for more than twelve months, the said real estate, or so much thereof as may discharge the arrears of taxes, may be sold after giving six weeks public notice of the sale in some newspaper, and advertising the same at the court house door.

VI. *Be it further enacted*, That the County Court shall not grant license to any person to retail spiritous liquors in less quantities than a quart within the limits of the town of Tarborough, without a written recommendation from the board of commissioners; and every license thus granted shall be annually renewed; and any person retailing in violation of this act, shall forfeit and pay for every offence the sum of five dollars, to be recovered on conviction before the magistrate of police, besides the liability of being indicted in the County or Superior Courts under the laws of the State: *Provided*, that nothing herein contained shall in any manner conflict or interfere with the laws of the State prohibiting the trading and trafficking with slaves in any article whatever.

VII. *Be it further enacted*, That as great danger frequently arises to the inhabitants and property of the town from the imprudent use of stoves, and the improper erection of wooden chimneys and blacksmiths' shops in populous parts of the town, that from and after the first day of February, one thousand eight hundred and thirty-two, no stove, wooden chimney or blacksmith's shop shall be erected or used in the town of Tarborough without the written permission of the commissioners, specifying the place and manner of using and erecting the same; and for every offence against the provisions of this act, the offender shall pay not less than three, nor more than twelve dollars for every month's continuance of the same; and for every less period than a month, at the above rates, at the discretion of the magistrate of police, before whom said penalty shall be recovered on information lodged by the commissioners. That it being incumbent on the commissioners of the town to keep the streets in good order and repair,

VIII. *Be it further enacted*, That for this purpose, they shall have full power and authority to do the same, either by calling out the inhabitants of the town to work in the manner hereinafter prescribed, or by letting out the keeping and repairing of the same, and laying an annual tax on the citizens and real estate within the town to pay the expence thereof: *Provided*, that the poll tax be levied only on the white male residents of the town between the ages of twenty-one and fifty, and on the male slaves between the ages of sixteen and sixty; and said tax shall not exceed two dollars per capita, and the tax on real estate shall not be at a greater rate than fifty cents for every hundred dollars valuation thereof. But should the commissioners think proper to call out the inhabitants to work on said streets, (and every person shall be liable to work who is made liable to be taxed for the streets,) the overseer appointed for the purpose shall give at least three days notice to

every person thus called out; and if any person shall fail to appear by himself or such substitute as may be accepted by the overseer, and work on the streets as may be required, he shall forfeit and pay for every failure fifty cents, to be collected by warrant before the magistrate of police, at the suit of the commissioners, the evidence of the overseer being sufficient to convict any delinquent. The owner or employer of slaves shall be liable for his or their compliance with the requisitions of this act, in the same manner as they themselves are liable; and all persons of the above description (including free negroes) who have been residents of the town for thirty days previous to any working day, are liable to be called out to work on the streets: *Provided*, that no person shall be compelled to work more than twelve days in each year, and the commissioners may remit or excuse any fine that the justice or equity of the case may require; and that any person may exempt himself from working on the streets during one year by paying in advance three dollars to the town treasurer.

IX. *Be it further enacted*, That the commissioners are fully empowered to preserve and protect the public grounds and streets of said town from all encroachments or obstructions; and wherever the public grounds or streets are enclosed or encroached on, they shall have full power to remove the same, or levy an annual tax, not exceeding one dollar for every square foot of ground occupied or encroached on.

X. *Be it further enacted*, That the commissioners shall make such regulations and ordinances as shall promote the health of the town; and no person shall be allowed to create or occasion any nuisance to the annoyance of the health, good order or peace of said town. Should any such nuisance be or exist on any of the streets or public grounds of the town, the commissioners shall remove the same at the expense of the individual creating or committing it; and if any owner or occupier of a lot shall cause or permit any nuisance on said lot, or if any person besides the owner should cause or create any nuisance on any vacant lot, on information thereof lodged by the commissioners or any citizen before the magistrate of police, he shall immediately notify the owner or occupier of said lot or offender against these regulations that he is required to remove the said nuisance in a specified time; and if he, she or they refuse or neglect to remove the same, the magistrate of police shall have full power and authority to issue his warrant to the sheriff or any constable to arrest said offender and bring him, her or them before him; and the magistrate of police shall have power to impose a penalty or fine not exceeding ten dollars for the first offence; and if the offender shall still refuse or neglect to remove the nuisance for ten days, he may in the same manner be fined not exceeding one hundred dollars; and for a continuance of the nuisance after that, a daily fine or tax not exceeding ten dollars may be imposed during its continuance; but if the nuisance should be of immediate or extraordinary danger or annoyance, the commissioners may in the first instance remove the nuisance or the causes creating the same at his, her or their expense: *Provided*, that the privilege of appeal by giving good security shall be allowed the offender from the decision of the magistrate of police to the County Court; and as nuisances frequently arise from running at large of hogs, dogs and other dangerous and troublesome animals, the commissioners shall be empowered to adopt such regulations concerning the same as the comfort and security of the citizens may require.

XI. *Be it further enacted*, That for the security of property and the per-

sonal safety of the citizens, the commissioners, whenever they deem it necessary or expedient, shall establish a night watch or patrol for the town; and whenever the funds of the town are inadequate for the payment of an hired watch or patrol, they may call out the white male inhabitants of the town between the ages of eighteen and sixty years of age to perform said duty, and class them in such numbers and companies as will best answer the purpose intended; and the commissioners shall have full power to make such regulations as will enforce the compliance of the inhabitants with this duty.

CHAPTER LXVII

An act giving exclusive jurisdiction to the Superior Court of Montgomery county of all pleas and prosecutions 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 after the first day of March next, the Superior Court of Law for the county Montgomery shall have exclusive jurisdiction of all pleas and prosecutions of the State in said county; and that after the said first day of March next, the Court of Pleas and Quarter Sessions of said county shall have no jurisdiction of any plea or prosecution of the State whatsoever: *Provided however,* that nothing herein contained shall prevent the said Court of Pleas and Quarter Sessions from trying, determining and rendering judgment in any plea or prosecution of the State now pending in said court, or which may be instituted in said court before the said first day of March; and it shall be the duty of the justices holding said Court of Pleas and Quarter Sessions hereafter to draw only fourteen petit jurors to attend any succeeding term of said Court; and all laws and clauses of laws coming within the purview of this act, are hereby repealed.

CHAPTER LXVIII

An act to repeal an act, passed in the year one thousand eight hundred and twenty-seven, entitled "an act to compel the sheriff of Burke county to give written summons to the jurors of said county."

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

CHAPTER LXIX

An act for the better regulation of the County Courts 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 from and after the passage of this act, the justices of the Court of Pleas and Quarter Sessions for the county of Haywood shall, at the first court that shall happen after the first day of December in each and every year, lay the taxes for said county, in like manner and under the same rules and regulations that are now provided by law in such cases; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXX

An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Buncombe.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the spring and fall terms of the Court of Pleas and Quarter Sessions for the county of Buncombe shall be held on the same weeks that the Superior Courts of Law and Courts of Equity are held in said coun-

ty, under the same rules and regulations that are already prescribed by law; any law to the contrary notwithstanding.

CHAPTER LXXI

An act to allow compensation to the jurors of the County and Superior Courts of the county of Macon.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the peace for the county of Macon, a majority of them being present, at any court that may happen for said county after the first day of March next, should they deem it necessary, and annually thereafter, proceed to lay a tax sufficient on all polls and other taxable property in said county to pay the jurors of the County and Superior Courts of said county, as hereinafter provided.

II. *Be it further enacted,* That the taxes so laid shall be collected and paid over by the sheriff to the county trustee as other monies, for the purposes herein directed, under the same rules, regulations and restrictions as other county taxes.

III. *Be it further enacted,* That all jurors, talesmen excepted, who shall serve in any of the County or Superior Courts in said county, shall be entitled for every day's service to a sum not exceeding one dollar, and three cents for every mile travelling to and from said court: *Provided,* that nothing contained in this act shall be so construed as to allow any juror any pay until after the first day of March, one thousand eight hundred and thirty two.

IV. *Be it further enacted,* That all the jurors aforesaid, who shall serve after the first day of March, one thousand eight hundred and thirty-two, shall be allowed pay as aforesaid; shall prove his services before the clerk of the court, or some acting justice of the peace for said county; and on the production of the certificate of either to the county trustee, he shall pay them out of any monies that he may have for that purpose as all other county claims are settled by him; any law to the contrary notwithstanding.

CHAPTER LXXII

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions for the county of Macon (a majority being present) may, and they are hereby authorized at any court which may happen after the first day of March 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 court as usual.

II. *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 this 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 LXXIII

An act allowing compensation to jurors in the county of Buncombe.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That each juror of the original pannel of the Superior and County Courts of the county of Buncombe shall receive the following compensation: one dollar per day for each day's attendance at said courts, allowing two cents per mile for each mile he may travel to and from said courts.

II. *And be it further enacted,* That the claims for compensation to jurors under this act shall be ascertained in like manner with the like allowance to clerks for their services as is now provided by law in ascertaining the sums due witnesses for their attendance.

III. *And be it further enacted,* That it shall be the duty of the sheriff of said county, when such tickets so procured shall be presented to him, to receive the same in payment of county taxes, and all such tickets shall be received by the county treasurer as good and valid in his settlement with said treasurer.

IV. *And be it further enacted,* That this act shall go into effect from and after the ratification thereof.

CHAPTER LXXIV

An act to give exclusive jurisdiction to the Superior Court for the county of Moore.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Superior Court for the county of Moore shall have exclusive jurisdiction over all cases where the intervention of a jury shall or may be necessary.

II. *Be it further enacted,* That it shall be the duty of the sheriff of said county to make return of all writs that shall be in his hands returnable to the County Court after the passage of this act to the Superior Court next thereafter, in the same manner as if the same were returnable to the said Superior Court.

III. *Be it further enacted,* That all the suits now standing on the docket of the County Court shall remain to be tried in the said court at the next succeeding term after the passage of this act; and the remaining suits untried it shall be the duty of the clerk of the said County Court to transfer to the clerk of the Superior Court, together with the papers thereunto belonging, where the same shall be tried or otherwise disposed of.

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

CHAPTER LXXV

An act for the better regulation of the courts of the county of Gates.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the Monday of each and every term of the Court of Pleas and Quarter Sessions of the county of Gates be, and the same is hereby set apart expressly for the transaction of such county or other business as can be done in said courts without the intervention of a jury.

II. *Be it further enacted,* That no person who may be summoned to at-

tend and serve as a juror at any of the said courts, shall hereafter be compelled to give his attendance for said duty until the second day of the term of such court; and furthermore, that all acts or clauses of acts coming within the meaning of this act, be, and the same are hereby repealed.

CHAPTER LXXVI

An act to authorize the County Court of Northampton county to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia.

Be 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 Northampton county, a majority of the justices of the peace constituting said court being present, may, and they are hereby authorised to lay and order the collection of such tax as may be adequate to defray the expenses incident to calling out the militia during the late insurrection in Southampton county, Virginia: Provided such tax be laid at one of the courts to be holden for the county of Northampton during the year one thousand eight hundred and thirty two.

CHAPTER LXXVII

An act to prevent summoning grand jurors to attend the County Courts of 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 from and after the passage of this act, it shall not be lawful to summon more than fourteen jurors as a regular pannel to attend the County Courts of said county.

II. *Be it further enacted, That the Superior Courts of said county shall have original and exclusive jurisdiction of all indictments to be brought hereafter in said county.*

III. *Be it further enacted, That all indictments now pending in said County Court shall be tried in the same manner as if this act had not been passed: Provided always, that nothing contained in this act shall be so construed as to prevent appeals to the Supreme Court, as now allowed by law.*

CHAPTER LXXVIII

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

Whereas the administration of justice would be greatly promoted in the County Courts of Chatham by the appointment of special justices to preside in said courts:

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 justices of the Court of Pleas and Quarter Sessions for the county of Chatham (a majority being present) may, and they are hereby authorized, at any court which may be held in said county after the first of February next, and annually thereafter, (provided they deem it expedient,) to elect from their own body three suitable persons to hold the Courts of Pleas and Quarter Sessions for 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 each to receive 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 and regulations 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 LXXIX

An act to incorporate the Wayne county State Guards.

Be 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 dragoons, in the county of Wayne, commanded by Samuel A. Andrews, is hereby incorporated under the name of "The Wayne State Guards."

II. *Be it further enacted, That "the Wayne State Guards" shall have power to adopt such bye-laws for the government of the company, not inconsistent with the laws of the State and of the United States, 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 as militia fines are now recovered in this State, and when so recovered, shall be applied to the use and benefit of the company for military purposes.*

CHAPTER LXXX

An act to repeal in part an act, passed in the year one thousand eight hundred and twenty-nine, to provide for the payment of jurors in 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 regards the county of Beaufort, be, and the same is hereby repealed.

CHAPTER LXXXI

An act to amend in part an act, passed in the year one thousand eight hundred and twenty-nine, entitled an act to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in preference to other claims, so far as respects the county of Moore.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act the sheriff of the county of Moore shall receive jurors' tickets in payment of county and poor taxes at par value.

II. *Be it further enacted, That all talisman jurors that shall hereafter be empaneled, shall be entitled to the same compensation as those of the original venire.*

III. *And be it further enacted, That if the sheriff or trustee shall fail to comply with the requisitions of this act, or shall in any way take such tickets at less than par value, such officer shall be liable to indictment as for misdemeanor in office, and upon conviction shall be fined at the discretion of the court.*

CHAPTER LXXXII.

An act to incorporate the Rowan Troopers.

Be 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 troop of cavalry, in the county of Rowan, commanded by Henry Giles, is hereby incorporated by the name of the Rowan Troopers, and by that name and style shall have power to adopt such bye-laws, rules and regulations for the go-

vernment of the same, as a majority may deem proper, not inconsistent with the laws and constitution of this State; and all fines, penalties and forfeitures incurred under such bye-laws shall be recovered in the same manner as militia fines are now recovered in this State, and when so recovered, shall be applied to the use and benefit of said troop for military purposes.

CHAPTER LXXXIII

An act to incorporate a company, styled the Guilford Gold Mining 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 a gold mining company shall be established in the county of Guilford, State of North Carolina, by the name and style of the Guilford Gold Mining Company, with a capital stock of one hundred and fifty thousand dollars, in shares of one hundred dollars each; and that Andrew Lindsay, Jesse Shelly and David Lindsay, be, and they are hereby authorised to open books at Jamestown, in Guilford county, and such other places as they may direct, for the purpose of receiving subscriptions for shares in the said company, having advertised such intention and places in the State Gazette and such other papers as they may deem necessary for twenty days, and keep said books open for ninety days, with power to re open the same in like manner if the amount of the capital shall not be subscribed.

II. *Be it further enacted,* That the commissioners shall meet at the expiration of ninety days after opening books as above provided, and compare their books; and if it shall be found that the sum of fifty thousand dollars of the capital stock shall have been subscribed, the aforesaid commissioners shall forthwith advertise in some newspaper, and request a general meeting of the stockholders at such time and place as they shall appoint; and if stockholders representing a majority of all the stock subscribed shall attend said meeting, either in person or by proxy, the said stockholders may proceed to appoint five directors, one of whom shall be president of the company; and the said directors shall be appointed for the term of one year, and until their successors are appointed.

III. *Be it further enacted,* That it shall be the duty of the directors within ten days after their appointment as aforesaid to meet and appoint one of their body president, and to execute such bonds, as may be required of them by the stockholders, for the faithful performance of their respective duties whilst in office.

IV. *Be it further enacted,* That when the sum of fifty thousand dollars 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 Guilford Gold Mining Company, and by that name may sue and be sued, plead and be impleaded before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall possess all the rights and privileges 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.

V. *Be it further enacted*, That if the whole of the capital stock shall not be subscribed within the first ninety days, and the sum of fifty thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books and receive subscriptions for the balance of their capital stock.

VI. *And be it further enacted*, That if more than the capital stock shall have been subscribed within the ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders shall re-open the books, and more than the capital stock shall be subscribed, then the stockholders shall reduce the subscriptions to the capital stock in the manner as above stated.

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year at some convenient place in the county of Guilford, either in person or by proxy; and at such general meetings, if a majority of the stock subscribed shall be represented, the said stockholders may proceed to elect their officers, fix their salaries, take bonds from the officers for the faithful performance of their duties in office, make all necessary bye laws, rules and regulations for the government of said corporation, and shall have power to do all other acts necessary to be done to carry into effect the object of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, to wit: each stockholder shall be entitled to one vote for each share he may hold 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 such general meeting.

VIII. *Be it further enacted*, That stockholders in said company, who together own or represent one third of the stock subscribed, may on any emergency call a meeting, and shall have power at such meeting to remove any officer of the company from office for misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

IX. *Be it further enacted*, That the said corporation are to apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purpose of mining; and the said corporation is hereby declared incapable in law to carry on any operation of banking, or to divert its funds to any other purpose than that of mining.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by the bond or note of the subscriber, signed by himself and two good sureties, neither of whom shall be a corporator; and if a surety shall afterwards become a corporator, the president and directors shall require another surety in his place; and in case such requisition be not complied with, the said president and directors shall forthwith collect the money due on said bond or note. The money secured by said bond or note shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution ordain and require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his

subscription, or to give his bond with two sureties as aforesaid, as by this act provided, that the said subscriber or any or every director conniving at or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or directors, their executors or administrators, jointly or severally, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts or become bound by any instrument or security or agreement in writing, signed by the president or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements and hereditaments aliened by the corporation shall pass to the purchaser only by deed under their corporate seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State or avoids service, service of the same on any director; and in case there be no director in the State, then service on any stockholder shall be sufficient.

XIV. *Be it further enacted* That it shall be the duty of the said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in this State, when required so to do by the court. It shall be the further duty of said corporation to preserve all bonds or notes given for stock in said company, and to enter such payments as shall from time to time be made on said bonds until they are fully discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first Court of Pleas and Quarter Sessions to be held for Guilford county after the organization of said company, and annually thereafter, to present to the said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in, in cash, and the amount for which the president and directors hold the bond of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person; and that the stock shall be deemed and held as personal property, and go in succession to executors and administrators.

XVII. *Be it further enacted*, That all the property of the aforesaid corporation, of whatever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER LXXXIV

An act to incorporate the Mecklenburg Gold Mining 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 a gold mining company shall be established in the county of Mecklenburg, State of North Carolina, by the name and style of "The Mecklenburg Gold Mining Company," with a capital of three hundred thousand dollars, in shares of one hundred dollars each; and that Vincent De Rivafrinoli, William J. Alexan-

Jer, James Treat, Anthony Day, William Renwick, Walter Mead, Stephen Sicard, Lewis Veron, Timothy Veron, George W. South and William Witzel, and all those who now are, or shall hereafter become their associates, are hereby authorised to open books at Charlotte and such other places as they may direct, for the purpose of receiving subscriptions for shares in the said company, having advertised such intention in the Farmers' and Miners' Journal, and such other papers as they may deem necessary, for twenty days, and keep said books open for ninety days, with power to re-open the same in like manner if the amount of capital shall not be subscribed.

II. *Be it further enacted*, That the commissioners under whom the books are to be opened for subscription shall meet at the expiration of ninety days, after opening books as above provided, and compare their books; and if it shall be found that the sum of one hundred thousand dollars shall have been subscribed, the commissioners aforesaid shall forthwith advertise in some newspaper, and request a general meeting of the stockholders at such place and time as they shall appoint; and if stockholders representing a majority of all the stock subscribed shall attend said meeting, either in person or by proxy, the said stockholders may proceed to appoint seven directors, one of whom shall be president of the company; and the said directors shall be appointed for the term of one year, and until their successors are appointed.

III. *Be it further enacted*, That it shall be the duty of the directors, within ten days after their appointment as aforesaid, to meet and appoint one of their body president, and to execute such bonds as may be required of them by the stockholders for the faithful performance of their respective duties while in office.

IV. *Be it further enacted*, That when the sum of one hundred thousand dollars 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 Mecklenburg Gold Mining Company," and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature or quality, and the same to sell, grant, demise, alien or dispose of, and shall possess all the rights and privileges of a corporation or body politic in law; and also may make, have and use a common seal, and the same to 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.

V. *Be it further enacted*, That if the whole of the capital stock shall not be subscribed within the first ninety days, and the sum of one hundred thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of their capital stock.

VI. *And be it further enacted*, That if more than the capital stock shall have been subscribed for within the ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders shall re-open the books, and more than the capital stock shall be subscribed, then

the stockholders shall reduce the subscriptions to the capital stock in the manner above stated.

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year, at some convenient place in the county of Mecklenburg, either in person or by proxy; and at such general meeting, if a majority of the stock subscribed be represented, the said stockholders may proceed to elect their officers; fix their salaries; take bonds from the officers for the faithful performance of their duties in office; make all necessary bye-laws, rules and regulations for the well government of said corporation; and shall have power to do all other acts necessary to be done to carry into effect the object of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, to wit: each stockholder shall be entitled to one vote for each share he may hold 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 such general meeting.

VIII. *Be it further enacted*, That stockholders in said company, who together own or represent one third of the stock subscribed, may on any emergency call a meeting, and shall have power at such meeting to remove any officer of the company from office, for misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

IX. *Be it further enacted*, That the said corporation are to apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purpose of mining; and the said corporation is hereby declared incapable in law to carry on any operation of banking, or to divert its funds to any other purpose than mining.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself, and two good securities, neither of whom shall be a corporator; and if a surety shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisition be not complied with, the president and directors shall forthwith collect the money due on said bond or note. The money secured by said bond or note shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution ordain and require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond, with two sureties, as aforesaid, as by this act provided, that the said subscriber, and any or every director conniving at, or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or directors, their executors or administrators, jointly and severally, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts, or become bound by any instrument, or security, or agreement in writing, signed by the president, or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements, and hereditaments, aliened by the corporation, shall pass to the purchaser only by deed under the corporation seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State, or evades service, service of the same on any director; and in case there be no director in the State, the service on any stockholder shall be sufficient.

XIV. *Be it further enacted*, That it shall be the duty of the said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in this State, when required so to do by the court. It shall be the further duty of the said corporation to preserve all bonds or notes given for stock in said company, and to enter such payments as shall from time to time be made on such bonds, until they are fully discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first Court of Pleas and Quarter Sessions to be held for Mecklenburg after the organization of said company, and annually thereafter, to present to the said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in cash, and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person, and that the stock shall be deemed and held as personal property, and go in succession to executors and administrators.

XVII. *Be it further enacted*, That all the property of the aforesaid corporation of whatever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER LXXXV

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of light infantry in the town of Edenton, commanded by Samuel T. Sawyer, be, and the same is hereby incorporated and made a body politic and corporate, by the name and style of "The Edenton Guards," 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 laws and constitution of the State; 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.

CHAPTER LXXXVI

An act to incorporate a Light Infantry Company in the county of Craven.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of light infantry in Craven county, commanded by Abner Hartley, be, and the same

is hereby incorporated and made a body politic and corporate, by the name and style of "The Swift Creek Guards," 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 laws and constitution of the State; and all fines, penalties and forfeitures incurred in pursuance of such bye-laws, rules or regulations, 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.

CHAPTER LXXXVII

An act to alter the time of holding the Superior Courts 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 from and after the first day of May next, and annually thereafter, the Superior Courts of the county of Haywood shall be held on the second Tuesday after the fourth Monday in March and September in each and every year.

CHAPTER LXXXVIII

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty-seven, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry.

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

CHAPTER LXXXIX

An act to incorporate Harvey's Neck Academy, in the county of Perquimons.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles W. Skinner, Benjamin S. Skinner, Doctor Josiah C. Skinner and Edmund B. Skinner, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Harvey's Neck Academy," and by that name they sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal; and in general, shall have, exercise and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy within this State.

It is further enacted, That any three of the said trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, or removal out of the State of any of the trustees of the academy aforesaid, the remaining trustees shall have power to fill such vacancies.

CHAPTER XC

An act supplemental to an act, passed in the year one thousand eight hundred and thirty, entitled "an act to regulate the time of holding the Superior Courts of Law and Equity for the counties of Macon, 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 hereafter it shall be the duty of the justices of Anson County Court, at their July sessions preceding the September term of the Superior Court of said county, in each and every year, in addition to the number of jurors now required by law to be drawn to the said Superior Court, to draw fourteen petit jurors to serve as such for the second week of said term, who shall be summoned by

the sheriff of said county accordingly; and that such as shall be drawn on the petit jury for the first week shall be discharged at the close of said week.

II. *Be it further enacted*, That this act shall be in force for two years, and no longer.

CHAPTER XCI

An act to alter the manner of appointing commissioners of navigation and pilotage for the Cape Fear 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 at the first County Court to be holden for the county of New Hanover after the first day of May next, and annually thereafter, the justices of said court, a majority being present, shall appoint five discreet persons to act as commissioners of navigation and pilotage for the Cape Fear river; and said commissioners, when so appointed, shall have all power and authority that has heretofore by law been vested in the commissioners of navigation and pilotage for the Cape Fear river.

II. *And be it further enacted*, That the term of service for which the commissioners of navigation and pilotage now in office were appointed, shall cease and expire on the appointment of the commissioners according to the provisions of this act.

CHAPTER XCII

An act to compel the clerk of the Superior Court in the county of Northampton, and the register of said county to keep their offices at the court-house, in the town of Jackson.

Be 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 April, one thousand eight hundred and thirty-two, it shall be the duty of the clerk of the Superior Court of the county of Northampton, and the register of said county to keep their offices, together with all the papers belonging to their respective offices, at the court house, in the town of Jackson.

II. *And be it further enacted*, That if the clerk of the said Superior Court of said county and register of said county shall refuse to keep their offices at the court house aforesaid, it is hereby declared a misdemeanor in office, and they shall forfeit the same; any law to the contrary notwithstanding.

CHAPTER XCIII

An act to compel the clerks of the County and Superior Courts and other officers of the county of Moore to keep their respective offices at the court house of said county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the clerks of the County and Superior Courts and other officers of the county of Moore, shall keep their respective offices at the court house of said county; and upon refusal or neglect to comply with the requisitions of this act, they shall forfeit their respective offices.

II. *Be it further enacted*, That at the first Court of Pleas and Quarter Sessions, or any other court held for the county of Moore, after the passage of this act, a majority of the acting justices being present, shall have two suitable offices built, at the expense of said county, for the accommodation of the clerks of the County and Superior Courts, at some convenient place on the public square near the court house.

III. *And be it further enacted*, That as soon as the said offices are completed, it shall be the duty of the chairman of said County Court to notify in writing the clerks of the County and Superior Courts to remove their papers belonging to their respective offices into the houses built for that purpose by the next succeeding court.

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

CHAPTER XCIV

An act to incorporate two companies of Light Infantry 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 the company of light infantry attached to the first battalion, in said county, commanded by Robert F. J. H. Williams, is hereby incorporated under the title of the "Tar River Blues;" and the company attached to the second battalion, commanded by Captain Benjamin Bell, is incorporated under the title of the "Greenville Greys."

II. *Be it further enacted*, That the commanders of the said companies, or their successors in office, shall have power to muster their said companies at least six times in each and every year; and the companies hereby incorporated shall have power to adopt such bye-laws, 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 be appropriated to the use and benefit of said companies for military purposes.

CHAPTER XCV

An act to authorise the making of a turnpike from the top of the Smoky Mountain, down the Oconalufy river, as far as the house of John Beck, on said river, in Haywood county, and to incorporate a company for that purpose.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Abraham Enloe, Samuel Sherril, John Carrel, Samuel Gipson and John Beck, be, and they are hereby appointed commissioners, with power to open books and receive subscriptions to the amount of three thousand dollars, which sum shall constitute the capital stock of the company hereby incorporated, for the purpose of making and keeping in repair a turnpike road from the top of the Smoky Mountain, down the Oconalufy river, to the house of John Beck, on said river, in Haywood county; and it shall be the duty of the said commissioners to open books for the purpose aforesaid on or before the first day of April next, and receive subscriptions of stock in the said company.

II. *And be it further enacted*, That the aforesaid capital stock of three thousand dollars shall be divided into shares of twenty dollars each.

III. *And be it further enacted*, That as soon as one thousand five hundred dollars of the capital stock shall be subscribed, it shall be the duty of the commissioners to notify the stockholders of the same by advertisement at the court house and such other public places in the county of Haywood as they may think proper, require the attendance of the stockholders at such time and place as they may designate; and if stockholders holding a majority of all the shares subscribed shall attend said general meeting, it shall and may be lawful for the stockholders to proceed to appoint a president, trea-

surer and three directors for the term of one year, and until the next general meeting of the stockholders; and the said president and directors, when so appointed, and their successors in office, shall constitute a body politic and corporate in law, by the name of "The Oconalufty Turnpike Company," and by that name may sue and be sued, plead and be impleaded, before any court of record, or before any justice of the peace in this State, and as such shall have perpetual succession and a common seal, and shall have all other powers and rights incident to a corporate company, and which may be necessary to carry into full effect the object of this incorporation.

IV. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred shares, one vote.

V. *Be it further enacted*, That the owners of a majority of all the shares subscribed shall have power to make and ordain all bye laws for the regulation and government of the said company, and the officers thereof, and shall have authority at any time to remove from office the president and directors of the said company, or any of them, and to appoint others in their stead; and shall from time to time in general meeting make all such rules and regulations as they may deem necessary for the well ordering and better regulation of the concerns of said company. The president and directors shall have power to make such rules and regulations as may be necessary for the management of the affairs of the company, (not inconsistent with the bye laws of the stockholders,) which shall be in force until the next general meeting. It shall be further the duty of the president to make a full and fair statement of the affairs of the company to each general meeting of the stockholders, unless otherwise ordered, and to employ such agents and officers as the officers of the company may require.

VI. *And be it further enacted*, That it shall be the duty of the treasurer to receive all monies due the company, keep a fair account of the same, and perform all such duties as may be from time to time assigned him by the stockholders.

VII. *Be it further enacted*, That the stockholders shall, at their first general meeting, fix on the term or terms and the proportions in which the stock subscribed shall be paid, and shall further have power to declare the stock of delinquent stockholders forfeited.

VIII. *Be it further enacted*, That when the aforesaid road shall be completed, before the company shall erect gates on the same and demand toll, the road shall be viewed by two commissioners, to be appointed by the County Court of Haywood; who shall make report to the said court that the said road is in good order.

IX. *Be it further enacted*, That when the said road is completed and approved of as aforesaid, it shall and may be lawful for the said company to erect toll gates, and demand and receive toll at the following rates, that is to say: on every four wheeled carriage of pleasure, seventy-five cents; on every gig or sulky, thirty-seven and a half cents; on every six horse waggon, seventy-five cents; on every five horse waggon, sixty-two and a half cents;

on every four horse waggon, fifty cents; on every three and two horse waggon, thirty-seven and a half cents; on one horse waggon or carts, twenty five cents; on each horse without a rider, two and a half cents; on every head of cattle, two cents; on every hog or sheep, one cent; and for every traveller on horse back, six and one fourth cents.

X. *Be it further enacted*, That so soon as the said road shall be completed and approved of, as before provided, the same shall be considered a public highway, and free for the passage of all persons, carriages and animals of every description; on the payment of the tolls imposed by this act; and no higher or other toll shall be exacted without the consent of the Legislature.

XI. *And be it further enacted*, That if the president and directors shall suffer said road to get out of repair, and remain out of repair for the space of one month, the president shall be liable to indictment, and on conviction shall be fined at the discretion of the court, and shall also be subject to have the toll gates opened, and kept open, free for the passage of carriages, persons and animals free of toll, until the road shall be put in good repair.

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

XIII. *Be it further enacted*, That all the powers hereby granted shall cease and determine at the expiration of thirty years from and after the completion of said road.

CHAPTER XCVI

An act in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of 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 hereafter in all cases, where any person or persons shall offer in evidence in any court of this State, any deed for land, or bill of sale for personal property, purporting to have been executed by an executor or executors of the last will of any deceased person, whose last will and testament by the existing laws of this State was required to be proven in the county of Hertford, and such deed shall purport to have been made in the official character of such executors, such deed or bill of sale shall be held and deemed prima facie evidence that there was a will and testament regularly admitted to probate, and recorded in the proper office of said county of Hertford, and that there was sufficient power therein given to such executor or executors to sell and dispose of the said land and other property; and that it shall not be necessary to produce the said original will or a copy by the party offering such deeds of lands or bill of sale aforesaid; but that such deed or bill of sale shall be held and taken prima-facie evidence of title to such extent as could be rightfully conveyed in law, in case there had been sufficient authority for that purpose contained in the said will.

II. *And be it further enacted by the authority aforesaid*, That in all cases hereafter, where any person shall produce and offer in evidence any bill of sale for slaves or other property, or a deed for lands purporting to be executed by any attorney, or virtue of a power, or by any sheriff in virtue of any execution from any court of the county of Hertford, or by a Clerk and Master on a decree, the production of such bill of sale or deed for lands shall be held and deemed prima facie evidence that there was a valid power of attorney, judgment and execution, or decree authorising such sale; and that in such cases, it shall not be necessary to produce the said power of attorney,

judgment and execution, or decree, or a copy thereof; but such bill of sale or deed of lands shall be held prima facie evidence of the title, so far as the title could in law be transferred in case the judgment and execution, power of attorney or decree had been shown in evidence.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person to enter in the office of the entry taker of Hertford county any quantity of lands he may think proper, designating the same by distinct and specific boundaries; which entries shall be advertised at the court house door of said county, and at the town of Murfreesborough, and at three other public places in said county, for at least three months, and for the like space of time in such newspaper as the County Court of Hertford, by a general order in relation to such entries of land in the said county, may and shall direct; and at the expiration of four months from the time of such entry, if no person shall enter a caveat, it shall be the duty of the entry taker to issue his warrant to the surveyor of the county, who shall proceed to survey the said lands entered according to the bounds specified, and shall make due return thereof to the Secretary of State, as in cases of vacant lands; whereupon it shall be the duty of the Secretary of State to make out the grants, and for the Governor of the State to execute them as is already provided by law in other cases, and without any payment of the purchase money to the State; but the provisions of this act are not to apply to any land which is now vacant, and has not been heretofore appropriated by grant.

IV. *And be it further enacted by the authority aforesaid,* That in case any person shall caveat the entry so made as aforesaid, it shall be the duty of the entry taker to certify the same to the next Superior Court of the county of Hertford, when an issue shall be made up between the parties to try the title to the lands so entered as aforesaid; in which trial it shall be competent for either of the parties to introduce parol testimony to show the title or ownership of said land; and all deeds, duly executed, whether registered or not, and authenticated copies of deeds registered in the county of Hertford, shall moreover be received in evidence, and a copy of the record shall, under the like rules, regulations and restrictions as in other cases of caveats, be sufficient to entitle the party prevailing to obtain a grant from the State.

V. *And be it further enacted by the authority aforesaid,* That when any caveat shall be entered, it shall be the duty of the person so caveating to set forth in the form of an entry on the books of the entry taker the precise and distinct boundaries of the lands he claims title to; and in case it shall comprehend other lands than those in dispute between the parties, such caveat so made in the form of an entry shall be advertised in the like manner already prescribed; and in case the entry in dispute shall be determined against such caveator, he shall, upon the performance of the requisites provided by this act in other cases, be entitled to obtain a grant for so much of said entry as shall not have been decided on the trial of the caveat.

VI. *And be it further enacted by the authority aforesaid,* That it shall be competent for the court in which such caveat shall be tried, to order a survey as in cases of disputed boundaries in actions of ejectment; and it shall be competent for the jury to find specially either for the whole or any part of the lands in dispute; and the said court may in all instances, when it shall be necessary, remit the decision of the court and jury to the office of entry taker, with directions in what manner a warrant shall issue for surveying the lands; in which cases surveys and returns shall be made to the Secretary's office as in other cases.

VII. *And be it further enacted by the authority aforesaid,* That all grants obtained under this act shall be deemed and held in law prima facie evidence of title; and that parol evidence may and shall be received to corroborate, or confirm, or to defeat said grants; and that the said grants which are made prima facie evidence of title by this act may be ripened into good and sufficient title, like deeds giving colour of title by the act of one thousand seven hundred and fifteen, entitled an act concerning old titles of lands, and for limitation of actions, and for avoiding suits at law.

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

CHAPTER XCVII

An act to incorporate the Oxford Volunteer Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the infantry volunteer company, in the town of Oxford, Granville county, at present commanded by Robert S. Yancey, junior, be, and the same is hereby declared a body corporate and politic, and under the name and style of the Oxford Volunteer Company, and by that name shall sue and be sued, plead and be impleaded, and have succession, and be able and capable in law from time to time to establish such bye laws and regulations for the wholesome government and discipline of said company, as they shall deem expedient and proper, not inconsistent with the constitution and laws of the State.

II. *Be it further enacted,* That it shall be the duty of said company to muster at least six times in each and every year; and in case of failure thereof, all their corporate authorities, privileges and immunities shall cease and be of no effect.

III. *Be it further enacted,* That within three months after the election of any officer or enrolment of any private in said company, it shall be the duty of such officer or private to appear duly equipped and in uniform, agreeably to the rules heretofore, or which may hereafter be prescribed; and in case of failure thereof, the delinquent, if a captain, shall be fined a sum not more than eight, nor less than four dollars; if any other commissioned officer, a sum not more than five, nor less than three dollars; and if a non-commissioned officer or private, a sum not more than ten, nor less than two dollars.

IV. *Be it further enacted,* That hereafter, when any person who has heretofore joined or may hereafter join said company, to whatever other company, battalion or regiment he may be attached, if, within three months after the date of his enrolment or the passing of this act, he shall be fully equipped and in uniform, then and in that case, and not otherwise, such person shall be exempt from the order or command of the officers of any other company, battalion or regiment.

CHAPTER XCVIII

An act relative to the poor of the counties of Person and Franklin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the wardens of the poor of the counties of Person and Franklin, whenever application shall be made to them for relief, by any person entitled thereto on account of the inability of such person to labour, or for any other cause, to grant to such person such relief as they may think proper: *Provided* the relief so granted shall not exceed the amount such applicant would cost the county if placed in the poor

house of the county in which he or she may reside: *and provided further*, that no allowance shall be made unless a majority of the wardens of the poor for such county be present and concur in making such allowance.

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

CHAPTER XCIX

An act to authorize Wilson Reed, of Perquimons county, to erect two gates across the public road leading through his farm along the bank of the Albemarle Sound.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Wilson Reed be, and he is hereby authorized to erect two gates across the public road leading through his plantation along the bank of the Albemarle Sound, under the same rules and regulations as now prescribed by law for the erection of gates across public roads in this State.

CHAPTER C

An act to authorize Daniel Smith to erect two gates in the county of Jones.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Daniel Smith, of the county of Jones, be, and he is hereby authorized and empowered to erect two gates across the public road leading through his plantation, on White Oak river, to be under the same rules, regulations, restrictions and immunities as other gates are in like cases so made and provided.

CHAPTER CI

An act to establish the dividing line between Duplin and Wayne counties.

Whereas much uncertainty at present exists as to the true boundaries of the counties of Duplin and Wayne; for remedy whereof

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said line shall commence at a pine stump near the house of John Elliot, it being the dividing corner between the counties of Sampson, Wayne and Duplin, and shall run thence south along the dividing line between said counties of Duplin and Sampson 300 poles; thence south eighty east 1540 poles to near the head of the pocoson branch, called Thunder Swamp; thence north 56 east 700 poles to a blazed black gum, on the run of the North East, just below the mouth of a Calf Pasture branch; thence down the meanders of the North East, south 60 east, about ten miles, to the mouth of Sandy Run branch, at Carol's Point; thence up the Sandy Run branch as it meanders, north 45 east 320 poles, to a pine at the head of the same; thence a direct line to a pine, the corner of Wayne, Lenoir and Duplin counties.

II. *And be it further enacted*, That the said courses and distances shall constitute, and hereafter be the dividing line between the counties of Wayne and Duplin; any law to the contrary notwithstanding.

CHAPTER CII

An act for the more convenient administration of justice in the Courts of Pleas and Quarter Sessions for the counties of Cumberland 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 at the next term of the Courts of Pleas and Quarter Sessions for the counties of Cumberland and New Hanover which shall be holden after the first day of March next, a

majority of the justices of the said counties being present, the justices of the said counties are authorised to arrange themselves into convenient classes, of five persons in each, for the purpose of holding the said courts respectively, in such manner as is directed by this act.

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

III. *And be it further enacted*, That the justices appointed under this act to hold the said County Courts, shall be competent to do and perform any matter and exercise all the power and authority which by the existing laws of this State seven justices are authorised to do, and in all cases to be governed by the same rules, regulations and restrictions as govern other County Courts in this State.

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

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

VI. *And be it further enacted*, That the said justices, so arranged according to the provisions of this act, shall receive from the clerks at the close of each term a certificate of attendance, which shall entitle them to receive the same pay as jurors in said counties are now by law allowed, to be settled under the same restrictions; any law, usage or custom to the contrary notwithstanding.

CHAPTER CIII

An act to amend an act, passed in the year one thousand eight hundred and eighteen, entitled "an act to establish the town of New Salem, on the lands of Benjamin Marmion, Esq. on the east side of Deep River, in Randolph county."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Peter Dicks, Jesse Hinshaw, William Dennis, sen'r, Seth Hinshaw and Benjamin Swaim, be, and they are hereby appointed commissioners for the town of New Salem, in the county of Randolph, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and to pass such byelaws as may appear to them necessary for the good order and regulation and government of the said town, provided the same are not inconsistent with the laws of this State nor 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.

II. *And be it further enacted*, That in case of vacancy in the board of commissioners, by death, resignation or otherwise, the remaining commissioners, a majority being present, shall have full power and authority to fill said vacancy or vacancies; and the person or persons so appointed shall have

and possess the same power and authority as any of the commissioners appointed by this act.

III. *And be it further enacted*, That the said commissioners appointed by this act shall have power and authority to make such addition to, or alterations in the plan of said town as to them shall seem necessary and expedient, provided the same shall not affect private property.

CHAPTER CIV

An act to authorise the County Court of the county of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the County Court of the county of New Hanover be, and it is hereby authorised to have the records of said county transcribed, under the direction of the said court, into good and sufficient books for that purpose; and when so transcribed, shall be deemed original records of said county.

II. *And be it further enacted*, That all copies of such transcribed records, or that may have been transcribed by order of said court, shall be held and deemed as full and sufficient evidence in all suits of law and equity in this State as copies of original records now are.

CHAPTER CV

An act to alter the time of holding 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 so much of an act, entitled "an act to alter the time and mode of elections in the county of Hertford," passed in the year one thousand eight hundred and thirty, chapter one hundred and fifty, as fixes the time of said elections on the first Thursday in August, is hereby repealed; and that the second Thursday be substituted in the place thereof.

CHAPTER CVI

An act to alter the time of holding two of the terms of the Court of Pleas and Quarter Sessions for the county of Mecon, and for the better regulation of the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the Courts of Pleas and Quarter Sessions held for the county of Mecon on Monday before the last Monday in March and September, shall be held on the second Monday after the fourth Monday in March and September, in each and every year.

II. *Be it further enacted*, That the terms of said court so altered, shall be held under the same rules that are now prescribed by law for the government of such courts, except the justices of said court may dispense with juries at the terms aforesaid; any law to the contrary notwithstanding.

CHAPTER CVII

An act to repeal in part an act, passed in the year one thousand eight hundred and thirty, entitled an act to provide for removing the original venue 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 so much of the above recited act as relates to the county of Buncombe be, and the same is hereby repealed.

CHAPTER CVIII

An act to incorporate the Cabarrus Gold Mining 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 a gold mining company shall be established in the State aforesaid, by the name and style of "The Cabarrus Gold Mining Company," with a capital of two hundred thousand dollars, in shares of one hundred dollars each; and that Henry Carville, Frederick L. Folger and Robert Pierpoint, and all those who now are, or who shall hereafter become their associates, are hereby authorised to open books at Concord, and such other places as they may direct, for the purpose of receiving subscriptions for shares in said company, having advertised such intention in the Farmers' and Miners' Journal and such other papers as they may deem necessary for twenty days, and to keep said books open for ninety days, with power to re-open the same in like manner if the amount of capital shall not be subscribed.

II. *Be it further enacted,* That the commissioners under whom the books are to be opened for subscription shall meet at the expiration of ninety days after opening books as above provided, and compare their books; and if it be found that the sum of fifty thousand dollars has been subscribed, the aforesaid commissioners shall forthwith advertise in some newspaper, and request a general meeting of the stockholders at such place and time as they shall appoint; and if stockholders representing a majority of the stock subscribed shall attend said meeting, either in person or by proxy, the said stockholders may proceed to appoint five directors, one of whom shall be president of the company; and the said directors shall be appointed for one year, and until their successors are appointed.

III. *Be it further enacted,* That it shall be the duty of the directors within ten days after their appointment as aforesaid to meet and appoint one of their body president, and to execute such bonds, as may be required of them by the stockholders, for the faithful performance of their respective duties while in office.

IV. *Be it further enacted,* That when the sum of fifty thousand dollars 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 Cabarrus Gold Mining Company," and by that name may sue and be sued, plead and be impleaded before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall possess all the rights and privileges of a corporation or a 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 and ordain 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.

V. *Be it further enacted,* That if the whole of the capital stock shall not be subscribed, and the sum of fifty thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books and receive subscriptions for the balance of their stock.

VI. *Be it further enacted*, That if more than the capital stock shall have been subscribed for within ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders shall reopen their books, and more than the capital stock shall be subscribed, then the stockholders shall reduce the subscriptions to the capital stock in the manner above stated.

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year at some convenient place in the county of Cabarrus, either in person or by proxy; and at such general meeting, if a majority of stock subscribed shall be represented, the said stockholders may proceed to elect their officers, fix their salaries, take bonds from the officers for the faithful performance of their duties in office, make all necessary bye laws, rules and regulations for the government of said corporation, and shall have power to do all other acts necessary to be done to carry into effect the objects of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, viz. each stockholder shall be entitled to one vote for each share he may hold 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 such general meeting.

VIII. *Be it further enacted*, That the stockholders in said company, who together own or represent one third of the stock subscribed, may on any emergency call a meeting, and shall have power to remove any officer of the company from office for misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

IX. *Be it further enacted*, That the said corporation shall apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purposes of mining; and the said corporation is hereby declared incapable in law to carry on any operations of banking, or to divert its funds to any other purpose than mining.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself and two good securities, neither of whom shall be a corporator; and if a security shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisitions shall not be complied with, the president and directors shall forthwith collect the money due on said bond or note. The money secured by said bonds or notes shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution ordain and require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond with two securities as aforesaid, as by this act provided, that the said subscriber and any and every director conniving or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or directors, their executors, administrators, jointly and severally, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts or

become bound by any instrument, or security, or agreement, or writing, signed by the president or by any person duly authorised by him, or by the president and directors; but the legal estate in lands, tenements, hereditaments, aliened by the corporation, shall pass to the purchaser only by and under the corporation seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State or evades the service, the service of the same on any director; and in case there be no director in the State, the service on any stockholder shall be sufficient.

XIV. *Be it further enacted* That it shall be the duty of said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in any county of the State, when required so to do by the court. It shall be the farther duty of the said corporation to preserve all bonds and notes given for stock in said company, and to enter such payment as shall from time to time be made on such bonds until they are fully discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first Court of Pleas and Quarter Sessions to be held for the county of Cabarrus after the organization of the said company, and annually thereafter, to present to said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in cash, and the amount for which the president and directors hold the debts of the subscribers or stockholders; and also the amount of the debts due to the corporation, and the name and place of residence of the several stockholders.

XVI. *Be it further enacted*, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person; and that the stock shall be personal property, and be subject to execution and administrators.

XVII. *Be it further enacted*, That all the property of said corporation, of whatsoever kind or nature, whether land, houses, machinery, stock, goods, bonds or other debts, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process and means.

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

CHARTER OF THE

An act to incorporate the Charlotte Gold Mining 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 a gold mining company shall be established in the county of Mecklenburg, and State of North Carolina, by the name and style of the Charlotte Gold Mining Company, with a capital of one hundred thousand dollars, in shares of one hundred dollars each; and that William Davidson and Samuel M'Comb, and all these who now are, or who shall hereafter become their associates, are hereby authorised to open books at Charlotte and such other places as they may direct, for the purpose of receiving subscriptions for shares in the said company, having advertised such intention in the Farmers' and Miners' Journal, and such other papers as they may deem necessary, for twenty days, and to keep said books open for ninety days, with power to re-open the same in like manner if the amount of capital shall not be subscribed.

II. *Be it further enacted*, That the commissioners under whom the books are to be opened for subscriptions shall meet at the expiration of ninety days, after opening books as above provided, and compare their books; and if it be found that the sum of twenty-five thousand dollars have been subscribed, the aforesaid commissioners shall forthwith advertise in some newspaper, and request a general meeting of the stockholders at such place and time as they shall appoint; and if stockholders representing a majority of the stock subscribed shall attend said meeting, either in person or by proxy, the said stockholders may proceed to appoint five directors, one of whom shall be president of the company; and the said directors shall be appointed for one year, and until their successors are appointed.

III. *Be it further enacted*, That it shall be the duty of the directors, within ten days after their appointment as aforesaid, to meet and appoint one of their body president, and to execute such bonds as may be required of them by the stockholders for the faithful performance of their respective duties while in office.

IV. *Be it further enacted*, That when the sum of twenty-five thousand dollars 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 Charlotte Gold Mining Company, and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of what ever kind, name and quality, and the same to sell, grant, demise, alien or dispose of, and shall have all the rights and privileges of a corporation or a 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 and ordain 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.

V. *Be it further enacted*, That if the whole of the capital stock shall not be subscribed, and the sum of twenty-five thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of the stock.

VI. *Be it further enacted*, That if more than the capital stock shall have been subscribed for within ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, according to each subscriber at least one share; and if the stockholders shall re-open the books, and more than the capital stock shall be subscribed, then the stockholders shall reduce the subscriptions to the capital stock in the manner above stated.

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year, at some convenient place in the county of Mecklenburg, either in person or by proxy; and at such general meeting, if a majority of the stock subscribed shall be represented, the said stockholders may proceed to elect their officers; fix their salaries; take bonds from the officers for the faithful performance of their duty in office; make all necessary bye-laws, rules and regulations for the government of said corpora-

ration; and shall have power to do all other acts necessary to be done to carry into effect the objects of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, viz. each stockholder shall be entitled to one vote for each share he may hold 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 such general meeting.

VIII. *Be it further enacted*, That the stockholders in said company, who together own or represent one third of the stock subscribed, may on any emergency call a meeting, and shall have power to remove any officer of the company from office, for misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

IX. *Be it further enacted*, That the said corporation shall apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purpose of mining; and the said corporation is hereby declared incapable in law to carry on any operations of banking, or to direct its funds to any other purpose than mining.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself, and two good securities, neither of whom shall be a corporator; and if a security shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisition shall not be complied with, the president and directors shall forthwith collect the money due on said bond or note. The money secured by said bonds or notes shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution order and require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond, with two securities, as aforesaid, as by this act provided, that the said subscriber, and any and every director conniving or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or directors, their executors, administrators, jointly and severally, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts, or become bound by any instrument, or security, or agreement, or writing, signed by the president, or by any person duly authorised by him, or by the president and directors; but the legal estate in lands, tenements, hereditaments, aliened by the corporation, shall pass to the purchaser only by and under the corporation seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State, or evades the service, the service of the same on any director; and in case there be no director in the State, the service on any stockholder shall be sufficient.

XIV. *Be it further enacted*, That it shall be the duty of said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in any county of the State, when required so to do by the court. It shall be the further duty of the said corporation to preserve all bonds and notes

given for stock in said company, and to enter each payment as shall from time to time be made on such bonds, until they are fully discharged.

XV. *Be it further enacted*, That it shall be the duty of said corporation, at the first Court of Pleas and Quarter Sessions to be held for the county of Mecklenburg after the organization of the said company, and annually thereafter, to present to said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in cash, and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also the amount of the debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person, and that the stock shall be personal property, and go by succession to executors and administrators.

XVII. *Be it further enacted*, That all the property of the aforesaid corporation of whatsoever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER CX.

An act to incorporate three companies of Light Infantry in the county of Lenoir.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the companies of light infantry, in the county of Lenoir, commanded by Charles Westbrook, Jesse Lassiter and James Davis, be, and they are hereby incorporated under the title of the Lenoir Volunteer Guards.

II. *Be it further enacted*, That the Lenoir Volunteer Guards shall have power to adopt such bye laws for the government of the companies, 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 now recovered in this State, and when so collected, shall be appropriated to the use of, and benefit of the companies for military purposes.

CHAPTER CXI.

An act to establish Cool Spring Academy, in the county of Robeson, and appoint the trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William M'Neill, Neill M'Neill, Archibald Baker, Gilbert Sellers and Samuel Watson, of Robeson county, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Cool Spring Academy," and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal; and in general, shall have, exercise and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy in this State.

II. *And be it further enacted*, That any three of the said trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, or removal out of the State of any of the trustees, the remaining

trustees shall have the power to fill the vacancy or vacancies occasioned thereby.

CHAPTER CXII

An act to incorporate the Bertie Legion.

Be 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 troop of cavalry, in the county of Bertie, commanded by Joseph B. Roulhac, is hereby incorporated by the name of "The Bertie Legion," and by that name and style shall have power to adopt such bye-laws, rules and regulations for the government of the same, as a majority may deem proper, not inconsistent with the laws and constitution of this State; and all fines, penalties and forfeitures incurred under such bye-laws shall be recovered in the same manner as militia fines are now recovered in this State, and when so recovered, shall be applied to the use and benefit of said troop for military purposes.

CHAPTER CXIII

An act to incorporate "the Jackson Mounted Guards," of Sampson county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the troop of cavalry in the county of Sampson, commanded by Hardy L. Holmes, is hereby incorporated by the name of "The Jackson Mounted Guards," and by that name and style shall have power to adopt such bye-laws, rules and regulations for the government of the same as a majority may deem proper, not inconsistent with the laws and constitution of this State; and all fines, penalties and forfeitures incurred under such bye-laws, shall be recovered in the same manner as militia fines are now recovered in this State, and when so recovered, shall be applied to the use and benefit of said troop for military purposes.

CHAPTER CXIV

An act to amend an act, entitled "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."

Whereas by the mutilated state of the will book in the office of the clerk of the County Court of Northampton, the clerk who was authorised by the above recited act to transcribe the wills therein contained, is unable to effect 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 from and after the passage of this act, it shall be lawful for the clerk of the County Court aforesaid to transcribe the records of said court, as well from the original documents or instruments, where the records themselves may be mutilated, as from the books of said officer.

II. *Be it further enacted,* That it shall be the duty of the County Court aforesaid to appoint a committee, whose duty it shall be to examine the work when done, and to determine what compensation the said clerk shall receive for his services.

III. *Be it further enacted,* 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 CXV

An act to raise a fund to establish free schools in the county of Johnston, and for the government thereof.

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

It is hereby enacted by the authority of the same, That the County Court of Johnston county may, at the first court which shall be held after the first day of May next, and annually thereafter, at least ten justices of the peace being present, lay a tax, and cause it to be levied on all the property in said county which is liable to be taxed for State or county purposes, equal to not more than twenty-five per cent. per annum, on the whole amount of State and county, and parish taxes levied in said county; which shall be collected, held and used as a school fund for said county of Johnston, according to the rules and regulations hereinafter prescribed.

II. Be it further enacted by the authority aforesaid, That it shall be the duty of the sheriff or other collecting officer of said county to collect and account for the said taxes, under the directions of the County Court, according to the rules and regulations by law created for collecting other taxes in said county; and he may be required to give a bond to the chairman of said court, in the penal sum of two thousand dollars, conditioned for the faithful collecting and accounting for said taxes.

III. Be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of the County Court to take and receive from the sheriff the taxes aforesaid, who shall keep an account thereof, and hold the said monies in his office subject to the direction and control of the persons who are hereinafter authorised to manage the said fund; and the clerk shall give a bond with security, in the sum of two thousand dollars conditioned for the faithful discharge of the duties imposed by this act, and the honest accounting for the funds aforesaid.

IV. Be it further enacted by the authority aforesaid, That the County Court aforesaid shall cause an election to be held for one trustee in each Captain's district in said county, each district electing its own trustee, of which election public notice shall be given; and in the said election each free white man who is taxed under this law shall have one vote; and the said trustees shall constitute a board, and hold their appointment for two years from the time of their appointment; and the said board shall be styled "The Trustees of the Central County School of Johnston county."

V. Be it further enacted by the authority aforesaid, That the election of trustees shall be held at such time and places, as the County Court shall direct, within six months after the period when the taxes laid by this act shall fall due, and biennially thereafter; and the said trustees, after their appointment, shall be notified thereof by the clerk of the County Court, and shall within twenty days thereafter assemble at Smithfield, and appoint one of their body president and another secretary, and give notice by advertisement of their proceedings, so that the citizens may know who the said president and trustees are.

VI. Be it further enacted by the authority aforesaid, That the trustees shall have power and authority to make rules and orders for their own government, and compel the obedience and attendance of the members of the board by fines, to be by them fixed, and which fines shall be recoverable by a warrant before any magistrate, in the name of the clerk of the County Court and his successor in office, and when collected shall go to increase the school fund aforesaid.

VII. Be it further enacted by the authority aforesaid, That the said trustees shall, as soon as it can be done with the fund aforesaid, purchase a site and erect a school house or school houses in said county for the education of

youths, with a farm attached if thought advisable; and the same shall be the principal or central school of said county; but the selection of said site shall be approved by the County Court before the same is purchased and improved; and the title of the said site and the land attached to it shall be made to the clerk of the County Court and his successor in office, in trust, for the use of the trustees aforesaid, and the purposes declared in this act.

VIII. *Be it further enacted by the authority aforesaid,* That the trustees aforesaid shall have power to select from the several districts in said county, always having the same number from each district, poor and indigent male children, who shall be educated at said school in the English language only; and such indigent children shall be boarded together and clothed out of the said fund, during the time of their attendance at said school, free from any charge; and the said trustees shall have power to require, under such rules as they may prescribe, of any person taught at said school that he shall teach others either in his trade, or his books in said school, or other free schools to be organized in said county until he shall come to the age of twenty one years; or they may require of him, if they think it best, after he has been educated as aforesaid, to aid in the cultivation of the farm aforesaid, for the time aforesaid; and no child whose father is living, shall be admitted in said school, unless his father will in writing under seal agree to submit, and cause his son to submit, to such regulations, which agreement shall be made with the trustees aforesaid and entered into by a deed executed to the clerk of the County Court aforesaid and his successor in office, in trust for the board aforesaid; and no orphan child shall be admitted in said school unless he shall have been bound as an apprentice to said trustees and their successors by the County Court; and the said trustees, and their successors are hereby declared to be able and capable in law to have apprentices bound to them: *Provided always,* that the said trustees shall furnish the said child during the term of his service aforesaid his necessary clothes and board: *And provided further,* that they may allow the parents, guardians or friends of said child to pay to the fund aforesaid a reasonable compensation for the education of the child aforesaid, and thereby release him from the obligation aforesaid, which compensation shall be fixed by a majority of said trustees at a regular meeting of the board.

IX. *Be it further enacted by the authority aforesaid,* That the said trustees shall have power and authority, with the fund aforesaid, to employ a teacher of said school, and some competent person to manage the farm attached to it, upon such terms as they may be able to agree on; and they shall report in writing every six months to the County Court the progress and condition of said school, the conduct of the scholars by name, and render with said report an account of the fund and the disbursements thereof.

X. *Be it further enacted by the authority aforesaid,* That the said trustees may have power and authority to admit in said school other students, not exceeding ten, until the fund shall be in a condition to warrant an entire exclusion of all but free scholars; and the rates of tuition and board of said scholars shall be uniform; but in no case shall any scholar who pays tuition be admitted over the age of thirteen years.

XI. *Be it further enacted by the authority aforesaid,* That when the fund by this act created will justify, and the interest of the school require it, the trustees aforesaid may employ one or more artificers as instructors of the youths belonging to the said school, and prescribe rules for the government both of the boys and master.

XII. *Be it further enacted by the authority aforesaid,* That the trustees aforesaid may make such allowance as they may think reasonable to the clerk of the County Court for acting as their treasurer, and the clerk shall be entitled to no other compensation for his services, and he shall be entitled to no fees for apprentices bound to said trustees.

XIII. *Be it further enacted by the authority aforesaid,* That the president of said Central School shall have full power to call said board of trustees together, whenever he may think the good of the school requires it, five of whom, exclusive of the president, shall constitute a quorum for the transaction of business in all things, except in the expenditure of the funds, and in that case it shall require a majority of the whole number to constitute a quorum.

CHAPTER CXVI

An act for the better regulation of the town of Waynesboro', in Wayne 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 Richard Washington, James Rhodes and Arnold Berden be, and they and each of them are hereby constituted and appointed commissioners for the said town of Waynesboro', with full power and authority to make such bye laws and regulations, as they or a majority of them may deem necessary for the good order and government of said town, not inconsistent with the constitution and laws of this State.

II. *And be it further enacted,* That the said commissioners, in case of a vacancy in their body by death, removal out of the county or otherwise, the survivor or survivors remaining shall have power to fill all such vacancies: *Provided,* that no person shall be appointed or remain a commissioner of said town unless he possess and continue to possess a freehold estate in said town of the value of one hundred dollars.

III. *Be it further enacted,* That the acting commissioners of said town, a majority of them shall have power to appoint a magistrate of police, town treasurer, constable and overseer of streets; and any person so appointed shall be bound to serve one year in two, under a penalty of ten dollars, to be recovered by warrant before any jurisdiction having cognizance of the same, to be applied to the use of said town.

IV. *Be it further enacted,* That the said commissioners, or a majority of them, are hereby authorised and empowered annually, on or before the first Monday in February in each and every year, to lay a tax not exceeding one dollar on all taxable polls residing in said town, and not exceeding fifty cents on every hundred dollars valuation of town property, and a tax not exceeding one dollar on every dog or goat running at large in said town, and not exceeding five dollars on every stud horse, and a reasonable tax on any other subject of taxation.

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

hereby empowered and directed to elect a president and four directors for conducting the business and concerns of said company for one year, and until the next meeting of the stockholders. Every proprietor of stock, by writing under his or her hand, executed before some justice of the peace, may depute any other stockholder to represent him or her at any general meeting; and the votes and acts of such proxy shall be as effectual to all intents and purposes as if the proprietor himself were personally present.

II. *Be it further enacted by the authority aforesaid,* That if the aforesaid sum of ten thousand dollars shall not be subscribed on or before the said first day of July next, the said commissioners, if directed by a majority of the subscribers at their general meeting, shall again open books of subscription, and keep the same open until the first day of December thereafter, or until the aforesaid sum of ten thousand dollars shall be subscribed as aforesaid; and if more than the said capital stock hereby authorised shall be subscribed, the commissioners shall strike off from the said subscription until the capital shall be reduced to twenty thousand dollars; and in striking off subscriptions, they shall begin and strike off shares from the largest subscriptions in the first instance, and continue to strike off one share for all subscriptions under the largest and above one share, until the same shall be reduced to the capital aforesaid.

III. *Be it further enacted,* That the capital sum aforesaid shall be divided into shares of fifty dollars each; and any person may subscribe for one or more shares, but not for a part of a share. The shares shall be paid for at such times and places, and by such instalments as the president and directors of said company shall direct, they first advertising the sum to be paid in each instalment in the *Roanoke Advocate*, published in the town of Halifax, for at least twenty days; and if any person or persons holding one share or shares in said company, shall fail to pay for the same in the manner, and at the time prescribed by the president and directors aforesaid, the said president and directors may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such person may hold in the said company, by giving ten days' public notice thereof; and if the said shares shall not sell for a sum sufficient to pay the instalment or instalments due thereon, the sum deficient may be recovered of the person or persons who own the said stock; and the books of the said company shall be good evidence of such sale, and of the purchase of said shares.

IV. *Be it further enacted,* That the general meetings of the said company, after the year one thousand eight hundred and thirty-two, shall be held at the said town of Weldon, on the first Monday of May in each and every year, or at such other time and place as the stockholders in general meeting shall prescribe; and the said president and directors shall have full power and authority to commence work on the said bridge, or to enter into contract for building the same or any part thereof, whenever the said sum of ten thousand dollars shall have been subscribed as aforesaid, and to make and establish all such rules and regulations for the proper conduct and management of the affairs and concerns of said company, as they in their discretion may deem expedient.

V. *And be it further enacted,* That the said president and directors shall have power and authority to build a gate or gates on the said bridge to be erected as aforesaid, and to ask, demand and receive from persons passing over the said bridge not more than the following toll, to wit: for every four

wheel pleasure carriage, seventy-five cents; for every two wheel pleasure carriage, twenty-five cents; for every waggon, sixty cents; for every cart, twenty-five cents; for every man and horse, ten cents; single horse, five cents; foot passenger, five cents; head of horned cattle, three cents; hogs and sheep, two cents each.

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

VII. *And be it further enacted*, That unless the company hereby created shall commence the building of the said bridge within three years, and complete the same within seven years after the passing of this act, the corporate powers hereby granted shall cease and determine; and that the corporation hereby created shall not continue in any event longer than ninety years, unless the same be continued by an act of the General Assembly.

CHAPTER CXVIII

An act for the better government of the Washington Toll Bridge Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the stockholder or stockholders owning a majority of shares in the stock of the toll bridge across Tar River at Washington, in the county of Blount, shall have and exercise all the power and authority hereby conferred in the president and directors of said company, and be liable to the same penalties, and shall be known by the name of the Washington Toll Bridge Company, and shall sue and be sued by the said name.

CHAPTER CXIX

An act to alter the location of the register and entry taker's office in the county of Brunswick.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, the office of register and entry taker for the county of Brunswick shall be held within half a mile of the court house in said county.

II. *Be it further enacted*, That if the present register and entry taker do not comply with the requisites of this act by the first court to be held for said county after the first day of March next, a majority of the acting justices being present, shall proceed to elect a register and entry taker, who shall establish their offices as directed by this act, within three months thereafter, under a penalty of one hundred dollars, to be sued for by the chairman of said court, and applied to the use of the county.

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

CHAPTER CXX

An act to incorporate Flea Hill Academy, in the county of Cumberland.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Hector McKay, Samuel Howie, Archibald Holmes, Archibald McLaurin, Enoch Jarrett, Lewis Jones and Duncan McLaurin, of the county of Cumberland, be, and they are hereby constituted a body politic and corporate by the name and style of "The Trustees of Flea Hill Academy," and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal, and in general shall have, exercise and enjoy all such rights,

powers and privileges as are usually exercised and enjoyed by the trustees of any incorporated academy within this State.

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

CHAPTER CXXI

An act to incorporate Tick Creek Academy, in 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 Robert Marsh, Spencer Marsh, George W. Goldston, John Reaves, John Watson, Nathaniel M. Alston, George W. Taylor, Peter P. Smith and John Dark, be, and they are hereby incorporated by the name and style of the Trustees of Tick Creek 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 like nature; and shall have power to appoint to any vacancies which may arise in the board of trustees by death, resignation or otherwise.

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

CHAPTER CXXII

An act to authorize the County Court of Guilford to appoint overseers and hands to clean out the channel of 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 it shall and may be lawful for the Court of Pleas and Quarter Sessions for the county of Guilford, seven justices of the peace being present, to appoint overseers and hands to clear the timber, brush and other rubbish out of the channel of the Reedy Fork of Haw river, in the county aforesaid; and the said court shall have power to designate the parts or portions of said stream which each overseer is to work upon, and shall likewise have power to appoint the hands that are to work under each overseer; and it shall be the duty of the overseer or overseers appointed under this act to clear all logs, brush and rubbish of every kind out of the channel of said stream on the part of said stream allotted to him as aforesaid, and either to remove the same so far from the banks that it will not be liable to be carried into the stream again by freshets, or burn the logs, brush or rubbish so removed.

II. *Be it further enacted*, That the overseers appointed under the provisions of this act shall have all the power to compel the attendance of the hands assigned them, which overseers of roads now have by law; and the hands so placed under the overseers for the purposes aforesaid shall be liable to all the penalties which persons now are, who are appointed by the County Courts to work on roads.

III. *Be it further enacted*, That the several overseers appointed under the provisions of this act, shall be liable to indictment for neglect of duty in the same manner that overseers of roads are now liable.

IV. *Be it further enacted*, That the overseers and hands appointed to work on the Reedy Fork of Haw river as above stated, shall not be liable to work on any public road during the time they are liable to work on the stream aforesaid.

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

CHAPTER CXXIII

An act to extend the powers of the commissioners of the town of Washington.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the commissioners of the town of Washington hereafter shall have power at their own discretion to exempt Ministers of the Gospel from working of the engines of said town, and from night watching.

CHAPTER CXXIV

An act to amend an act, entitled "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 so much of the first section in the before recited act which requires that the first election of commissioners and magistrate of police should take place on the second Saturday in January, one thousand eight hundred and thirty-one, be repealed.

II. *Be it further enacted*, That the third section of the before recited act is hereby repealed, and the following substituted in its place: 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 not have resided therein for the space of twelve months next preceding his election, and who shall not be the owner in fee or for life of real estate in the said town of the value of two hundred dollars.

III. *Be it further enacted*, That that part of section tenth, which requires a survey to be made of the said town before the first day of January, one thousand eight hundred and thirty-two, be, and the same is hereby repealed; and that it shall be the duty of the said commissioners, at some convenient time before the first day of January, one thousand eight hundred and thirty-three, to cause a survey to be made of said town.

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

CHAPTER CXXV

An act to repeal an act, passed in the year one thousand eight hundred and thirty, entitled 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 from and after the passing of this act, the two Courts of Pleas and Quarter Sessions of the county of Lincoln, heretofore held on the first Monday after the fourth Monday of March and September, shall be hereafter holden on the fifth Monday after the fourth Monday of March and September in each and every year.

II. *Be it further enacted*, That all laws conflicting with the provisions of this act, be, and the same are hereby repealed.

CHAPTER CXXVI

An act to appoint commissioners to lay off a road from Neil Howard's mills, in Wilkes county, up Elk creek, to Ashe county line.

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

spoon, Thomas Ishbell, Darby Hendricks, Moses Watters and Jeremiah Hampton, be, and they are hereby appointed commissioners to view, lay off and mark out a road from Neil Howard's mills, near the mouth of Elk creek, in Wilkes county, up said creek, upon the best and most eligible ground, to the Ashe county line.

II. *Be it further enacted*, That when the said road shall be thus laid off, cleared out and opened by the inhabitants of said county, it shall become a public road, and shall be under the same rules, regulations and restrictions as other public roads.

CHAPTER CXXVII

An act to provide for the prompt payment of jurors for the county of Currituck.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county trustee of Currituck county shall retain so much of the county funds, when he receives the same, as will be sufficient to pay the jurors of said county in preference to all other claims; and that said trustee shall attend at the court house of his county on the two last days of the court, for the purpose of paying said jurors whenever discharged.

II. *Be it further enacted*, That the sheriff of said county shall receive jurors' tickets in payment of taxes at par value.

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

CHAPTER CXXVIII

An act for the better regulation of the militia of Haywood county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the regiment of militia for Haywood county be, and the same is hereby divided into two separate and distinct battalions; and all the militiamen who reside on the waters of the Oconalufita and Tuckasegee rivers, in Haywood county, be, and the same shall compose the second battalion, and shall parade at or near John B. Love's store.

II. *Be it further enacted*, That all the remaining militia of said county shall compose the first battalion, and shall parade in the town of Waynesville as heretofore.

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, so far as they respect the county of Haywood.

CHAPTER CXXIX

An act for the better regulation of a light infantry company, in the county of Beaufort, called "The Washington Guards."

Be 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 commissioned officers of "The Washington Guards" be, and they are hereby exempt from serving as members of the battalion or regimental courts martial in the county of Beaufort.

II. *Be it further enacted*, That the commissioned officers, non-commissioned officers, musicians and privates, who shall faithfully serve in said company for five years from the date of their enrolment, the evidence of the fact to be the certificate on honor of the commanding officer, shall ever

thereafter be exempt from military duty, so long as they shall reside in the county of Beaufort, or in the county in which they shall reside at the expiration of their term of service, except in times of insurrection or invasion.

III. *Be it further enacted*, That the commander of said corps, whenever in his opinion the safety of the citizens of Beaufort county, or any part thereof, shall make it necessary, shall have, and is hereby given the power to order the said company to take the field for actual service; and in case of refusal of any member or members of said corps to appear, or appearing and refusing to march against the enemy, or for violating any other legal order or orders, he or they so offending shall be subject to the same pains and penalties as are now by law imposed on the militia by the act of one thousand eight hundred and six, chapter twenty of the revised code of one thousand eight hundred and twenty-four.

IV. *Be it further enacted*, That when said corps shall be thus in the field on service, it shall be under the exclusive command or control and direction of the officers of said corps, until other troops shall be legally called out and associated; then and in that case the superior officer in service to command the whole.

V. *Be it further enacted*, That two-thirds of the said company may expel a member thereof whenever in their opinion the good of the company shall require it; and it shall be the duty of the militia officer in whose district the expelled member may reside at once to enrol him.

CHAPTER CXXX

"An act to incorporate a volunteer company called the Beards Creek Guards.

Be 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 volunteer company in the county of Craven, State of North Carolina, now commanded by Captain Hiram Brinson, and known and distinguished by the name of the Beards Creek Guards, be, and are hereby incorporated by the name of the Beards Creek Guards, and by that name shall have power to sue and be sued, plead and be impleaded, before any court or justice of the peace in this State; and shall have full power and authority to make all necessary bye-laws and regulations for the better government and discipline of said company.

II. *And be it further enacted*, That the commissioned officers of said company shall have power to impose and collect fines for neglect of duty from any member of said company, and the fines and amercements when collected shall be applied to the sole and exclusive use of said company for military purposes.

CHAPTER CXXXI

"An act to incorporate "The Wilkes County Volunteer Artillery Company."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of volunteer artillery in the county of Wilkes, commanded by Captain George Gilreath, is hereby incorporated under the title of "The Wilkes County Volunteer Artillery."

II. *And be it further enacted*, That "The Wilkes County Volunteer Artillery" 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 collected in this State, and appropriated to the use and benefit of said company for military purposes.

III. *And be it further enacted*, That the members of "The Wilkes County Volunteer Artillery" shall not be compelled to perform military duty in any militia company in the county, and they shall not be compelled to attend the battalion and regimental musters of the county; and the said company shall be ready at the call of the commanding officers of the regiment to which they belong to perform such service as may be required of them,

CHAPTER XXXII

An act to incorporate a company styled the Catawba Gold Mining 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 a gold mining company shall be established in the county of Mecklenburg, State of North Carolina, by the name and style of the Catawba Gold Mining Company, with a capital of two hundred thousand dollars, in shares of one hundred dollars each; and that Pinkney Caldwell, Theophilus Falls, and all those who now are, or shall hereafter become their associates, are hereby authorised to open books at Charlutte and such other places as they may direct, for the purpose of receiving subscriptions for shares in the said company, having advertised such intention in the Farmers' and Miners' Journal, and such other papers as they may deem necessary, for twenty days, and keep said books open for ninety days; with power to re-open the same in like manner if the amount of capital shall not be subscribed.

II. *Be it further enacted*, That the commissioners under whom the books are to be opened for subscription shall meet at the expiration of ninety days, after opening books as above provided, and compare their books; and if it shall be found that the sum of thirty thousand dollars shall have been subscribed, the aforesaid commissioners shall forthwith advertise in some newspaper, and request a general meeting of the stockholders at such place and time as they shall appoint; and if stockholders representing a majority of all the stock subscribed shall attend said meeting, either in person or by proxy, the said stockholders may proceed to appoint five directors, one of whom shall be president of the company; and the said directors shall be appointed for the term of one year, and until their successors are appointed.

III. *Be it further enacted*, That it shall be the duty of the directors, within ten days after their appointment as aforesaid, to meet and appoint one of their body president, and to execute such bonds as may be required of them by the stockholders for the faithful performance of their respective duties while in office.

IV. *Be it further enacted*, That when the sum of thirty thousand dollars 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 Catawba Gold Mining Company, and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act, and shall be capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall possess all the rights and privileges of a corporation or body politic in law; and also may make, have and use a com-

mon 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.

V. *Be it further enacted*, That if the whole of the capital stock shall not be subscribed within the first ninety days, and the sum of thirty thousand dollars shall have been subscribed, and the company organized as before provided, in that case it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of their capital stock.

VI. *And be it further enacted*, That if more than the capital stock shall have been subscribed for within the ninety days, then it shall be the duty of the commissioners to reduce the subscriptions in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders shall re-open the books, and more than the capital stock shall be subscribed, then the stockholders shall reduce the subscriptions to the capital stock in the manner above stated.

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year, at some convenient place in the county of Mecklenburg, either in person or by proxy; and at such general meeting, if a majority of the stock subscribed shall be represented, the said stockholders may proceed to elect their officers; fix their salaries; take bonds from the officers for the faithful performance of their duties in office; make all necessary bye-laws, rules and regulations for the well government of said corporation; and shall have power to do all other acts necessary to be done to carry into effect the object of this act; and the stockholders in general meeting shall be entitled to vote according to the following scale, to wit: each stockholder shall be entitled to one vote for each share he may hold 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 such general meeting.

VIII. *Be it further enacted*, That stockholders in said company, who together own or represent one third of the stock subscribed, may on any emergency call a meeting, and shall have power at such meeting to remove any officer of the company from office, for misconduct or other sufficient cause, and to make such rules and regulations as may be necessary for the government of the company until the next annual meeting of the stockholders.

IX. *Be it further enacted*, That the said corporation are to apply their capital to mining only, and all its powers and privileges are granted and to be exercised for the purpose of mining; and the said corporation is hereby declared incapable in law to carry on any operation of banking, or to divert its funds to any other purpose than that of mining.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself, and two good securities, neither of whom shall be a corporator; and if a surety shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisition be not complied with, the president and directors shall forthwith collect the money due on said bond or note. The money secured by said bond or note shall bear interest from the date; but shall be paid into the treasury of the corporation in such sums and at such times as the president and directors shall by resolution ordain and require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond, with two sureties, as aforesaid, as by this act provided, that the said subscriber, and any or every director conniving at or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from such subscriber and director or directors, their executors or administrators, jointly and severally, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts, or become bound by any instrument, or security, or agreement, in writing, signed by the president, or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements and hereditaments, aliened by the corporation, shall pass to the purchaser only by deed under the corporation seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State, or evades service, service of the same on any director; and in case there be no director in the State, the service on any stockholder shall be sufficient.

XIV. *Be it further enacted*, That it shall be the duty of the said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall be bound to produce said records in any court of justice in this State, when required so to do by the court. It shall be the further duty of the said corporation to preserve all bonds or notes given for stock in said company, and to enter such payments as shall from time to time be made on such bonds, until they are fully discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first Court of Pleas and Quarter Sessions to be held for Mecklenburg after the organization of said company, and annually thereafter, to present to the said court a full and fair statement of the full amount of stock subscribed, the amount which has been paid in cash, and the amount for which the president and directors hold the bond of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That the president and directors shall prescribe the manner in which stock shall be conveyed or transferred from one stockholder to another, or to any other person, and that the stock shall be held and deemed as personal property, and go in succession to executors and administrators.

XVII. *Be it further enacted*, That all the property of the aforesaid corporation of whatever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of the corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

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

CHAPTER CXXXIII

An act to incorporate three Light Infantry companies and one company of Cavalry in the county of Edgecomb.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of light infantry, commanded by Joseph R. Lloyd, in the town Tarborough,

is hereby incorporated under the title of "The Tarborough Guards;" and the company of light infantry in the county of Edgecomb, commanded by Michael Parker, is hereby incorporated by the name of "The Swift Creek Greys;" and the company of light infantry in the county of Edgecomb, commanded by Henry Dixon, is hereby incorporated under the title of "The United Blues;" and the company of cavalry in the county of Edgecomb, commanded by William H. Robards, is hereby incorporated under the title of "The Edgecomb Cavalry."

II. *And be it further enacted*, That the captains of the said companies and their successors in office shall at least six times in each and every year order the same to muster, at such times and places as they may think proper.

CHAPTER CXXXIV

An act to re-enact and extend the provisions of an act, passed in the year one thousand eight hundred and twenty-nine, chapter thirty-five, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company, and to repeal an act, passed in the year one thousand eight hundred and thirty, chapter one hundred and nine, entitled 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, 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 act, passed in the year one thousand eight hundred and twenty-nine, chapter thirty-five, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company, be, and the same is hereby re-enacted and declared to be in full force from and after the passing of this act, except the eighteenth section thereof, which is hereby repealed and declared to be void.

II. *Be it further enacted*, That the rights, powers and privileges granted to the said Lake Drummond and Orapeak Canal Company by the before recited act, shall expire at the end of ninety years from the first day of January, one thousand eight hundred and thirty-two.

III. *Be it further enacted*, That when the said company shall have completed the navigation and works prescribed by the before recited act, the said company shall have power, and they are hereby authorised to extend and continue the said canal from the Orapeak Swamp to Bennett's creek, in the county of Gates, under the same rules, regulations and restrictions as are prescribed by the before recited act for cutting and making the aforesaid canal from Lake Drummond to the Orapeak Swamp; and the said company shall have, hold and enjoy the same powers, rights and privileges in, to and over the said canal, from the Orapeak Swamp to Bennett's creek, and the works necessary for the navigation thereof, that are granted by the before recited act to the said company in, to and over the canal from Lake Drummond to the Orapeak Swamp, and for the same length of time as is prescribed by the second section of this act.

IV. *Be it further enacted*, That for the purpose of enabling the said company to extend and continue the said Lake Drummond and Orapeak Canal to Bennett's creek, they are hereby authorised to increase their capital stock to fifty thousand dollars, in the same manner, and under the same rules, regulations and restrictions, as are prescribed by the fourteenth section of the before recited act.

V. *Be it further enacted*, That when the said company shall have completed the said canal so that the whole extent thereof from Lake Drummond to Bennett's creek shall be of the width of sixteen feet, and of the depth of five feet, and capable of being navigated by vessels drawing three feet water,

then the said company shall be entitled to demand and receive for all commodities transported through the said canal three fourths of the tolls now received by the Dismal Swamp Canal Company, under the like rules, regulations and restrictions as are prescribed by the eighth section of the before recited act.

VI. *Be it further enacted*, That in case the said company shall not commence the cutting of the said canal from the Orapeak swamp to Bennett's creek within two years after they shall have completed the said canal from Lake Drummond to the Orapeak swamp, according to the provisions of the before recited act, or if the said company shall not complete the said canal from the Orapeak swamp to Bennett's creek in the manner above prescribed within ten years after they shall have completed the canal from Lake Drummond to the Orapeak swamp as aforesaid, then all the rights and privileges hereby granted to the said company with respect to the cutting and making of the said canal from the Orapeak swamp to Bennett's creek shall be forfeited and cease; and it shall be within the power of the General Assembly of this State to grant the same rights and privileges to any other individual, company or corporation.

VII. *And be it further enacted*, That the act, passed in the year one thousand eight hundred and thirty, chapter one hundred and nine, entitled 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, and the same is hereby repealed.

CHAPTER CXXXV

An act to incorporate a Light Infantry company in the town of Plymouth.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the company of light infantry in the town of Plymouth, commanded by John D. Bennet, be, and the same is hereby incorporated and made a body politic and corporate by the name and style of "The Plymouth Volunteer Guards," 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 the State.

II. *And be it further enacted*, That the captain of said company shall at least six times in every year order said company to muster, at such times and places as he may think proper; and shall at least four times in every year, at such times and places as he may think proper, order a muster of the officers and non-commissioned officers, for the purpose of exercising and improving them in their knowledge of tactics and other duties pertaining to their several stations.

III. *And be it further enacted*, That every officer, non-commissioned officer and private, who shall fail to attend, without sufficient excuse therefor, duly equipt according to the rules and regulations of said company, such officer, non-commissioned officer or private shall pay such fine as shall be by the bye-laws and regulations of said company be fixed, not to exceed the sum of five dollars, nor less than one dollar, to be adjudged by a court martial having cognizance thereof.

IV. *And be it further enacted*, That any officer, non-commissioned officer or private, who shall faithfully serve in said company hereby incorporated eight years from the date of his enrolment, and shall obtain a certificate

thereof from the captain, shall thereafter be exempt from military forfeitures so long as he shall remain within the regiment to which said company is attached: *Provided*, that in case of war, or invasion, or insurrection, all the members of said company hereby incorporated shall be subject to all the duties, forfeitures and penalties to which officers, non-commissioned officers and privates are subject, until they have attained the age of forty five years.

V. *And be it further enacted*, That the fines, forfeitures and penalties incurred under the provisions of this act, or under the bye-laws established by said company, or at any time to be established for the government thereof, shall be levied and recovered as other militia fines are, and be appropriated to the use of said company for military purposes.

CHAPTER CXXXVI

An act to repeal part of an act, passed in the year one thousand eight hundred and twenty-seven, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters.

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

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

CHAPTER CXXXVII

An act to prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in the county 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 if any person or persons, after the passage of this act, shall fall timber in, or otherwise obstruct the channel of the South Yadkin, in the county of Iredell, he, she or they shall forfeit and pay for every offence the sum of ten dollars, to be recovered before any justice of the peace of said county, one half to the use of the poor of said county, and the other half to the use of the informer: *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: *And provided further*, that no person shall incur the penalty herein prescribed, who shall fall timber in, or otherwise obstruct the channel of said water course in clearing his, her or their lands, provided he, she or they shall remove the same within twenty days.

CHAPTER CXXXVIII

An act to prevent obstructions to the passage of fish up Aranuse creek, in Camden 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 no person shall work any seine or drag net from the mouth of Aranuse creek up to Savill's Landing from the fifteenth of February to the first of June in the time herein below specified, viz. from sun set on Saturday until Monday morning ten o'clock in each and every week, under the following penalty, that is to say, that every person who shall work a seine or drag net 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 fifty dollars, one half to the use of the informer, the other half to the use of the wardens of the county.

II. *And be it further enacted*, That if any slave or slaves shall work any seine or drag net at the place or within the time above specified, he or they, upon conviction thereof, shall be subject to be whipped upon his or their bare back not exceeding thirty-nine lashes, and his owner shall be liable to all costs incident to such conviction.

CHAPTER CXXXIX

An act to prevent the felling of timber in, or otherwise obstructing the run of Catherine creek and Warwick swamp, in Gates and Chowan counties.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of May next it shall not be lawful for any person to obstruct, by felling trees therein, the run of Catherine creek from the mouth of said creek to Old Town Landing, in Gates county, or the run of Warwick swamp from its junction with Catherine creek to Welsh's mill on the dividing line between Gates and Chowan counties, under the penalty of five dollars for every such obstruction, to be recovered before any jurisdiction having cognizance thereof by any informer, one half to his use, and the other half to the use of the wardens of the poor of said counties: *Provided*, that nothing herein contained shall be so construed as to prevent the owners of lands on said creek or swamp 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 or swamp in clearing and improving his or her lands: *Provided* the same shall be removed in ten days.

CHAPTER CXL

An act making compensation to tales jurors in the county of Bladen.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, a majority of the acting justices of said county being present, they may pass an order directing the clerks of the Superior and County Courts to issue a certificate to tales jurors, who shall be summoned to attend either the County or Superior Courts of Bladen, and who shall have served one entire day, or so long as the court is in session during that day, shall, for such service, receive the same per diem compensation as the jurors of the original venire in said county now receive, (mileage and ferriage excepted;) and the clerk of the court to which such tales juror shall be summoned, shall, on application of the said tales juror, grant him a certificate in the manner now prescribed by law; which certificate shall be paid by the county trustee out of the funds belonging to said county: *Provided always*, that this act shall not extend to those that are bound to attend court as witnesses or suitors.

CHAPTER CXLI

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 Young Bresendine's, esquire, near Garden's Ford, on First Broad river, on the second 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 CXLII

An act to appoint one additional place of sale 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 from and after the first day of March next, all sales of property under execution, which are required by law to be sold at the court house, against any of the citizens of Hyde residing above or west of the gate on the Rosebay Turnpike Road, shall be made at the old court house in Germanton, unless the officer holding the execution shall be otherwise requested by the owner of the property.

CHAPTER CXLIII

An act respecting the toll to be paid by horsemen for crossing Beard's Bridge, on the Yadkin river, in Rowan county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter it shall be lawful for the proprietors of Beard's Bridge, over the Yadkin river, in Rowan county, to ask and collect the sum of ten cents, and no more, from all horsemen crossing the same; and that this act shall be in force from and after the ratification of this act.

CHAPTER CXLIV

An act to alter the mode of keeping in repair the streets in the village of Chapel Hill.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act it shall not be lawful for the commissioners of the village of Chapel Hill to levy or collect any tax upon the taxables or taxable property in said village for the purpose of keeping in repair the streets thereof.

II. And be it further enacted by the authority aforesaid, That all persons and their hands in said village who are by law liable to work on the roads in this State, shall hereafter be bound to work on the roads in the county of Orange under the direction of the Court of Pleas and Quarter Sessions in said county.

III. And be it further enacted, That it shall be the duty of the court aforesaid to distribute said hands among the overseers of the roads leading to and from said village, and to include the streets thereof in the orders of said overseers, (as to said court may seem most advisable,) who shall be bound to work on and keep them in good repair, under the same rules, regulations and penalties which are now prescribed by law for keeping the roads in this State in good order; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXLV

An act to prevent the falling of timber in Haw river, in Guilford and Rockingham counties, and Mair's Fork, 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 it shall not be lawful for any person or persons to fall any timber or throw any brush in Haw river, and suffer it to remain in the same for the space of ten days, any where in the bounds of Guilford or Rockingham counties, under the penalty of five dollars for each and every offence.

II. *Be it further enacted*, That it shall not be lawful for any person or persons to fall any timber or throw any brush into the creek called Mair's Fork, in Guilford county, and suffer the same to remain in the said stream for the space of ten days, under the penalty of five dollars for each and every offence.

III. *Be it further enacted*, That the penalties incurred under this act may be recovered in the name of any person suing for the same.

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

CHAPTER CXLVI.

An act to incorporate the Tarborough and Hamilton 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 be lawful to open books in town of Tarborough, under the direction of Michael Hearn, Theophilus Parker and Spencer D. Cotton; in the town of Hamilton, under the direction of James L. G. Baker, William R. Bennett and Exum L. Lowe; in the town of Williamston, under the direction of James B. Slade, James Shaw and Henry Gray; in the town of Norfolk, under the direction of James Gordon, John Newton and John B. Roy; in Elizabeth City, under the direction of John L. Bailey, William Gregory and Charles R. Kenney; and at such other places, and under the direction of such other persons, as the commissioners herein named for the town of Tarborough may appoint, for the purpose of receiving subscriptions not exceeding the sum of sixty thousand dollars, in shares of one hundred dollars each, to constitute a joint capital stock for the purpose of effecting a communication by a rail road from the town of Tarborough to the town of Hamilton, Hill's or Anthony's ferry, or any intermediate point. The precise route shall be determined on by the company hereby incorporated. That the said books shall be opened in each place, at such time as the commissioners or deputy commissioners shall respectively appoint, between the 31st day of March and the first day of July next, and shall be kept open at each place at least sixty days; and if it shall appear that more than the whole amount, authorised by this act, shall be subscribed, then it shall be the duty of the commissioners, or a majority of them, appointed to receive subscriptions at Tarborough, 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 six hundred. But if the whole number of shares shall not be subscribed for within one year from the time books shall be opened to receive subscriptions, then the books may be closed or continued open, as a majority of the commissioners named to receive subscriptions at Tarborough may judge most beneficial, until the whole number of shares shall be subscribed for. And the time and place of receiving such subscriptions as aforesaid, shall be advertised in one or more newspapers published in the city of Raleigh, in the town of Tarborough, Elizabeth City and Norfolk, Virginia. When three hundred 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 Tarborough and Hamilton 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 a 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 the well ordering and conducting the affairs of the company. Upon any subscription of stock, there shall be paid at the time of subscribing to the person or persons appointed by this act or by virtue of this act to take subscriptions, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments and at such times as may be required by the president and directors of said company. The said commissioners and deputy commissioners shall forthwith, after the election of a president and directors of the company, pay over to the said president and directors all monies received by them; and on 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 Courts, or in the Courts of Pleas and Quarter Sessions, or before a justice of the peace of the county in which such commissioner, his executor or administrator may reside.

II. *Be it further enacted*, That when three hundred shares or more of the stock shall have been subscribed, public notice of that event shall be given, by any two or more of the said commissioners, appointed to receive subscriptions at Tarborough, 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 holding a majority of 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.

III. *Be it further enacted*, That 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 vacancies 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, or in the absence of the president, any three of the directors who shall appoint any 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.

IV. *Be it further enacted*, That 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, and to begin at such point, and to be prosecuted in such direction as the stockholders shall direct, and may cause to be made and constructed all works whatsoever which may be necessary and expedient, in order to the completion of the said rail road.

V. *Be it further enacted*, That the president and directors shall have power to make contracts with any person or persons on behalf of the company, for making the said rail road, and performing all other works respect-

ing the same, which they shall judge necessary and proper; to call on any emergency a general meeting of the proprietors of the stock, giving one month's notice thereof in some newspaper published at Tarborough or the seat of government; to appoint a treasurer, clerk and such other officers as they shall deem expedient, and transact all the business of the company during the intervals between the general meetings of the same.

VI. *Be it further enacted*, That 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 some newspaper published at Tarborough or the seat of government, 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 his legal representative; and if the sale shall not produce the sum required to be advanced, with the incidental charges attending the same, 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 motion on ten days' notice before the Court of Pleas and Quarter Sessions of the county of which he is an inhabitant, or by a warrant before a justice of such county; and any purchaser of the stock of the company, under the sale of the president and directors, shall be subject to the same rules and regulations as the original proprietor.

VII. *Be it further enacted*, That if the president and directors cannot agree with the owners of land, 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 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 for 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 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 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 enter upon the land laid off, and construct their road thereon, to make all necessary excavations and embankments, and other structures necessary to the construction and preservation of said road, and to hold the said land to their own use and benefit during their corporate existence; and in all things to have the same power and authority over said land so laid off, during their existence as a corporation, as though they owned the fee simple therein: *Provided*, that nothing in this act contained shall be construed to give power to said company to lay off said road through the yard, garden, 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.

VIII. *Be it further enacted*, That whenever any wood, gravel or earth may be wanted for the construction or repairing of said Road,

and the president and directors cannot agree with the owners of the lands adjacent, as to the terms on which they can procure the same, then it shall be lawful for the president and directors, by themselves or officers or agents, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, gravel or earth so needed 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 or gravel constituting any part of a fence or building; and where any gravel, wood or earth shall be so taken as is provided for in this act, it shall and may be lawful for the owner to file his petition in the Court of Pleas and Quarter Sessions of the county wherein the land lies, from which said earth, gravel or wood may have been taken, first giving ten days' notice to 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 damages the owners of said land shall have sustained; and after assessing the same, shall return their proceedings to said court; and if the court shall approve thereof, the damages so assessed, together with all costs, shall be paid by the president and directors. But if the said court shall not approve thereof, they shall order another jury to be summoned, who shall proceed in like manner to assess said damages, and return their proceedings to said court; and upon approval thereof by the said court, said damages and costs shall be paid by the said president and directors; and if said president and directors shall not pay the damages so assessed and all cost, execution may issue against them therefor 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.

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

X. *And be it further enacted*. That whenever, in the construction of said rail road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the said president and directors of said company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same, or where it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual such waggon ways across said road from one part of his land to the other.

XI. *And be it further enacted*, That the said president and directors, or a majority of them, shall have power to purchase with the funds of 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 and proper for the purposes of transportation.

XII. *And be it further enacted*, That all machines, waggons, vehicles,

carriages and all other personal property purchased by said company, or 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 said shares shall be deemed personal estate, and the property of said company, only the shares therein shall be exempt from any public charge or tax whatsoever.

XIII. *And be it further enacted,* That so soon as nine miles of said road shall be completed, and as often thereafter as any other section of like length shall be completed, the said president and directors shall transport all produce or other commodities that shall be deposited convenient to 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 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 produce or other commodities required to be transported by said company on said rail road shall pay or tender to said company at their toll gate or gates, the toll due on such produce or 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 the following rates, viz. on goods, produce, merchandize or property transported, not exceeding four cents a ton per mile for toll, and eight cents a ton per mile for transportation; and for the transportation of passengers not exceeding six cents per mile for each passenger 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 aforesaid, then the tolls which the said president and directors shall be entitled to demand and receive for transportation of produce or other commodities on the said rail road shall be fixed and regulated, from time to time, by the Governor, or such other person as may be appointed by the Legislature for that purpose, so as to make them sufficient in his or their estimation to yield a nett profit equal to ten 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 said company shall, at, or shortly before each session of the Legislature, report to the Governor, or such other person or persons as the Legislature may hereafter appoint for that purpose, shewing the whole amount of capital stock expended in the construction of the said 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. And it shall not be lawful for any other company or person or persons whatever to travel upon or use the road of said company, or to transport persons or property of any description along said road, without the license or permission of the president and directors of said company. And nothing herein contained shall be construed to pre-

vent said company from making contracts for the transportation of the Mail upon such terms as may be agreed on between said company and the agents of the United States.

XIV. *And be it further enacted*, That it shall be lawful for the company hereby created to receive donations and to borrow money for the objects of this act, and to pledge the property of the company for the payment of such loans, and to make and issue proper evidences of such loans and assurances for the repayment thereof.

XV. *And be it further enacted*, That it shall and may be lawful for the company hereby created to construct all such bridges as it may be necessary for them to erect for the purposes of their rail road as to afford general accommodation to all travellers, and to demand and receive from all persons passing over or using such bridges a reasonable toll, which shall in no case exceed the highest rate of toll now allowed by law on any bridge in this State: *Provided, however*, that no toll shall be demanded for using said bridge or bridges on account of either property or persons passing along the rail road and paying toll therefor.

XVI. *And be it further enacted*, That it shall be lawful for said company to erect scales at the toll gate or gates to weigh the burthen of any waggon, carriage, machine or other vehicle used in transporting produce or other commodities along said rail road.

XVII. *And be it further enacted*, That an annual meeting of the proprietors of the stock of said company shall be held at such time, and at such place, in each year, as the stockholders, at their first general meeting, or at any subsequent 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 holding a majority of all the shares 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.

XVIII. *And be it further enacted*, That 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 said company.

XIX. *And be it further enacted*, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the subscribers.

XX. *And be it further enacted*, That so soon as 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 from the nett profits from the tolls herein granted as they may deem advisable, to be divided among the proprietors of the stock of said company in proportion to their respective shares.

XXI. *And be it further enacted*, That after 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 said rail road, and which the said president and directors shall be required to transport as aforesaid, the toll for trans-

portation being tendered, as a penalty for such failure or neglect, the company shall be liable to the party injured by such failure or neglect.

XXII. *And be it further enacted*, That if any toll-gatherer, at any 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 recovered against him, the said company shall be liable to pay the same.

XXIII. *Be it further enacted*, That if the said president and directors shall not begin the said work within three 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 said rail road and the tolls aforesaid shall be forfeited and cease.

XXIV. *Be it further enacted*, That the president and directors shall cause to be written or printed certificates for the shares of the stock in 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 thereon, and such assignee having first caused the transfer or assignment to be entered in a book to be kept by the company 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 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.

XXV. *Be it further enacted*, That if the said president and directors, or a majority of them, cannot agree with the proprietors for the purchase of any such quantity of ground, not exceeding one acre at any one place, as may be necessary for a toll house, or a house to cover any stationary engine, or for any other necessary purpose, it shall and may be lawful for the president and directors to file a petition in the Court of Pleas and Quarter Sessions of the county in which the land lies, against the proprietor of the land, setting forth the circumstances; and it being made appear to the satisfaction of such court that the president and directors have caused the proprietor of such land to be notified ten days before court, the said court shall order the sheriff to summon a jury of good and lawful men, who, after having taken an oath (which oath the sheriff or his deputy is hereby authorised to administer) that they will assess the damages which such proprietor will sustain by reason of the condemnation of such land, shall assess the amount which the petitioners ought to pay to such proprietor; and the said jury, in assessing such damages, shall take into estimation the benefit resulting to said proprietor from constructing said rail road through or near the lands of said owner or proprietor, but only in extinguishment of damages; and upon payment of the value found by the jury, upon any such proceeding, to the proprietor of the ground so condemned by the jury, or upon the payment thereof into court, where, 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 in

fee simple. If any person or persons shall wilfully, by any means whatsoever, injure, impair or destroy any part of the rail road constructed by authority of this act, or any of the 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 State at the time, for the protection of the public works, or property of the State.

XXVI. *And be it further enacted*, That the corporation shall exercise the corporate powers hereby granted for ninety years, and no longer, without a renewal of the charter.

XXVII. *And be it further enacted*, That full right and privilege are hereby reserved to the State, or to any company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for any other rail road leading from the same to any part or parts of this State: *Provided*, that in forming such communication no injury shall be done to the works of the company hereby incorporated.

XXVIII. *And be it further enacted*, That such compensation shall be made from time to time to any of the officers, servants or agents of the company, as the proprietors in general meeting shall prescribe, or may authorise the president and directors to allow.

CHAPTER CXLVII

An act to incorporate the trustees of the Ravenscroft Academy of Fayetteville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles P. Mallett, Charles Stuart, Charles T. Haigh, John W. Wright and Robert Strange shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the Trustees of the Ravenscroft Academy, and by that name shall have perpetual succession and a common seal; and that they the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels and choses in action that shall be given them for the use of the said academy, and the same apply according to the will of the donors, and by gift, purchase and devise to take, have, hold, possess, enjoy and retain to them and their successors forever any lands, rents, tenements and hereditaments, of what kind, nature or quality soever, in special trust and confidence, that the same and the profits thereof shall be applied to and for the use and purpose of endowing the said academy.

II. *And be it further enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers any such land, rents, tenement and hereditament aforesaid, when the condition of the grant to them or the will of the testator or deviser does not forbid it; and further, that they the said trustees and their successors forever, or majority of them, shall be able and capable in law by the name aforesaid to sue and be sued, plead and be impleaded, in all courts whatever, either in law or equity, of record or otherwise, and in general they shall and may do all such other acts and things as are usually done by bodies corporate for the purpose of effecting the objects of this act.

III. *And be it further enacted*, That on the death, resignation, refusal to act, or removal out of the State of any of the trustees for the time being,

the remaining trustees, or a majority of them, are hereby authorised and required to elect and appoint other trustees in the place of every such one as shall so die, resign, refuse to act or remove; which trustee so appointed shall be vested with the same power, trust and authority as the one in whose stead he shall be so appointed would have had in case he had lived and continued to act.

IV. *And be it further enacted*, That the said trustees or their successors, or a majority of them, may from time to time appoint their own president, secretary and treasurer, and such professors and tutors over the said academy as to them may appear necessary and proper; whom they may remove for misbehaviour, inability or neglect of duty. They may make all such bye laws and regulations for their own government, and that of the academy, and the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear expedient: *Provided* the same are not inconsistent with the constitution and laws of this State.

V. *And be it further enacted*, That the said trustees, or a majority of them, or their successors in office, may from time to time locate the said academy either within the limits of the said town or such other place within three miles thereof as may to them seem expedient.

CHAPTER CXLVIII

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

Whereas the laws heretofore made for regulating the town of Edenton, have proved defective and inconvenient:

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 five free white male citizens of the town of Edenton, each having a freehold estate therein of the value of three hundred dollars, shall be annually chosen on the day and in the manner as before prescribed by law, who shall be, and are hereby invested with full powers as commissioners of said town, and shall, within twenty days after notice of their being elected, qualify by taking the oaths of office, under the penalty of twenty-five dollars for each neglect, to be recovered in the name of the people of said town, before any jurisdiction having cognizance thereof, to the use of said town.

II. *Be it further enacted*, That the said commissioners shall appoint a magistrate of police, whose duty it shall be to issue warrants and give judgments against all persons who violate the ordinances of said town.

III. *Be it further enacted*, That the said commissioners shall also appoint a town constable, whose duty it shall be to preserve the peace and good order of said town; to give information to the commissioners of all infractions of the town ordinances; and to execute all process to him directed by the magistrate of police; and to perform all lawful duties that may be assigned him by the commissioners; said town constable to give an official bond and security to the said commissioners, in such amount and with such conditions as they may from time to time prescribe.

IV. *Be it further enacted*, That the said commissioners shall appoint suitable persons, not of their body, to act as treasurer and town clerk, who shall respectively give bond and security, which said bond shall contain such conditions and stipulations, and be for such amount as the said commissioners shall from time to time prescribe.

V. *Be it further enacted*, That should any of the commissioners being

elected refuse to act, or be guilty of negligence or improper behavior in office, a majority of the acting commissioners may vacate their seats at the board of commissioners; and the person whose seat is so vacated, shall be ineligible for the current year; and said commissioners shall proceed to fill the vacancy by the appointment of a successor.

VI. *Be it further enacted*, That the commissioners of the town of Edenton, at the special instance and request of a majority of the citizens of said town, are hereby authorised and required to impose a tax upon such articles of property within the limits of said town as they may think proper, for the purpose of paying a guard or nightly watch in said town; and said commissioners may authorise such person as they may deem proper to collect all taxes assessed for the use of said town; and it shall be the duty of the said commissioners to require a good and sufficient bond and security for the collection of the town taxes from the person or persons so authorised.

VII. *Be it further enacted*, That the commissioners of the town of Edenton are hereby authorised and required, after giving due notice thereof, to expose all the streets, bridges, &c. of said town, for a term not exceeding four years, to the lowest bidder, for the purpose of having the same kept in suitable repairs and amendment, first requiring of the person or persons so contracting a good and sufficient bond for the true and faithful discharge of his or their duty.

VIII. *Be it further enacted*, That the meetings of the commissioners of the town of Edenton shall always be held in the court house of said town; and that said commissioners shall meet on the second Saturday in each and every month, (and oftener if required,) for the purpose of hearing complaints and remedying such grievances as may be exhibited before them.

IX. *Be it further enacted*, That the commissioners of the town of Edenton shall have full power and authority to make all ordinances, rules, regulations and restrictions in as full and ample a manner as the commissioners of any chartered town in this State are permitted to make, and all other necessary rules and regulations whatsoever, not inconsistent with the laws of this State.

X. *And be it further enacted*, That an act of this Legislature, passed at the last session, entitled an act for the better regulation of the town of Edenton, be, and the same is hereby repealed.

CHAPTER CXLIX

An act for the better regulation of the County Courts of Buncombe.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the first County Court held for the county of Buncombe, from and after the passing of this act; and at the same court every two years thereafter, it shall be the duty of the justices of the peace of the said county, a majority of them being present, to elect by ballot three acting justices, who shall hold the said Courts of Pleas and Quarter Sessions for the said county of Buncombe from and after their election for the term of two years.

II. *Be it further enacted*, That if any vacancy shall happen by death, resignation, removal or refusal to serve, that at the Court of Pleas and Quarter Sessions next after such vacancy shall happen, not fewer than seven justices being present, shall be authorised to fill such vacancy.

III. *Be it further enacted*, That the justices so appointed shall have full

power and authority to hold the Courts of Pleas and Quarter Sessions of the said county, under the same rules and regulations as have been heretofore prescribed by law, and shall have full power and authority to act in all matters and things where seven justices are now required to be present.

IV. *Be it further enacted*, That the justices so appointed and holding said courts, shall be entitled to two dollars for each and every day they shall hold a jury court.

V. *Be it further enacted*. That a fee of one dollar shall be taxed by the clerk of the said court on all writs or other leading process returnable to said court, and upon all indictments found in said courts, where the defendant shall be convicted; also upon all appeals that shall be taken to said court from the judgment of a justice of the peace out of court; and that the sheriff shall collect the said tax as other costs, and account for the same to the clerk of the County Court; and the tax, when so collected, shall be for the payment of said justices appointed under this act; and if the tax so collected be not sufficient to pay the said justices, the balance due them shall be paid as other county claims; but if the tax so laid and collected amounts to more than the claims of the said justices, then the residue shall be paid over to the county trustee and be accounted for as other public money.

VI. *Be it further enacted*, That the justices so appointed and holding the courts as above mentioned, shall be entitled to receive their per diem allowance of the clerk of said court, whose duty it shall be to record upon the minutes the number of days served by each, and the sums respectively paid to them.

CHAPTER CL

An act to incorporate the Yadkin and Netuse Manufacturing Companies.

Be 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 manufacturing company shall be established in this State, by the name and style of "The Yadkin Manufacturing Company," with a capital of one hundred thousand dollars, in shares of one hundred dollars each; and that Thomas L. Cowan, Maxwell Chambers, Samuel Lemly, John Murphy, Nathan Chaffin, Michael Brown, William Chambers and Charles Fisher, or any three of them, be, and they are hereby authorised to open books in the town of Salisbury, and at such other places as they may direct, for the purpose of receiving subscriptions for shares in said company, having previously given public notice in some newspaper of the times and places of opening said books, and they shall keep said books open for the period of forty days, with power to re-open the same in like manner if the capital stock shall not in the first instance be taken.

II. *Be it further enacted*, That at the expiration of forty days, the commissioners, or any three of them, shall meet together and compare their books; and if it shall be found that fifteen thousand dollars of the capital stock shall have been subscribed, they shall, by public notice in some newspaper, call a general meeting of the stockholders at such time and place as they may appoint; and if a majority of the stock be represented at said meeting, either by the stockholders in person or by proxy, they may proceed to appoint three directors, one of whom shall be president of the company; and the said directors shall be appointed for one year, and until their successors are chosen.

III. *Be it further enacted*, That it shall be the duty of the directors, within ten days after their appointment, to meet and choose one of their body

president, and to execute such bonds as may be required of them by the stockholders for the faithful performance of their official duties.

IV. *Be it further enacted*, That when fifteen thousand dollars shall have been subscribed as before provided, the subscribers, their successors or assigns, shall be, and are hereby declared to be incorporated into a company by the name and style of "The Yadkin Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, before any court or justice of the peace, and shall so continue for the term of twenty-five years from and after the ratification of this act, and shall be able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatever kind, nature and quality, and the same to sell, grant, demise, alien or dispose of, and shall possess and exercise all rights and privileges of a corporation or body politic in law; and also may make, have and use a common seal, and may make all such bye-laws, rules and regulations, not inconsistent with the constitution and laws of the State, as may be necessary for the well ordering and management of the affairs of the company.

V. *Be it further enacted*, That if the whole of the capital stock shall not have been subscribed within the first forty days, or when the books are re-opened under the commissioners, then it shall be lawful for the stockholders to re-open the books, and receive subscriptions for the balance of the stock.

VI. *Be it further enacted*, That if more than the whole amount of the capital stock shall have been subscribed at the opening of the books, then it shall be the duty of the commissioners to reduce the same in fair and equal proportions, reserving to each subscriber at least one share; and if the stockholders should re-open the books, and more than the capital stock should be subscribed, then the directors shall reduce the subscriptions to the sum prescribed as the capital stock in manner as above directed.

VII. *Be it further enacted*, That the stockholders shall have annual meetings in the town of Salisbury, either in person or by proxy; and at such meeting, a majority of the stock being represented, they shall elect their directors and officers, and do all other acts and things authorised by this act; and in all general meetings each stockholder shall be entitled to give as many votes as he may hold shares; and the shares or stock of said company shall be deemed, taken and considered as personal property or estate, and as such shall go to administrators or executors, and be assets in their hands.

VIII. *Be it further enacted*, That the stockholders, or so many of them as may hold or represent one third of the stock, may at any time call a general meeting of the company, and at such meeting, a majority of the whole stock being represented, may remove all officers or directors of the company, and appoint others in their stead, and generally do and perform whatever may be done and performed at the annual meetings of the company.

IX. *Be it further enacted*, That the funds of the company shall not be applied to any other purposes than the manufacturing of cotton and wool, and to the growing of wool, and to articles connected therewith; and that all banking operations are hereby strictly forbidden to the corporation under the penalty of forfeiting this charter.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by the bond or note of the subscriber, signed by himself, and two good securities, neither of

whom shall be a corporator; and if any security shall afterwards become a corporator, the president and directors shall require another security in his place; and in case such requisition be not complied with, the president and directors shall forthwith collect the money due on said bond or note, which shall bear interest from the date; but any bond or note so taken may be made payable in such sums or instalments and at such times as the president and directors may by resolution require.

XI. *Be it further enacted*, That no subscription shall be for less than one share; and in case any subscriber shall fail to pay in the amount of his subscription, or to give his bond or note, with two securities, as by this act required, such subscriber, and any or every director conniving at or assenting to such failure, shall be liable to any creditor of the company for the full amount of such subscription, to be recovered from either or all of them, their executors, administrators or assigns, by an action on the case.

XII. *Be it further enacted*, That the corporation may make contracts, or become bound by instrument, or security, or agreement, in writing, signed by the president, or by any person duly authorised by him, or by the president and directors; but the legal estate in the lands, tenements and hereditaments, aliened by the corporation, shall pass to the purchaser only by deed under their corporate seal.

XIII. *Be it further enacted*, That any legal process against the corporation may be served on the president; and in case he be not in the State, or avoids service, then service of the same on any director; and in case there be no director in the State, then service on any stockholder shall be sufficient.

XIV. *Be it further enacted*, That it shall be the duty of said corporation to keep a full and fair record of all their proceedings in books procured for that purpose, and shall produce said records in any court of justice when required so to do by the court; and it shall be the duty of said corporation to preserve all bonds and notes given for stock, and to give credit for such payments as may from time to time be made on them, until they are fully paid off and discharged.

XV. *Be it further enacted*, That it shall be the duty of the said corporation, at the first County Court to be held for the county of Rowan after the organization of said company, and annually thereafter, to present to said court a full and fair statement of the amount which has been paid in, in cash, and the amount for which the president and directors hold the bonds of the subscribers or stockholders; and also the amount of other debts due to the corporation, and the names and places of residence of the several stockholders.

XVI. *Be it further enacted*, That all the property of the corporation of whatever kind or nature, whether lands, negroes, machinery, stock, goods, bonds or other effects, shall be liable to the satisfaction of the debts of said corporation, and shall be subject to be levied on by execution, attachment or other legal process, and sold.

XVII. *And be it further enacted by the authority aforesaid*, That for the purpose of establishing a manufacturing company under the name and style of "The Neuse Manufacturing Company," John Bell, William Boylan, William White, Josiah O. Watson, John McLeod and David Thompson, be, and they are hereby appointed commissioners to open books at the town of Smithfield, the city of Raleigh, and such other places as they may deem expedient, to receive subscriptions of stock for the purpose of raising one hun-

dred thousand dollars capital stock, in shares of one hundred dollars each, and to keep the said books open, and give the like advertisement, and with the like power to receive the like sum already provided for by this act.

XVIII. *And be it further enacted*, That after the expiration of forty days, it shall be the duty of the said commissioners to meet at the city of Raleigh, compare their books of subscription, and in case fifteen thousand dollars shall have been subscribed, the subscribers shall, and they are hereby declared to be a body corporate, in the name and style of "The Newse Manufacturing Company," for the same purposes as are already prescribed by this act in relation to the Yankin Manufacturing Company, and shall be liable to, and subject to all the provisions therein specified, in respect to the paying in the stock, the appointing a president and directors, and for the raising and collecting of the same, and its conduct generally, as if the same were specially authorized in this section, except that the annual meeting of the stockholders shall be in the city of Raleigh; and the report required to be made by the Yankin company to the County Court of Rowan, shall be made by the Newse company to the County Court of Wake.

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

CHAPTER CLI.

An act providing for the better organization of the militia of Chatham county.

Whereas the good citizens of Chatham county, in attending the regimental musters of the same, have been hitherto subjected to serious inconveniences by the frosts which frequently occur in the various streams and water courses which intersect said county, and also by the great distance at which many of them reside from the place where the said muster is held:

Be it therefore enacted by the General Assembly of the State of North Carolina, and be it further enacted by the authority of the same, That the regiment composed of the various companies which muster within the county of Chatham, shall be hereafter divided so as to form two distinct regiments, that is, an upper and a lower regiment; that the upper regiment shall embrace the companies commanded by Captains Owens, Perry, White, Pounds, Lane, Densin, Carter, Haden, Thompson, Henderson and Horton; and that the lower regiment shall embrace the companies commanded by Captains Burnett, Brown, H. H. Brown, Brown, Hanna, Lassiter, Steward, Wilson and Latham; that the lower regiment shall exceed the other in number, so that the addition of one company to the smallest would produce equality between them, then the said company shall be added to the smaller regiment hereafter by order of the colonel in chief of both regiments. That said regiments shall be entitled to the commanding officers with other regiments throughout this State; that the officers of the same, when appointed, shall have the power of acting on the places where their respective regiments shall be called to muster for the first time; that it shall be the duty of the commanding officers of either regiment to have the future places of muster appointed for the same by the field and commissioned officers thereof; that the said regiments shall be divided into two distinct battalions by the field and commissioned officers thereof, having due reference in the said division to the convenience of the respective companies which shall compose the battalion; and that after the first muster after the said division is effected, it shall be the duty of the commanding officers of each battalion to appoint the future places of muster for the same.

II. *And be it further enacted*, That all acts and clauses of acts of the General Assembly of North Carolina, which may come within the purview of this act, be, and the same are hereby repealed.

CHAPTER CLII

An act to appoint lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future it shall not be lawful for any person whatsoever to haul a seine, set a net, or cause any other obstruction to the free passage of fish through New Inlet, or any of the slues or channels leading through the shoals and marshes into Pamlico Sound, or within three miles of said inlet, from Saturday sun down until Monday twelve o'clock of each and every week, between the first day of February and the first day of June, inclusive, in every year.

II. *And be it further enacted*, That if any person or persons shall directly or indirectly offend against any of the provisions contained in the foregoing section, he or they shall, upon conviction before any justice of the peace for the counties of Currituck or Hyde, be fined the sum of one hundred dollars; for which judgment may be entered up by said justice for each and every time a seine is so hauled, a net set, or other obstructions made; one half of the penalty hereby imposed to be given to him, her or them that will first inform of the offence, and the other half to the poor of the county in which the conviction may be had.

III. *And be it further enacted*, That any slave or slaves offending against any of the provisions of this act, unless he or they appear to have acted under the express directions of their owners or employers, shall be sentenced to receive thirty-nine lashes, and all cost paid by the owner or owners of said slaves.

CHAPTER CLIII

An act to prevent obstructions in the passage of fish up Neuse and Trent 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 work any seine, set net, skimming net, fish trap or slide in the channel of Neuse river below Newbern, or in the Neuse or Trent rivers above Newbern to the Wayne county line, from the fifteenth of January to the twenty-fifth of April, in the time hereinafter specified, viz. from sun set on Saturday until sun set on Monday, in each and every week, in each and every year hereafter, under the following penalty, that is to say, that every person who shall work a seine, set net, skimming net, fish trap or slide in the time above specified contrary to the true intent and meaning of this act, shall for each and every offence, upon conviction, forfeit and pay the sum of one hundred dollars, one half to the use of the informer, and the other half to the use of the poor of the 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 for having violated this act, shall receive thirty-nine lashes on his or her bare back, and the master or owner shall be subject to pay the cost of such prosecution and whipping.

III. *Be it further enacted*, That so much of an act, passed in the year one thousand eight hundred and thirty, entitled "an act to prevent obstructions to the passage of fish up Neuse river, Brices creek and Trent river," as comes within the meaning and purview of this act, be, and the same is hereby

repealed: *Provided*, that this act shall not be so construed as to prevent any persons from fishing in any manner in Neuse river above the lower line of Wayne county.

CHAPTER CLIV

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the next term of the Court of Pleas and Quarter Sessions for the county of Brunswick which shall be holden after the first day of March next, a majority of the justices of the county being present, the justices of the said county are authorized to arrange themselves into convenient classes of five persons in each, for the purpose of holding the said court respectively, in such manner as is directed by this act.

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

III. *And be it further enacted,* That the justices appointed under this act to hold the said County Courts, shall be competent to do and perform any matter, and exercise all the power and authority which by the existing laws of this State seven justices are authorized to do, and in all cases be governed by the same rules, regulations and restrictions as govern other County Courts in this State.

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

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

VI. *And be it further enacted,* That the law now in force, requiring a majority of the acting justices of said county to be present when the sheriff's bonds are to be taken or renewed, shall be so construed as to mean the justices residing in the county at the time the bonds are to be taken; and in any case where a majority of the said justices are required and do not attend, those who are present may proceed to take the sheriff's bonds, and do any other business that a majority is required to do, which shall be as valid as if done by a majority of said justices; and the justices absent shall be equally responsible for insufficient security as if they were present, provided they are not prevented from attending by sickness or other accidental causes.

CHAPTER CLV

An act to incorporate the Charlotte Fire Engine Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the present and future officers and members of the Charlotte Fire Engine Company, and

their successors, be, and they are hereby constituted a body politic and corporate by the name of the "Charlotte Fire Engine Company," and by such name shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded in any court in this State. They shall have power to appoint their own officers, and do and perform all such other acts and things necessary and useful to carry into effect the true intent and design of said company, such as are usually exercised by similar bodies corporate in this State; to make their own bye laws and regulations, and enforce the same under such penalties as they shall deem it expedient to impose, not repugnant to the constitution and laws of the State; and all such persons who have or may hereafter enrol themselves in said company, shall be exempt from military duty, except in cases of insurrection or invasion.

11. *And be it further enacted,* That it shall be the duty of the commanding officers of this company to make due return of the number of officers and privates to the commanding officers of the regiment to which they belong, under the same regulations and penalties as are now required and imposed on officers of militia companies.

CHAPTER CLVI

An act to authorise and empower the County Courts of Haywood to appoint commissioners to make alterations, or to lay out new roads in said county.

Whereas the making and improving of roads is of great advantage to the community, and more especially in a mountainous country:

Be 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 become necessary for a new road to be laid out, or any of the present roads to be altered, within the county of Haywood, it shall be the duty of the Court of Pleas and Quarter Sessions for said county to appoint three or five commissioners, as to them may seem proper; and upon such appointment being made, it shall be the duty of the said commissioners, after being summoned by the sheriff and sworn for that purpose, to go upon and view such road or alterations as may be prayed for, and make due return to the next succeeding court, with the number of hands which they may deem necessary for opening such new road, or making the necessary alterations in the present public roads; and the said commissioners, when so appointed, shall exercise the same powers, and be governed by the same rules and regulations that now govern juries appointed for such purposes: *Provided, however,* that any person who may think him or herself aggrieved by the said commissioners, shall, in all cases, have the right of appeal, as is now provided for by law; any law to the contrary notwithstanding: *Provided always,* that no road shall be laid out or altered under the provisions of this act, except where the persons through whose land the same shall pass shall signify their consent to the County Court in writing.

CHAPTER CLVII

An act to authorise the county Court of Richmond county to transcribe and record certain papers in the office of the County Court Clerk.

Be 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 Richmond are hereby authorised, at any court, a majority of them being present, to contract with some person of skill and ability, first giving three months' notice of such their intention, to transcribe and record in a well bound book all the wills in said clerk's office, with the pro-rate on each, in the order of time in which the said wills were proven in court.

II. *And be it further enacted*, That the County Court clerk is required, whenever the court will so order, to hand over to such transcriber as the court may select all the wills in regular files up to the time the present incumbent came into office, first taking duplicate receipts containing each testator's name; one of which is to be filed in the clerk's office, and the other to be kept by the public register for said county.

III. *And be it further enacted*, That the said transcriber, before he enters on the duty of his appointment, shall enter into bond and security, to be approved by the said court, for the faithful and correct discharge and performance of his duty, and return each and every one of such wills, together with the book of record, to the clerk in open court; and when approved by the court, such book or books, containing the transcript of the wills and probate of each, shall be considered the lawful record of them; and a copy of such record, certified according to law by the clerk of said court, shall be as valid as if such record had been made at the time the wills were proven.

IV. *And be it further enacted*, That the said court, at the time the contract is made for transcribing and recording the wills, may also authorise the transcriber to enter and record, in another well bound book, all the inventories and accounts of sales of executors and administrators, and guardians' accounts, and settlements up to the time the present incumbent came into office.

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

CHAPTER CLVIII

An act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That each and every juror of the original pannel who shall attend as a grand or petit juror at any court of the counties of Perquimons, Pasquotank or Gates, which shall set after the first day of January, one thousand eight hundred and thirty-two, 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* said juror shall make oath before him to its correctness; which certificate the sheriff shall receive towards the payment of his county tax, and he 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 counties, commencing with the first day of March next, expressly to form a fund for the compensation of the jurors aforesaid: On every leading process returnable to the County Court, one dollar: every appeal to the said County Court from a judgment of a single justice of the peace rendered out of court, one dollar; every petition, except those for roads and widows' provisions, one dollar; every indictment, where conviction shall happen and the defendant can pay the costs and tax, one dollar; and on every appeal from the County to the Superior Court or writ of error, one dollar and sixty cents; on every leading process returnable to the Superior Court, mandamus, certiorari, appeal to the Superior Court or indictment, where conviction shall happen and the defendant can pay the costs, 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 counties 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 purposes 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 clerks of said courts 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 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 Perquimans, Pasquotank or Gates, 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.

V. *And be it further enacted*, That no payment of jurors for the county of Gates shall be made by the county trustee until May term, one thousand eight hundred and thirty three.

CHAPTER CLIX

An act concerning the County Court 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 three persons from among their body, whose duty it shall be to hold the County Court 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 such allowance to said justices so appointed as they may deem proper and right, not exceeding one dollar and fifty cents per day.

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 force requiring a majority or any other specific number to attend said court.

IV. *Be it further enacted*, That should any one or more of the justices appointed under this act fail to attend the court, those who may attend shall and may fill the vacancy during such absence; and the person or persons so appointed shall receive the same pay during his services as the justices are entitled to under this act.

V. *Be it further enacted*, That the whole of an act, passed at the last session of the Legislature, entitled an act concerning the County Court of Orange county, and all other acts coming within the purview and meaning of this act, be, and the same are hereby repealed.

CHAPTER CLX

An act directing the manner in which constables shall hereafter be elected in the county of Stokes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter there shall not be a greater number of constables in the county of Stokes than one for each captain's district within said county.

II. *And be it further enacted,* That on the first Saturday in March next, and annually thereafter, the inhabitants of each captain's district within the said county, at the usual place of holding the company musters within said district, shall elect within the bounds of said company some fit and suitable person to act in the capacity of a constable for the succeeding year, who shall be returned and recommended to the Court of Pleas and Quarter Sessions of the said county, as hereinafter directed; and upon such return being made under the certificate of the judges appointed to hold said election, the said court shall proceed to qualify such person so returned to act as constable for one year thereafter, he or they first giving bond with good and sufficient security as by law required.

III. *Be it further enacted,* That the several captains of companies within said county, and in their absence any justice of the peace within the district, shall, on the said first Saturday in March next, and on the first Saturday of March in each and every year thereafter, appoint two discreet and suitable persons to hold said elections, and every person residing within the bounds of said company or district who is qualified and entitled to vote for members of the House of Commons in the State Legislature, shall be entitled to vote in all such elections; and the person receiving the greatest number of votes shall be considered as duly elected and shall be returned under the certificate of the said judges to the first Court of Pleas and Quarter Sessions which shall happen after said election.

IV. *Be it further enacted,* That should any person elected as constable under the provisions of this act, remove, die or from any other cause fail to give the necessary security, then it shall be proper for the court which shall next happen as aforesaid, a majority of the justices being present, to supply any vacancy occasioned by such failure; and in case there should be a tie in any election as aforesaid, then the court shall in like manner determine; any law, usage or custom to the contrary notwithstanding.

CHAPTER CLXI

An act to amend an act, passed in the year one thousand eight hundred and twenty-six, entitled "an act to amend an act, passed in the year one thousand eight hundred and twenty-five, entitled 'an act directing the manner in which constables shall be hereafter appointed 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 from and after the passage of this act the constables in the county of Sampson shall be elected at the same time and place that members of the General Assembly are elected in said county, under the same rules and regulations that are now provided for the election of constables in said county; and the constables so elected shall, at the next Court of Pleas and Quarter Sessions that shall be held for said county after such election, qualify and give bond in the same manner and under the same rules that are now provided by law.

II: *Be it further enacted,* That the constables now in office in said county may be permitted to hold the same until the next annual election, by giving

bond and security at the court at which their term of office expires for the faithful and diligent performance of their duties up to the time of such annual election.

III. *Be it further enacted*, That the several capains of companies in said county shall, at the master which shall happen next preceding such annual election in each and every year, appoint three discreet and suitable persons to hold said elections, which shall be conducted under the same rules that are now provided for the election of constables in said county.

IV. *Be it further enacted*, That so much of the above recited acts as come within the meaning and purview of this act, be, and the same are hereby repealed.

CHAPTER CLVII

An act to repeal the first and fifth sections of an act, passed at the last session of the General Assembly, entitled "an act to authorize 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," and to amend 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 at every term of the Court of Pleas and Quarter Sessions of the county of Gates, which shall happen after the first Monday in May next, and annually thereafter, the justices of said county, a majority being present, 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 duty 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 at which they are to be appointed under this act, to make a report to the court, exhibiting an account of all the 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 fifth sections of the act of one thousand eight hundred and thirty, be, and the same are hereby repealed.

CHAPTER CLXIII

An act to prevent obstructions to the passage of fish up Tar or Pamlico 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 shall work any seine, set net, skinning net, fish trap, slide or weir in Tar or Pamlico river, from the fifteenth of January to the twenty-fifth of April, in the time herein specified, to wit: from sunrise on Saturday till sunrise on Monday in each and every week, under the following penalty, that is to say, every person who shall offend against the true intent of this act, shall, for each and every offence, upon conviction, forfeit and pay the sum of one hundred dollars, one half to the use of the county, the other half to the informer.

II. *Be it further enacted*, That any slave who shall be convicted before any magistrate of having offended against this act, shall receive thirty lashes, and the owner of said slave shall pay the costs of prosecution and whipping.

III. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed: *Provided, however*, that nothing in this act shall be so construed as to prevent any person from fishing in any manner in Tar river above the upper line of Pitt county, or below Wade's Point in said river.

CHAPTER CLXIV

An act to extend the provisions of an act, passed at the last session of the General Assembly, chapter one hundred and fifty-five, entitled an act concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the before recited act be re-enacted, enlarging the provisions of said act, so as to extend from New Inlet to Caffee's Inlet, including Roanoke Island: *Provided, nevertheless,* that nothing in this or the before recited act shall be so construed as to prevent such persons as may be interested as aforesaid from marking, killing or removing stock on their own plantations respectively.

CHAPTER CLXV

An act amendatory of an act, passed in the year one thousand eight hundred and thirty, in relation to the appointment of commissioners to superintend the erection of a court house in the county of Burke.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions of the county of Burke, a majority being present, shall, and are hereby authorised to allow the commissioners appointed under the before recited act, or such as may be hereafter appointed to supply vacancies, such commissions as to said justices shall seem right and proper.

CHAPTER CLXVI

An act to authorise the erection of mills on Big Ivy creek, in the county of Buncombe.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person or persons owning lands on Big Ivy creek, in the county of Buncombe, and are desirous of erecting mills thereon, it shall and may be lawful for the Court of Pleas and Quarter Sessions for said county, a majority of the justices of said county being present, to grant an order to such person or persons to erect mills on said creek, if it be made appear to the court that such mill will promote public convenience: *Provided,* that no order for building such mills shall be granted except it be on petition filed in said court by such person or persons; which petition, after the filing thereof, shall be advertised at the door of the court house at least three months before an order upon such petition shall be granted.

II. *Be it further enacted,* That when an order to build a mill shall be granted on a petition filed under the provisions of this act, it shall not be lawful for any person to build any mill on said creek within two and a half miles above or below the mill so authorised to be built.

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

CHAPTER CLXVII

An act allowing compensation to jurors of the County and Superior Courts of the county of Northampton.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first Court of Pleas and Quarter Sessions which shall be held in the county of Northampton after the time when the justices of the peace for said county shall have laid and fixed the annual tax thereof, for the year one thousand eight hundred and thirty-two, all jurors of the original pannel, who shall

be summoned to attend the County or Superior Courts for the county of Northampton, shall, upon proving their attendance before the clerks of the same, receive for their services the sum of one dollar for each and every day which they may attend said County or Superior Court, and one dollar for every thirty miles travelling to and from said courts: and upon presenting said certificates to the county trustee, it shall be his duty to pay the amount thereof, which sum shall be allowed him in the settlement of his public accounts.

II. *And be it further enacted*, That it shall be the duty of the County Court of Northampton annually to lay a tax which shall be sufficient to defray the expenses incurred under the provisions of this act; which tax shall be collected and accounted for by the sheriff of said county, under the same rules, regulations and penalties as other county taxes.

CHAPTER CLXVIII

An act for the relief of William Simpkins, of Craven county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Simpkins, of Craven county, be, and he is hereby restored to all the advantages and privileges of a citizen in as full and ample a manner as though he had never been convicted of petit larceny.

CHAPTER CLXIX

An act to repeal in part an act of the General Assembly, passed during the session of one thousand eight hundred and twenty-nine, chapter fifty-five, entitled "an act to provide for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Ansoo, 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 before recited act as relates to the county of Hyde, be, and the same is hereby repealed.

Read three times and ratified in General Assembly,
bly, this 14th day of January, A. D. 1832. } 5

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

A true copy.

WM. HILL, *Secretary*.



RESOLUTIONS,

PASSED BY THE GENERAL ASSEMBLY OF 1831-32.

Resolved, That this General Assembly, speaking as they believe, the feelings and opinions of a large majority of the people of this State, do approve of the administration of General Andrew Jackson, President of the United States.

Resolved further, That this General Assembly, relying with a firm confidence in the known integrity and true patriotism of General Andrew Jackson, President of the United States, and believing that the best interest of the Union will be preserved and promoted by his re-election, do recommend him to the people of these United States for the elevated station he now holds with so much honor to himself, and benefit to his country.

Resolved, That the committee of Finance be authorised and directed to burn such Treasury notes as are now or shall be in the office of the Public Treasury by the twenty-fifth of December, instant, and report the amount to this Legislature.

Resolved, That the Comptroller credit William S. Mhoon, Esquire, Public Treasurer, with the sum of twenty-eight thousand three hundred and ninety-four dollars and ninety seven cents, that being the amount of Treasury notes burned by the committee of Finance up to the first day of December, one thousand eight hundred and thirty-one.

Resolved, That the Governor be requested to apply to the proper authorities of the United States for as many pistols and sabres as may, in his opinion, be necessary to supply such troops of Cavalry as are now organized, or are about to be organized with in this State.

Whereas Wilson Carter, of Burke county, has paid into the Treasury of this State the purchase money for fifty acres of land lying in said county, upon an entry number six thousand and eighty, but failed to return the survey as by law directed:

Be it therefore resolved by this General Assembly, That the Secretary of State be, and he is hereby authorised to issue a grant to the said Wilson Carter for the said fifty acres of land, so soon as the said Carter shall file in the proper office the survey aforesaid.

Whereas an act of Assembly was passed in one thousand eight hundred and twenty-eight, providing for the payment of certain jurors in the county of Buncombe, and said act expired in two years after the passage thereof:

Be it therefore resolved, That the jurors of the original pannel of the Superior and County Courts in the county aforesaid, for the year one thousand eight hundred and thirty-one, be allowed seventy-five cents per day for each day they may serve as jurors, and seventy-five cents extra to each juror living more than ten miles from Asheville.

Be it further resolved, That said jurors shall procure their tickets in the same manner, and the sheriff and county treasurer shall receive the same agreeably to the provisions of an act passed this session, allowing compensation to jurors in the county of Buncombe.

Resolved, That the Public Treasurer refund to Luke G. Lamb, sheriff of Camden county, the sum of eight dollars and eighty cents, being the amount paid into the Public Treasury by said Luke G. Lamb, sheriff as aforesaid, for forty-four insolvent taxables for the year one thousand eight hundred and twenty-nine; and that the Public Treasurer be allowed the same in the settlement of his public accounts,

Resolved, That the Public Treasurer refund to Leslie Gilliam, sheriff of Granville county, the sum of fifty-six dollars and forty cents, which sum, after deducting a commission of six per cent, is the amount paid into the Public Treasury in September last on account of an error committed in the return of the valuation of the lands of said county for one thousand eight hundred and thirty, returned to the Comptroller, whereby he paid into the Public Treasury a public tax on one hundred thousand dollars value of land more than was enlisted.

Resolved, That the Public Treasurer pay to Bynum W. Bell, sheriff of Macon county, the sum of eleven dollars and fifty-one cents, that amount having been paid into the Public Treasury, as the taxes on lands held by John Brown, agent of Cathcart and others, which lands were listed and the taxes paid in Haywood county; also the sum of thirty-three dollars and thirty-one cents, the amount paid into the Public Treasury as the taxes on Holderman's and Esselman's speculation lands, which were afterwards sold by said Bell, and purchased for the State; also the sum of twelve dollars, the expenses incurred in valuing, selling and conveying said lands to the Governor; and that he be allowed a credit for the same in the settlement of his accounts.

Be it resolved, That the petitioners, Wilkins and company, be absolved from all obligation to pay the aforesaid sum of one hundred and six dollars, which they were liable to pay as auctioneers for duties which accrued during the year ending on the first October, one thousand eight hundred and thirty-one, and they are hereby discharged from the payment of the same.

Resolved, That the Public Treasurer pay to Samuel W. W. Vick, sheriff of the county of Nash, eight dollars and twenty cents, for insolvents for the year one thousand eight hundred and twenty-nine; and that he be allowed the same in settlement of his public accounts.

Whereas it appears from two receipts of the Comptroller that Nevia Clark, of the county of Moore, did, on the twenty-first day of November, one thousand eight hundred and sixteen, pay into the Treasury the purchase money for an entry of land of twenty acres, which entry is number one thousand and twenty; also the purchase money of an entry of thirty acres, number one thousand and twenty-one, and failed to take grants for the same:

Therefore resolved, That the Secretary of State be authorised to issue grants to the said Nevia Clark for the aforesaid entries of land.

Resolved, That the Public Treasurer, by the counsel and advice of the Attorney General, be, and he is hereby instructed to take such steps as may be deemed proper in relation to the judgment obtained by the State upon a bond assigned to it by the executors of the late John Haywood against William H. Haywood, sen. Also in relation to the case which has been carried up to the Supreme Court at the instance of the State against Alfred M. Slade, one of the securities of Edward Griffin, late sheriff of Martin county.

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

Resolved, That the Governor of this State be requested and empowered to appoint some intelligent person to act on the part of this State in collecting the testimony, and causing such surveys as may be necessary to the just prosecution of the suit now pending in the Supreme Court of this State in the name of the Attorney General for vacating certain grants made by this State; and that the Governor be authorised and empowered to pay such agent a reasonable compensation for his services, and to draw warrants on the Treasurer for the amount of the same.

Resolved, That William S. Mhoon, Public Treasurer, be allowed the sum of one thousand four hundred and sixteen dollars and eighty cents, which is the amount of Treasury notes counted and burned by the committee of Finance on the twenty-seventh December, one thousand eight hundred and thirty-one, in pursuance of an order of the two Houses for that purpose.

Be it resolved, That the Public Treasurer pay to Thomas Bragg the sum which he has expended for materials used in covering the Capitol lately destroyed by fire; but he shall not be paid the full sum specified in the contract, nor shall he be paid for the skill, labour or attention bestowed in the performance of the work; and that the commissioners who made the contract on the part of the State shall estimate on the foregoing basis the sum to be paid.

And be it further resolved, That the bond given for the performance of the contract by the contractor be delivered to him, upon his releasing all claim to any further compensation for said work.

And be it further resolved, That the said Thomas Bragg may retain the sum already paid him for the covering of the office of the Secretary of State.

Resolved, That the Governor cause all the mathematical instruments belonging to the State, and formerly attached to the Engineer's department, to be collected and placed under the care

of D. H. Bingham, of the city of Raleigh, or such other person as he may think proper, after having obtained a sufficient guarantee that he will keep and return them in good order whenever demanded by the Governor.

Resolved, That the Secretary of State be required to collect the books belonging to the State, mentioned in the catalogue furnished by the former Librarian, and preserve them for the use of the State.

Whereas it appears that much confusion exists in the accounts of the purchasers of Cherokee lands, on the books of the Public Treasurer, and that many discrepancies exist between the bonds given for purchases of Cherokee lands and the entries made on those books; and it also appears that some errors occurred in making out the lists of those bonds in December, 1830, for the purpose of transferring them to the present Public Treasurer: Therefore,

Be it resolved, That the Public Treasurer be, and he is hereby directed to have a new set of books opened in his office, in which he shall cause to be entered a true and accurate statement, and account of all the bonds for the purchase of Cherokee lands which came to his possession on the twenty-ninth December, eighteen hundred and thirty, so that it may clearly appear what was the total amount due, and what was due on each bond on that day; and that he enter on these books all sums which may have been since paid to him, or which may hereafter be paid, so as to exhibit at all times the true amount due on these bonds.

Resolved further, That the Public Treasurer make out and sign a correct list of these bonds, as they existed at the time he came into office, and deposit the same in the office of the Comptroller, for the examination and action of the committee of Finance at the next session of the General Assembly; and it shall be the duty of the Comptroller to receive and preserve said list; but he shall not be required to open accounts with the several purchasers of Cherokee lands as heretofore required.

Resolved lastly, That the Public Treasurer pay out of the Treasury the sum necessary to carry the object of the foregoing resolutions into effect: Provided, the same should not exceed one hundred dollars.

Be it resolved by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same, That the clerk of the Senate and clerk of the House of Commons purchase for the use of each House six copies of the revised laws of North Carolina, and Taylor's revision; and the Public Treasurer is hereby authorised to pay for the same from any monies in the Treasury not otherwise appropriated.

Resolved, That the Public Treasurer be directed to permit William Parker, of the county of Haywood, to file bonds, with two or more sufficient securities, in discharge of the judgment obtained by the State in the Superior Court of said county against the said Parker.

Whereas by the untimely death of James N. Forsythe, who perished on board of the United States' sloop of war Hornet a few days before he would have attained the age of twenty-one years, his surviving relatives are prevented from receiving the remains of the appropriation heretofore made for his benefit: And whereas it would not comport with the liberality of the State to withhold from the other descendants of the late Colonel Benjamin Forsythe any part of the former appropriations: Therefore

Resolved, That his Excellency the Governor be, and he is hereby directed to transfer to the State the four shares of Bank stock held by him as guardian ex officio of James N. Forsythe; and that in lieu thereof he pay to the sisters of the whole blood of the said James N. Forsythe the sum of four hundred dollars, and also the amount of Bank dividends and other monies remaining in his hands as guardian ex officio of James N. Forsythe, each one to receive an equal share, and should either of said sisters be dead, leaving children, such children to receive the share of their deceased mother.

Resolved further, That the Public Treasurer pay the four hundred dollars out of any money in the Treasury, on the warrant of the Governor, upon the transfer of the four shares of Bank stock being made as aforesaid.

Resolved, That the Public Treasurer be authorised and instructed to procure, at his discretion, in specie change of the coin of the United States, any sum that may be required at his office for change, not exceeding five thousand dollars: Provided the cost shall not exceed two and a half per cent.

Resolved, That the Public Treasurer be directed to pay Jacob Caler the sum of four dollars and one cent, and that he charge him therewith; and that he be allowed a credit for the same in the settlement of his public accounts.

Resolved, That the Public Treasurer pay to Richard Robards twenty-one dollars, for articles

furnished for the use of the Legislature; and that he be allowed the same in the settlement of his public accounts.

Resolved by the General Assembly of North Carolina, That the Secretary of State be, and he is hereby authorized to issue to William Austin and David Carson a grant for one hundred acres of land in Ashe county on entry number five thousand one hundred and fourteen.

X Resolved, That the President and Directors of the Literary Fund be requested to make the annual report of such sums of money as may belong to said fund, with such recommendations for the improvement of the same as to them may seem expedient, as is required by law.

Resolved, That the Governor be requested to have the dredging machine, which belongs to the State, secured in such manner as to preserve it from ruin.

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

Resolved, That the Public Treasurer pay to colonel Marmaduke Powell, a member of the House of Commons from the county of Columbus during the last Legislature, the sum of forty-eight dollars, it being at the rate of three dollars per day, for sixteen days he was detained at Raleigh, after the rise of the last Legislature, by sickness; and that the same be allowed the Public Treasurer in the settlement of his accounts.

Resolved, That the Public Treasurer refund to William Thompson, sheriff of Wayne county, the sum of twelve dollars and forty cents, being the amount paid by him on the eleventh of August last, for sixty-two insolvent taxables in said county; and that the Public Treasurer be allowed for the same in the settlement of his public accounts.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to the Secretary of the Governor the sum of six hundred dollars, to be applied under the direction of his excellency to the payment of the rent for the house now occupied by the Governor, and to the payment of any expense which may be incurred in preparing the Governor's house for the residence of his excellency after the adjournment of the present Legislature, and repairing the other houses and enclosures, and also in the purchase of any furniture which may become necessary.

Resolved, That the Public Treasurer pay to John Bryson, jun'r, the sum of fourteen dollars and fifty-three cents, that amount having been paid by him to the Public Treasurer's office by note, on his bond given as the purchase money for the second installment of a tract of land in district number seven, and section number sixteen, and that the Public Treasurer be allowed a credit for the same in the settlement of his public accounts.

Resolved, That the Public Treasurer be, and he is hereby directed to pay to Edmund Lane the sum of two hundred and sixty-two dollars and forty-five cents, for materials and work ordered by the Governor and Speakers for the accommodation of the General Assembly; to Joel Patten the sum of fifty-four dollars, for settees for the Senate; to Robert S. Jones the sum of forty-six dollars, for a pump at the Governor's house; to Leige & Newton, for kithens and candle sticks, fourteen dollars; to A. W. Henshaw & Co. seven dollars, for lamp irons, posts and paintings; to R. Smith, one dollar and fifteen cents, for his account; to Alchida Williams nine dollars, for making and repairing curtain; to B. B. Smith three dollars, for his account; and to John Owen five dollars, for one long table.

Resolved, That the Public Treasurer be directed to pay William T. Preswood the sum of sixty dollars, out of the fund set apart for internal improvement, and that he be allowed the same in the settlement of his accounts.

Whereas William Brown, of the county of Wilkes, did, in the month of November, eighteen hundred and thirteen, pay into the Treasury of this State the full amount for fifty acres of land, entered in the said county of Wilkes, on warrant number nine hundred and eighty-one, and for which he has never obtained a grant:

Be it therefore resolved, That the Secretary of State be directed, and is hereby authorized to issue to the said William Brown, or his legal representative, a grant for the same, whenever a survey and certificate of the same shall be filed in his office.

Resolved, That the Secretary of State be, and he is hereby directed to contract annually, under sealed proposals, for such oak or hickory wood as may be necessary for the use of the General Assembly; which contract shall include the cutting the wood of a proper length for the different fire places used in the several rooms and offices during the session, and that the Secretary offer the contract in the State Gazette at least sixty days before the meeting of the General Assembly.

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 a map of this State, except the engraving, and that the same is now in the hands of Henry S. Tanner, a celebrated map engraver of Philadelphia, and will be ready for delivery in a few months; and whereas the State made a loan of five thousand dollars heretofore to the said John M'Rae, two thousand dollars of which has been paid, 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 the first of December last, until the first of December next, unless the safety of the debt may require its earlier collection: and provided, that he shall continue to renew the said bond in the manner heretofore prescribed.

Resolved, That the Secretary of the State be directed to issue a grant of fifty acres of land to the heirs of Colin M'Rae, dec'd, the purchase money having been paid, as will appear by the duplicate; and further, that the Secretary issue another grant of fifty acres of land to the heirs of Colin M'Rae, dec'd, the purchase money of which has also been paid.

Resolved, That the Public Treasurer be instructed to pay to Green B. Palmer the sum of fifteen hundred dollars, for work done on Broad river, out of the fund set apart for internal improvement; and that he be allowed the same in the settlement of his accounts.

Resolved further, That the Governor is authorised to draw on said fund for the payment aforesaid, and the Treasurer is hereby directed to pay such order: Provided, however, that the said Palmer shall release all demands against the State of North Carolina before said order shall be given and paid.

Resolved by the Senate and House of Commons, That the report of the committee of Finance on the state of the Public Treasury, be printed and bound up with the laws passed at this session of the General Assembly.

Resolved, That the Public Treasurer pay to David L. Swain, Esq. the sum of ninety dollars, and to Romulus M. Saunders, Esquire, the sum of twenty dollars, for their services in holding and attending a Court of Oyer and Terminer, which was called and held in the month of November last, for the trial of certain slaves charged with insurrection and conspiracy in the county of Franklin.

Resolved, That John M. Allen, Sheriff of Montgomery county, be allowed the sum of twelve dollars and eighty cents, for sixty-four insolvent polls allowed by the court of said county, for his taxables for one thousand eight hundred and twenty-nine; and that the Public Treasurer pay the same to the said Allen, for which sum he shall be allowed in the settlement of his accounts.

Resolved, That the Governor be, and he is hereby requested to have all the maps, drafts and plans lately in the possession of the Engineer of this State, placed in his office; that such of them as require repairs be repaired at the expense of the State, to be paid by the Treasurer, on the warrant of the Governor; and that they be kept under his direction, subject to any further disposition of this General Assembly.

Resolved, That the Governor be, and he is hereby requested to employ an agent to arrange in proper order all the papers belonging to the Senate and House of Commons, and others which were saved during the late conflagration of the State House; that he cause them to be delivered to the proper officers of the State; and that the expense attending this duty be paid by the Public Treasurer, on the warrant of the Governor.

Be it resolved, That the Public Treasurer pay to Elizabeth Forbis the sum of forty dollars, in consideration of the revolutionary services of her husband Arthur Forbis, who was mortally wounded at the battle of Guilford, out of any monies in the Treasury not otherwise appropriated; and that he be allowed the same in the settlement of his public accounts.

Resolved, That the Governor be authorised and requested to make a contract with Mr. Ball Hughes for the restoration of the Statue of Washington, upon the basis of the principles set forth in the report of the joint select committee on that subject; and that he be authorised to draw warrants on the Treasury from time to time, to an amount not exceeding five thousand dollars, in order to carry such contract into effect.

Be it further resolved, That the Governor be authorised, at any time pending the work, to suspend the same, if in his judgment, the said artist shall not be likely to effect it in the style and manner proposed by him.

Resolved by the General Assembly of the State of North Carolina, That Edward Rigsbee, who became a purchaser of a portion of the lands conveyed to the State by the heirs of the late John Haywood, deceased, and who executed bonds for the payment in three annual instalments, have the further time of twelve months from the first day of January, one thousand eight hundred and thirty-two, for paying the third and last instalment of the said bonds, provided he give such sureties for the payment of the same as may be satisfactory to the Public Treasurer.

Whereas, by the fire which destroyed the Capitol in the city of Raleigh, the Library of the State was consumed, and with it, the Journals of the General Assembly belonging to the State, which have been printed, from the commencement, up to the year one thousand eight hundred and thirty. And whereas it is important to secure, for the use of the State, one or more copies of the same. And whereas it is deemed practicable to do so now, by a timely effort, without the expense of re-printing the said Journals from the original manuscripts. And whereas, also, by the same fire, all the printed private acts of the General Assembly, belonging to the State, have been consumed for the same period; and the public convenience would be promoted greatly if they could be restored, as well as one or more copies of the public laws, as originally printed and circulated from year to year:

Be it therefore resolved by this General Assembly, That the Governor shall appoint some person resident in the City of Raleigh, who shall, under his direction, correspond with persons in the different counties of this State, from whom, or by whose agency it is probable that the said printed Journals of the General Assembly, and the Laws, as annually printed, can be procured, so as to compile one or more sets for the use of the State, and to procure them either by donation or purchase from the scattered individuals in the State who may have the same and will consent to part with them.

Be it further resolved, That the Governor is hereby authorised to draw on the Public Treasurer, in favor of the commissioner aforesaid, for the prices he may agree to pay for said Journals and laws, and for the expenses he may incur by the execution of the trust hereby vested in him.

Be it further resolved, That the said commissioner shall be paid for his services such sum as the next General Assembly may deem to be reasonable, after a consideration of his trouble and care in the premises.

Resolved, That the Governor of this State transmit immediately the act of Assembly to re-enact and extend the provisions of the act of one thousand eight hundred and twenty-nine, incorporating the Lake Drummond and Orapeake Canal Company, and to repeal the act of one thousand eight hundred and thirty, entitled an act to amend an act, passed at the last session, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, to the Governor of the State of Virginia, with a request that he will lay the same before the Legislature of that State at its present session, and request a confirmation thereof.

INDEX.

	Page.		Page.
ACADEMIES AND SCHOOLS.			
Incorporating Shiloh Academy,	56	shall hereafter be elected in Stokes county,	134
Incorporating Contentnea Academy,	62	Amending the act of 1826, entitled "an act to amend an act, passed in the year 1825, entitled 'an act directing the manner in which constables shall be hereafter appointed in the county of Sampson,'" ib	
Incorporating Jordan Plain Academy,	ib	GATES.	
Incorporating Harvey's Neck Academy,	80	Authorising Wm. M. Davidson to erect gates across a certain road,	64
Establishing Cool Spring Academy,	95	Authorising Wm. Chambers to erect gates across a public road,	ib
To raise a fund to establish free schools in the county of Johnston,	96	Authorising Wilson Reed to erect two gates,	87
Incorporating Flea Hill Academy,	102	Authorising Daniel Smith to erect two gates,	ib
Incorporating Tick Creek Academy,	103	GOLD MINES.	
Incorporating Ravenscroft Academy,	122	Incorporating the Salisbury Gold Mining Company,	57
BRIDGES.			
Extending the act of 1830, authorising Major J. Clark or him and his associates to build a bridge across Pungo river,	63	Incorporating the Greensboro' Gold Mining Company	59
Incorporating the Weldun Toll Bridge Company,	100	Incorporating the Guilford Gold Mining Company,	74
For the better government of the Washington Toll Bridge Company,	102	Incorporating the Mecklenburg Gold Mining Company,	76
Respecting the toll to be paid by horsemen for crossing Beard's Bridge,	114	Incorporating the Cabarrus Gold Mining Company,	90
COURTS.			
To amend the act of 1812, amending the laws relative to the supreme court,	15	Incorporating the Charlotte Gold Mining Company,	92
Extending the time within which the reports of the supreme court shall be published,	82	Incorporating the Catawba Gold Mining Company,	107
Giving exclusive jurisdiction to the superior court of Montgomery of all pleas and prosecutions of the State,	69	INSPECTORS.	
For the better regulation of the county courts of Haywood,	ib	Amending the 2d section of the act of 1796, to enforce the duty of inspectors,	12
Altering the time of holding two of the county courts of Buncombe,	ib	To alter the manner of appointing inspectors for the town of Wilmington,	62
For the better regulation of the county courts of Macon,	70	JURORS.	
Giving exclusive jurisdiction to the superior courts of Moore,	71	Amending the laws relative to the manner of appointing jurors for the superior and county courts of this State,	29
For the better regulation of the courts of the county of Gates,	ib	Repealing the act of 1827, to compel the sheriff of Burke county to give written summons to the jurors of said county,	69
For the better regulation of the county courts of Chatham,	72	Allowing compensation to jurors in Macon county,	70
Altering the time of holding the superior courts of Haywood,	80	Allowing compensation to jurors in Buncombe county,	71
Supplemental to the act of 1830, regulating the time of holding the superior courts of Moore, Montgomery & Anson	ib	To prevent summoning grand jurors to the county courts of Hyde,	72
For the more convenient administration of justice in the county courts of Cumberland and New Hanover,	87	Repealing in part the act of 1829, to provide for the payment of jurors in the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin,	73
Altering the time of holding two of the terms of the county court of Macon,	89	Amending the act of 1829, to compel the trustees of Moore, Chowan and Robeson counties to pay the jurors in preference to other claims, so far as respects the county of Moore,	ib
Repealing the act of 1830, entitled 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,	104	Repealing in part the act of 1850, providing for summoning the original venire to the county courts of Randolph, Rockingham, Buncombe, Brunswick and Chatham, in future,	89
For the better regulation of the county courts of Buncombe,	124		
For the more convenient administration of justice in the county courts of Brunswick,	130		
Concerning the county court of Orange,	133		
CONSTABLES.			
Directing the manner in which constables			

	Page.		Page.
Providing for the prompt payment of jurors for the county of Currituck,	105	Incorporating the Beards Creek Guards,	106
Making compensation to tales jurors in the county of Bladen,	113	Incorporating the Wilkes County Volunteer Artillery,	ib
Providing for the compensation of certain jurors of the counties of Perquimans, Pasquotank and Gates,	132	Incorporating the Tarborough Guards, the Swift Creek Greys, the United Blues, and the Edgecomb Cavalry,	109
Allowing compensation to jurors of the county and superior courts of Northampton,	136	Incorporating the Plymouth Volunteer Guards,	111
Repealing in part the act of 1829, providing for the compensation of the jurors for the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin,	137	Providing for the better organization of the militia of Chatham county,	128
LAND.		MISCELLANEOUS.	
Authorising the clerks of the county courts to receive entries of vacant land in certain cases,	8	To amend the act of 1777, declaring what fences are sufficient, and to provide a remedy for abuses,	5
Giving longer time for paying in entry money,	12	Changing the disposition of the money constituting the Agricultural Fund,	6
Authorising the Governor to grant certain lands to the trustees of Franklin Academy,	30	Giving longer time to register grants of land, deeds of mesne conveyance, powers of attorney, &c.	8
Amending the act of 1830, to authorise and direct the Public Treasurer to sell the public lands therein named belonging to the State,	32	Authorising a justice of the peace to take depositions in certain cases,	9
Repealing part of the act of 1827, prescribing the manner in which lands should thereafter be advertised for sale for taxes in the counties of Anson and Surry,	80	Giving additional fees to registers,	10
Extending the provisions of the act of last session, concerning those persons who are interested in the beach and marshy lands lying in the county of Currituck,	136	Authorising the filing of petitions in vacation to hold defendants to bail on petitions, and authorising the County Courts to issue process to several counties at the same time,	11
MILITIA.		Limiting the time within which actions may be brought against bail,	14
Repealing the 2d section of the act of 1823, amending the militia laws relative to cavalry,	8	Repealing in part the act of 1830, regulating quarantine,	ib
Giving the power to regimental or battalion courts martial of laying off and altering the several captains' districts within their regiment or battalion,	9	Amending the act of 1819, to create a fund for internal improvements, and to establish a board for the management thereof,	15
To distribute the remaining Tactics,	ib	Providing for the punishment of felonious homicide in cases where the person assaulted shall not die in the county where the assault was made,	16
Pointing out the mode whereby the militia of this State shall hereafter be called into service in cases of insurrection or invasion, & outlawed & runaway negroes,	28	Extending the provisions of the act of 1823, securing to the widows of intestates the surplus of the personal estate of their deceased husbands, where no kindred claim the same,	ib
Authorising the County Court of Northampton to lay a tax to defray the expenses of the militia called out during the late insurrection in Virginia,	72	Concerning corporations, the officers and managers of corporations, and trustees of funds,	17
Incorporating the Wayne State Guards,	73	Providing for the assignment of dower, and for the partition of the whole real estate of deceased persons, when a part thereof lies in North Carolina and part in other States,	18
Incorporating the Rowan Troopers,	ib	To regulate retailers of spiritous liquors,	23
Incorporating the Edenton Guards,	79	To amend the 10th section of the act of 1819, prescribing the mode of surveying and selling the lands lately acquired by treaty from the Cherokee Indians,	ib
Incorporating the Swift Creek Guards,	80	Authorising the Superior & Co'ty Courts to compel plaintiffs in certain cases to give security for the costs of suit,	24
Incorporating the Tar River Blues and the Greenville Greys,	82	Allowing appeals to the Supreme Court from interlocutory judgments, orders and decrees of the Superior Courts of Law and Courts of Equity,	29
Incorporating the Oxford Volunteer Company,	86	Amending the law relative to malicious and unlawful maiming and wounding,	33
Incorporating the Lenoir Volunteer Guards,	93	Repealing the 8th section of the act of 1823, to amend the law with respect to	
Incorporating the Bertie Legion,	96		
Incorporating the Jackson Mounted Guards,	ib		
For the better regulation of the militia of Haywood county,	105		
For the better regulation of the Washington Guards,	ib		

Page.		Page.
	the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace,	
33	To prevent persons on the sea coast from holding out false lights,	
ib	To repeal the act of 1827, prescribing the manner in which slaves, heading and shingles shall hereafter be counted,	
34	Providing for the collection of costs in certain cases,	
36	Amending the act of 1817, to revise and amend the laws respecting wrecks and wrecked property,	
	Amending the act of 1820, entitled "an act to repeal an act, passed in the year 1796, entitled 'an act to punish persons for removing debtors out of one county to another, and out of the State,' and for other purposes,"	
	Abolishing the offices of county trustee and treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson,	
	Incorporating the United Brothers' Library Society,	
	Establishing the dividing line between Duplin and Wayne counties,	
	Incorporating the Yadkin and Neuse Manufacturing Companies,	
	Incorporating the Charlotte Fire Engine Company,	
	Amendatory of the act of 1830, in relation to the appointment of commissioners to superintend the erection of a court house in Burke county,	
136	Authorising the erection of mills on Big Ivy creek, in the county of Buncombe,	
ib	For the relief of Wm. Simpkins,	
137	For the distribution of a part of the public arms among the several counties, and for the preservation and accounting for of the same,	
	Authorising the county courts to appoint committees of finance,	
	Altering the time of holding elections in the county of Hertford,	
89	NEGROES.	
	For the better regulation of negroes, slaves and free persons of color,	
7	Providing for the collection of fines imposed upon free persons of color,	
10	Amending the 1st section of the act of 1830, which authorises free persons of colour to hawk and peddle out of the limits of the county in which they reside,	
	Amending the 5th section of the act of 1816, for the more speedy trial of slaves in capital cases,	
	Repealing part of the act of 1741, authorising the county courts to grant certificates to permit slaves to carry guns in certain cases,	
	PILOTAGE.	
	For the better regulation of pilotage within the Cape Fear Inlets,	
64		
	Altering the manner of appointing commissioners of navigation and pilotage for the Cape Fear river,	81
	PLACES OF SALE.	
	Appointing an additional place of public sale in the county of Rutherford,	113
	Appointing one additional place of sale in Hyde county,	114
	POOR.	
	Authorising the county courts to erect poor houses in their respective counties,	13
	Relative to the poor of the counties of Person and Franklin,	86
ib	Repealing the 1st and 5th sections of the act of last session, authorising the county court of Gates to appoint wardens of the poor, &c.	135
	ROADS.	
	To aid in making the Tennessee River Road,	81
	In aid of the North Carolina Central Rail Road and Cape Fear and Yadkin Rail Road Companies,	82
55	Amendatory of the act to authorise and point out the method how the State road, running thro' the county of Haywood, may hereafter be altered,	87
64	Incorporating the Cape Fear and Yadkin Rail Road Company,	89
125	Incorporating the North Carolina Central Rail Road Company,	46
130	Incorporating the Oconalufy Turnpike Company,	83
	Appointing commissioners to lay off a road from Neil Howard's mills, in Wilkes, to the Ashe county line,	104
	Incorporating the Tarborough and Hamilton Rail Road Company,	115
	Authorising the county courts of Haywood to appoint commissioners to make alterations or to lay out new roads in said county,	131
34	RECORDS.	
	In addition to the act of last session, relative to the burning of the records of Hertford county,	84
26	Authorising the county court of New Hanover to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity,	89
89	To amend the act authorising the county court of Northampton to employ a suitable person to transcribe a part of the records of said county,	96
24	Authorising the county court of Richmond to transcribe and record certain papers in the office of the county clerk,	131
25	RIVERS, CREEKS AND CANALS.	
	To prevent the falling of timber in, or otherwise obstructing the channel of Hunting creek in the counties of Rowan and Iredell,	63
34	Authorising the county court of Guilford to appoint overseers and hands to clean out the channel of the Reedy Fork of	

	Page.		Page.
Haw river, in Guilford county,	103	act, passed at the last session, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company,	110
Repealing in part the act of 1827, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters,	112	SHERIFFS, CLERKS, REGISTRARS, &c.	110
To prevent the falling of timber in, or otherwise obstructing the channel of the South Yadkin river, in Iredell county,	ib	Increasing the liability of sheriffs, and to provide more effectually for the collection of taxes,	5
To prevent obstructions to the passage of fish up Araunse creek, in Camden county,	ib	Compelling the clerk of the superior court of Northampton, and the register of said county to keep their offices at the court house,	81
To prevent the felling of timber in, or otherwise obstructing the run of Catherine creek and Warwick swamp, in Gates and Chowan counties,	113	Compelling the clerks of the county and superior courts and other officers of the county of Moore to keep their respective offices at the court house,	ib
To prevent the falling of timber in Haw river, in Guilford and Rockingham counties, and Mair's Fork, in Guilford county,	114	Altering the location of the register and entry taker's office in Brunswick county,	102
Appointing lay days for fishing with seines, nets, &c. at New Inlet, in the counties of Currituck and Hyde,	129	TOWNS.	
To prevent obstructions to the passage of fish up Neuse and Trent rivers,	ib	For the better regulation of Nixonton,	63
To prevent obstructions to the passage of fish up Tar or Pamptico river,	135	For the better regulation of Tarborough,	63
To re-enact and extend the provisions of the act of 1829, entitled an act to incorporate the Lake Drummond and Orapeak Canal Company, and to repeal the act of 1830, entitled an act to amend an		Amending the act of 1818, to establish the town of New Salem,	88
		For the better regulation of Waynesboro',	99
		Extending the powers of the commissioners of the town of Washington,	101
		Amending the act for the better government of Elizabeth City,	ib
		To alter the mode of keeping in repair the streets in Chapel Hill,	114
		For the better regulation of Edenton,	123

TREASURER'S REPORT.

TREASURY DEPARTMENT, 21st Nov. 1831.

The Honorable the General Assembly of the State of North Carolina:

In obedience to the directions of an act of the General Assembly, passed at the session of 1827, entitled "An act concerning the Public Treasury," the Public Treasurer respectfully submits the following

REPORT AND ESTIMATES:

The balance of cash remaining in the Public Treasury to the 1st Nov. 1828, was	\$93,346 59½
The receipts during the ensuing fiscal year ending on the 31st October, 1829, amounted to	101,821 52½
	<hr/> 195,165 12½
The disbursements during the same period amounted to	121,151 00
	<hr/> 74,014 12½
Which deducted, show a balance to 1st Nov. 1829, of	111,106 09½
The receipts for the year ending 31st Oct. 1830, amounted to	185,120 21½
	<hr/> 115,369 37½
Deduct disbursements for that year,	<hr/>
Showing a balance to 1st Nov. 1830, as reported by the late Public Treasurer to the last session of the General Assembly, of	<hr/> 69,750 84
	<hr/>
The receipts into the Public Treasury from the 1st Nov. 1830, to the 28th Dec. following, inclusive, (see statement marked A,) were	535 75
Making with the balance above stated of	69,750 84
	<hr/>
The amount of	70,286 59
The disbursements for the same period (see statement marked B) amounted to	26,532 94
	<hr/>
Which deducted show a balance to 29th Dec. 1830, of	43,753 65
The receipts at the Treasury on account of the Literary Fund for the same time (see statement A 2nd) were	6,083 60
Making, with the balance of cash remaining on hand to 1st November, 1830, of	31,371 52½
	<hr/>
An aggregate amount at credit of Literary Fund to 29th Dec. 1830, of	37,455 12½
The receipts at the Treasury on account of the Fund for Internal Improvement, during the same period, (A 3) were	1,097 12
Making, with the balance in the hands of the Treasurer at credit of this Fund on 1st November, 1830, of	4,023 88½
	<hr/>
The sum of	5,121 00½
Deduct disbursements, (B 2)	1,714 29
	<hr/>
Showing a balance due this Fund to 29th December, 1830, of	3,406 71½
The receipts on account of the Agricultural Fund for the same time (A 4) were	515 73
Deduct disbursements, (B 3)	40 32
	<hr/>
Showing a balance due this Fund to 29th December, 1830, of	475 41
	<hr/>
	85,090 90
	<hr/>
The above statements show an aggregate amount of eighty-five thousand and ninety dollars and ninety cents; which, according to the Report of the Committee of Finance to the last session of the General Assembly, was accounted for and paid over by William Robards, Esq. late Pub. Treasurer, and delivered by said committee to the Public Treasurer on the 29th day of December, 1830. It consisted of the following sums, viz.	
Deposite in the State Bank North Carolina at Raleigh,	35,862 50
Do do Bank of Newbern do	23,662 57
Do do Bank of Cape Fear at Fayetteville,	16,077 08
Receipts of members and officers of the Legislature passed as so much cash,	5,932 33

Treasury Notes,
Bank Bills,

3,316 50
210 12

85,090 90

The receipts into the Treasury from all sources of unappropriated revenue, since the 28th December, 1830, to the 1st November, 1831, the end of the fiscal year, amounted to ninety-five thousand one hundred and ninety-seven dollars and thirty-five cents, (\$95,197 53) viz.

Cash received of the Sheriffs for public tax, being the revenue of 1830, payable into the Treasury on the 1st October, 1831, and not otherwise appropriated,	\$66,452 73
Ditto on account of additional returns of taxes, (see statement marked C)	282 42
Cash received of William M. Sneed, Commissioner on behalf of the State to adjust certain claims against the United States, being an amount refunded upon settlement of his account with the Comptroller,	72 00
Ditto Bank of Newbern on check of D. L. Swain, per resolution of last General Assembly,	500 00
Ditto Buncombe Turnpike Company, for dividends on 50 shares of stock owned by the State in said company,	250 00
Ditto Mrs. E. F. A. Haywood, for rent of public lots in the city of Raleigh,	10 00
Ditto State Bank of North Carolina, for dividends on 2764 shares of stock at 2 per centum for the half year ending in December, 1830,	5,523 00
Ditto Bank of Cape Fear, for dividends on 10 shares of stock at 3 per centum for the year ending 1st Jan. 1831,	50 00
Ditto State Bank of North Carolina, for dividends on 2764 shares of stock at 2 per centum for the half year ending in June, 1831,	5,528 00
Ditto Bank of Newbern, for tax of 1 per centum on their capital stock, (5683 shares,) for the year 1831, payable 1st October,	5,653 00
Ditto Bank of Cape Fear, for tax of 1 per centum on their capital stock, (5889 shares,) for the year 1831, payable 1st October,	5,889 00
Ditto on bonds for sales of Tuscarora Lands, (statement D,) Principal, 1,400 27 Interest, 30 74	1,431 01
Ditto on bonds for sales of lands and negroes belonging to the late John Haywood, Esq. (E) Principal, 4,426 63 Interest, 736 43	5,163 06
Ditto John Holloway, for sales of public lands near Raleigh, amount of 2d bond, Principal, 237 57 Interest, 40 56	278 13
Which sums, with the amount passed to the Public Treasurer on the 29th Dec. 1830, belonging to the Public Fund, and before stated to be	43,753 65
Show an aggregate amount of	138,951 00
The disbursements at the Treasury, since the 28th December, 1830, to the 1st November, 1831, for which vouchers have been delivered to the Comptroller, and by him allowed, amount to	76,853 05
This sum transferred and paid from the Public to the Literary Fund, according to a resolution of the last General Assembly, Principal, 28,184 52½ Interest, 890 63½	29,074 96

Showing an aggregate expenditure of 105,923 01

Which deducted shows the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable, to the 1st Nov. 1831, to be 33,022 99

The disbursements during the period stated above, and deducted, consist of the following items, viz.

General Assembly,	\$40,326 63
Executive Department,	1,883 33
Treasury Department,	2,003 96
Department of State,	1,143 00
Comptroller's Department,	1,000 00
Judiciary,	20,620 05
State Bank of North Carolina, interest on deferred stock,	3,356 24
Adjutant General's Office,	200 00
Public Printer,	450 00

Sheriffs for settling tax,	976 60
Do. for Congressional elections,	525 43
Pensioners,	860 00
Public Library,	75 00
Government House,	692 20
Repairs of State House,	45 79
Money burnt, (currency of 1783 and '85,)	4 65
Contingencies,	2,300 19
Mrs. E. E. A. Haywood, per resolution General Assembly, being the balance of her share of proceeds of real estate according to agreement, Principal, 288 04	
Interest,	11 89
	<hr/> 299 93
	76,853 05
Transfer as above,	29,074 96
	<hr/> 105,928 01

For a more detailed exhibit of the items which make up this expenditure, and of payments on account of "allowances or drafts made by the General Assembly, and warrants issued by the Governor," &c. as required by the 11th section of the act of 1827, the Comptroller's Statement, prepared for the use of the members of the present General Assembly, is respectfully referred to. The specification of the disbursements therein stated, is made from the vouchers received, and paid for at the Treasury, and will be found to agree with the entries in the books of this office. The following estimates of the moneys received and expended on account of the Literary, Internal Improvement, and Agricultural Funds, are also submitted in further discharge of the duties required by the several acts of Assembly relating to those funds.

LITERARY FUND.

The receipts of money belonging to this Fund since the 28th Dec'r, 1830, to the 1st Nov. 1831, including the transfer (per resolution) of 29,074 dollars 96 cents, amount to thirty-seven thousand twenty-one dollars and thirty-six cents, and consist of the following sums, viz.	
Cash received for entries of vacant land,	\$1,684 27
Ditto for tax on sales at auction received of sundry auctioneers,	277 73
Ditto for tavern tax received of Sheriffs,	2,594 40
	<hr/> 4,556 40
Cash received of State Bank of N. C. for dividends on 282 shares of stock, (owned by the President and Directors of this Fund,) at 2 per cent. for the half year ending Dec'r, 1830,	564 00
Ditto ditto dividend on the above shares for the half year ending June, 1831,	564 00
Ditto Bank of Cape Fear, dividends on 50 shares of stock, (owned by the President and Directors of this Fund,) at 3 per cent. for the year ending with December, 1830,	150 00
Ditto Bank of Cape Fear, for dividends (appropriated to this Fund) on 70½ shares of stock at 3 per cent. for the year ending with Dec. 1830,	2,112 00
	<hr/> 3,390 00
This sum transferred from the unappropriated money in the hands of the Public Treas'r, and placed at credit of this Fund, as directed by resolution Gen'l As'bly,	29,074 96
Making, with the balance belonging to this Fund and delivered over by the committee of Finance on the 29th December, 1830, of	37,455 12½
	<hr/> 74,476 48½
The amount of	
There has been no expenditure from this Fund for the period above stated.	

AGRICULTURAL FUND.

The cash received from all sources, [appropriated to this fund,] viz. from clerks of the County, Superior and Supreme Courts, and from clerks and masters in Equity, since the 28th Dec'r, 1830, to the 1st November, 1831, [see statement F,] amounted to	258 25
Amount passed to Public Treasurer by committee of Finance on 29th December, as above stated,	475 41
	<hr/> 733 66
Deduct disbursements [F 2] during that period, made agreeable to the returns of said clerks, &c. and for which vouchers have been taken and passed to the Comptroller,	184 18
	<hr/>

Balance unexpended,

549 43

This "unexpended balance" is directed by act of Assembly of 1825 to be transferred to the Literary Fund, which, being added, shows an aggregate amount of cash on hand belonging to that Fund on the 1st Nov. 1831, of

75,025 96½

INTERNAL IMPROVEMENT.

The receipts on account of the Fund for Internal Improvement, from the 28th December, 1830, to the 1st November, 1831, amounted to four thousand five hundred and fifty-nine dollars and ninety-eight cents, viz.

Cash received on bonds given for purchases of Cherokee lands, appropriated by law to this fund,	\$485 98	
Ditto Bank of Cape Fear, for dividends (appropriated to this fund) on 1358 shares of stock, at 3 per cent. for the year ending with Dec. 1830,	4,074 00	4,559 98
Making, with the balance received from the committee of Finance on the 29th Dec. 1830, as before stated,		3,405 71½
An aggregate of		7,966 69½
Deduct this sum, as directed by resolution of last session to be paid to David Rogers, in the way of a credit on his third bond, given for Cherokee land,		22 50
Showing a balance at credit of this fund to 1st Nov. 1831, of		\$7,944 19½

There having been no Board of Internal Improvement elected at the last session of the General Assembly, the money appropriated to this fund could not be drawn out of the hands of the Treasurer. Hence the above item of \$22 50 forms the only expenditure during the year.

RECAPITULATION.

The foregoing estimates show balances of cash on hand to the first of Nov. 1831, as follows, viz.

Amount as Public Treasurer,	33,022 99
Ditto Treasurer of the Fund for Internal Improvement,	7,944 19½
Ditto Treasurer of the Literary Fund,	75,025 96½
Showing an aggregate amount of	\$115,993 15

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this, and the Comptroller's Office, and for which he is accountable to the first day of November, 1831. That amount is disposed of (as directed by law) in the following manner, viz.

Deposited in the State Bank of North Carolina, Raleigh, and remaining at the credit of the Public Treasurer on the 1st Nov. 1831,	33,729 64
Ditto Bank of Newbern do.	29,478 26
Ditto Bank of Cape Fear, Fayetteville,	16,580 07
	89,587 97
Worn Treasury notes remaining in the vault of the Treasury,	26,405 18
	\$115,993 15

From the foregoing statements, it is observable that the unexpended balance in the Treasury, at the end of each successive year, has been progressively diminishing for the last four years; and that the present balance exceeds the amount of Treasury notes on hand by six thousand six hundred and seventeen dollars and eighty-one cents (6,617 81) leaving that sum only in the Treasury available—a sum that will probably be exhausted in defraying the current expenses of Government before the expiration of the present month. This result has been mainly produced by the great and increased demand on the Treasury for the redemption of worn Treasury notes, and especially in the course of the last year; the partial discontinuance on the part of the Banks to declare dividends; and the transfer from the Public to the Literary Fund, of the sum of \$29,074 96, as directed by resolution of the

last General Assembly. In the absence of further instructions, resort will be again had to the Literary Fund. The following statement shows the amount which at different times has been used of this fund for Government purposes, under the authority of the resolution of the last session:

On the 1st Feb. there had been drawn from the Literary Fund			\$1,076 53
" March	do	including the above,	2,181 50
" April	do	do	2,541 50
" May	do	do	3,428 45
" June	do	do	6,861 06½
" July the amount had diminished to			2,666 21
" August again increased to			7,235 68
" September			1,802 23

On the 1st Oct. the receipts from the Sheriff's and other revenue officers had made up the deficiency, and so replenished the Treasury as to enable the aforesaid transfer. If no provision is made to avoid the necessity of it, the draft on this fund, to meet the expense of the present session of the Legislature, cannot be less than forty thousand dollars.

Should it not conflict with other views entertained by the Legislature, in regard to the establishment of another Bank, to permit the present Banks to declare dividends of their capital at an earlier period than that mentioned in the act of 1829, that permission, if acted on, would afford the means of present relief. The immediate connection of the officer of this department with one of those institutions, to wit, the State Bank, furnishes an opportunity of a more intimate knowledge of its affairs. In regard to that institution, it is believed that the interest of all parties would be promoted by such a measure. By it a large amount of the funds of the Bank, which now remain deposited in northern Banks, might be brought into circulation in this State; the present deficiencies of the Treasury relieved; the Legislature enabled to exercise an immediate control over their own resources; and the surplus capital of the Bank, over and above what in the present state of business can be kept active, might be restored to its rightful owners, the stockholders, to be by them circulated or invested in such manner as their own private interest might suggest.

The file marked [1] accompanying this Report, contains a statement of the amount of Treasury notes which have been issued, the amounts at different times redeemed and burnt, and the amount yet unredeemed; showing this last *unredeemed* and in circulation to be ninety-three thousand four hundred and three dollars and seventy-five cents, [93,403 75,] a large portion of which have probably been lost or destroyed. The rapid withdrawal of these notes from circulation, which is now in progress, occasions an inconvenience in the payment of small sums, which is severely felt throughout the State, but is complained of especially in transactions at this Department. Being regarded as the agency through which specie change has been driven from circulation, it is naturally looked to as the source from whence it should be restored. It is therefore respectfully submitted whether a small expense should not be authorised, in order to procure from the Mint of the United States such an amount of specie change as will be sufficient for the redemption of Treasury notes when presented in small sums. Such a measure would also essentially facilitate the business of paying and receiving in this office generally. In speaking of the circulation of the State, the remark cannot be withheld, and the fact is too obvious to escape the observation of any one at all conversant with the money transactions abroad in the State, that much inconvenience arises from a different currency obtaining in different sections of the State. Sheriff's and others from the southern and western counties, who have pay-

ments to make here, often come prepared with *southern*, while those from the northern counties as often bring *Virginia* bills, to make those payments. On account of the regulations of the Banks of this place, neither the southern or Virginia bills are current here or receivable at the Treasury. The consequence is either an exchange is sought with the merchants and other individuals of this place at a small discount, or the bills are left in pledge until an opportunity occurs of exchanging them. This is the result of one or both of two causes, viz. Virginia on the north, and South Carolina and Georgia on the south, are respectively surcharged with their own local paper; or North Carolina has not a sufficiency to answer the purposes of circulation. So long as paper predominates in so large a proportion, as the medium of circulation for the payment of debts, as it does in this country, the latter is believed to be a principal cause.

The following statement shows the amount of local paper in circulation by the Banks of this State at the periods mentioned, according to their official returns to this office. From this statement it will be seen, that in the space of five years their issues have been curtailed largely more than one half.

Last returns of 1825.

State Bank,	\$1,598,673
Bank Cape Fear,	776,417
Bank Newbern,	677,597
	<hr/> 3,052,687

Ditto 1830.

State Bank,	\$655,176
Bank Cape Fear,	236,400
Bank Newbern,	525,444
	<hr/> 1,416,060

The returns received at this office since the last year, which are herewith transmitted, show a small increase, chiefly in the issues of the Bank of Cape Fear. But in the natural course of the operation of winding up, curtailments must necessarily be continued. Their statements also show, that preparations for that process are going on steadily and judiciously.

The amount of U. S. Bank paper circulated in this State, at those periods, may be estimated at \$369,120, for 1825, and \$808,530, for 1830. This estimate is made from the official statements of the Bank itself, by deducting the amount on hand from the amount issued by that branch of the institution located in this State, and is probably not very far from the correct amount. The file marked (L) showing the situation of the branch of the U. S. Bank at Fayetteville, at the dates mentioned, it was thought, might aid in furnishing data upon which to form an estimate of the general condition of the currency of the State. It is therefore submitted.

The President and Directors of the Bank of Newbern, according to the provisions of the act of 1829, entitled "An act to enable the Banks of Newbern and Cape Fear to wind up gradually, and to fix a uniform rate of collection," and agreeable to the valuation fixed upon by the stockholders, have resolved to receive the stock of their Bank, in the payment of debts, at the price of sixty-five dollars per share. That valuation has been approved of by the Public Treasurer, although it is regarded as being rather a high estimate.

The money for the reversionary interest of the Tuskarora lands has been all collected, and remains in the Treasury subject to the order of that tribe of Indians, upon their executing to the State a full and complete release, &c. as directed by the act of 1828. They have been informed of its collection, and will probably apply for it soon. The amount, including the interest that has been collected where payment was not prompt, and deducting the expense of selling, is three thousand two hundred and twenty dollars and seventy one and a fourth cents, (\$3,220 71 $\frac{1}{4}$.) and forms a part of the balance of cash now reported to be on hand.

In obedience to an act of last session, "authorising and directing the Public Treasurer to make sale of certain lands owned by the State," the tracts of land and lots therein named, after being advertised, were publicly offered for sale before the court house door of this county; but no bid having been made equal to the amount fixed upon by those directed to value them, no sale was effected. Efforts have also been made to sell privately, and in one instance with success. The tract of land lying on the Tarborough road, known as the "Machine house tract," has been sold to Charles Manly, Esq. at the price of twelve hundred and twenty-five dollars, (\$1225). His bonds for that amount, with security, have been taken, payable at one, two and three years, with interest from the date, as directed by the act. A report of the sale has been made to the Comptroller, and the proper charges made in the books of that office. According to the terms of the act, the Public Treasurer is directed to sell, without providing for the manner of conveying title. There has been some difficulty on this account. In the acts heretofore passed, directing sales of land, &c. by the Public Treasurer, a specific mode of granting title in each instance has been prescribed and authorised. It is, therefore, respectfully suggested, that the same be done in this instance. The remaining tract of land and the two lots mentioned in the act, are yet undisposed of. The land is of that character which is valuable, chiefly on account of its timber and location, being convenient for furnishing this place with fire-wood; and hence it is subject to constant pillages. It is believed, therefore, that the true interest of the State would be best promoted by a sale of it, without reserve.

It will be seen, by reference to the foregoing report of the disbursements of the past year, that the contractor for covering the State House and Secretary's Office, under the late act of Assembly, has been paid only for the work done on the latter, that part of the undertaking only having been entirely completed and received by the Commissioners. Payment on the contract for covering the State House has been withheld, and the contractor's bond in the penalty of four thousand dollars, for the due performance of the work, retained on file in this office. It is respectfully submitted to your consideration what disposition shall be made of said bond, and whether payment shall be made according to the terms of the contract. It is due to the enterprise and fidelity of the contractor to state, that the work was projected and executed in a very superior and masterly style.

The file marked (G) accompanying this Report contains a detailed statement of the nett amount of the different branches of revenue, and the cash received thereon, and from other sources not appropriated to particular funds and payable into the Treasury, from the 28th December, 1830, to 1st November, 1831.

A statement of the amount of insolvencies allowed by the Comptroller in settling with each Sheriff respectively, appears from file (H.)

The returns which have been received at this office, from the several Banks of this State, since the 28th of December last, exhibiting a statement of the affairs of each, at the dates therein specified, are contained in file (K.)

All which is respectfully submitted.

WILLIAM S. MHOON, Pub. Treasr.

A statement of moneys received at the Public Treasury of North Carolina, from the 1st November, 1830, to the 21st December following, both days inclusive, showing the amount received on account of each Fund separately.

[1]

Cash received into the Public Treasury on additional returns public tax,		\$56 40
Ditto on bonds for land and negroes belonging to the late J. Haywood, Esq.	Principal,	131 67
	Interest,	22 31
		<hr/> 153 98
Ditto on bonds for sale of reversionary interest in Tuskarora lands,	Principal,	322 85
	Interest,	2 52
		<hr/> 325 37
		<hr/> 535 75

[2]

Cash received at this office on account of the Literary Fund, viz.		
" Entries of vacant land,		5,982 03
" Needham Cannaday, auctioneer, Carteret, for tax on sales at auction,		18 91
" Henry Dewey, auc'r, Craven, for do.		46 37
" James Dickson, New Hanover, for do.		25 74
" George W. Davis do. for do.		6 95
" Nathaniel J. Oliver, Beaufort, for do.		3 60
		<hr/> 6,083 60

[3]

Cash received at this office on account of the Fund for Internal Improvement, viz.		
" On bonds for Cherokee lands,		1,097 12

[4]

Cash received at this office on account of the Agricultural Fund, viz.		
" From sundry clerks on official returns,		515 73
		<hr/> \$8,232 20

I. WETMORE, Clk T. D.

(B)

A statement of the disbursements at the Public Treasury of North Carolina, from the 1st November, 1830, to the 21st December following, both days inclusive, showing the disbursements from each Fund separately.

[1]

On account of the current demands on the Public Treasury, viz.		
General Assembly,		336 10
Executive Department,		390 00
Judiciary,		3,210 00
Contingencies,		484 25
Public Printer,		450 00
Sheriffs for settling taxes,		25 50
Tuskarora land—expenses,		30 57
Rogue Banks,		4 91
Treasury Notes burnt by Com. Finance,		21,601 61
		<hr/> 26,532 94

[2]

On account of the Fund for Internal Improvement.

J. Gales,	34 20	
Governor Owen,	91 30	
James Mebane, Superintendent, &c.	1,398 69	
Cadwallader Jones,	31 40	
J. Gales & Son,	15 70	
D. L. Swain,	143 00	
		<hr/> 1,714 29

[3]

On account of demands on Agricultural Fund, viz:

Osman Harper,	1 40	
Nathaniel Robards,	12 30	
Sarah Gordon,	70	
David Newland,	1 00	
John Bradburn and M. Bennett,	7 32	
Stephen Holmes,	2 40	
Willie P. Mangum,	4 00	
John Holloway,	5 70	
Henry Henning,	5 50	
		<hr/> 40 32

\$28,287 55

I. WETMORE, Cl'k T. D.

(C)

Statement of cash received in the Treasury from the 28th day of December, 1830, to 1st day of November, 1831, on additional returns of taxes.

Sheriffs.	Counties.	Tax due.	Amount paid.
			D. C.
James K. Hill	Duplin	1828	5 35
John Odeneal, late	Rockingham	1829	3 90
Fielding Slater	Rowan	do	38
George Williamson	Caswell	do	44 41
William C. Clanton	Warren	do	3 26
William Carson	Rutherford	do	10 01
Nathaniel Harrison	Buncombe	do	4 82
John Parker	Edgecomb	do	15 98
Wm. M. Chesson	Washington	do	9 32
Richard G. Cowper	Hertford	do	47 55
Leslie Gilliam	Granville	do	16 09
Henry S. Spencer	Hyde	do	32 57
William D. Rascoe	Chowan	do	4 52
Thomas D. Watts	Orange	do	9 00
Thomas B. Wright	Surry	do	1 26
Thomas K. Morrisey	Sampson	do	15 71
Samuel C. Tate, late	Burke	do	14 97
John Coulter, "	Lincoln	do	43 32
			<hr/> 282 42

I. WETMORE, Cl'k T. D.

Statement of cash received in the Treasury on bonds given for sales of Tuskarora Indian lands from 28th day of Dec'r, 1830, to 1st Nov. 1831.

From whom received.	Bonds paid.	Principal.		Interest.		Total.	
		D	C	D	C	D	C
Joseph J. Williams	2d	28	50			28	50
Lewis A. Williams	2d	88	71			88	71
Robert A. Jones	2d	179	00			179	00
Willie Bridger	1st and 2d	2	33	06		2	39
John T. Johnston	1st and 2d	55	00	1	53	56	53
W. M. Clarke	2d	137	81			137	81
John S. Smallwood	2d	15	60			15	60
William Blanchard	1st and 2d	111	07½	4	21	115	28½
Joseph B. Outlaw	1st and 2d	203	76	5	24	209	00
Francis E. Ward	1st and 2d	17	01	65		17	66
Noah B. Hinton	2d	69	75	1	02	70	77
Robert F. Purrington	2d	86	20½	1	39	87	59½
William Williams, per Ex'or	2d	183	09	3	90	186	99
John B. Griffin	1st and 2d	136	96	7	78	144	74
John Critchlow	1st and 2d	71	97	4	12	76	09
Lewis Bond	1st and 2d	13	50		84	14	34
		1400	27	30	74	1431	01

I. WETMORE, Cl'k T. D.



(E)

Statement of Cash received in the Treasury on the bonds due for the sales of land and negroes lately the property of John Haywood, dec'd, from the 28th day of December, 1830, to 1st of November, 1831.

From whom received.	Bonds paid.	Principal.		Interest.		Total.	
		D	C	D	C	D	C
Mrs. E. E. A. Haywood	1st, 2d and 3d			66	15	66	15
William H. Hunter	3d	130	30	22	80	153	10
J. S. and G. W. Haywood	3d	300	00			300	00
Jonathan Harralson	2d	421	33	78	05	499	38
Arch'd M'Eachin	3d	330	33	61	37	391	70
Stephen W. Cotton	2d	123	00	22	73	145	73
Martin Picket	2d	1075	00	208	69	1283	69
Henry M. Miller	3d	120	33	22	60	142	93
Durrell Rogers	3d	70	00			70	00
William Hogan	3d	850	00			850	00
Do do	3d	57	00	173	39	230	39
Fabins J. Haywood	3d	117	00	22	43	139	43
Alfred Williams	3d	132	00	25	28	157	28
Edward Rigsbee	2d	500	00			500	00
Stephen W. Cotton	3d	123	00	26	58	149	58
Minton Jones	2d and 3d	31	34	6	56	37	90
John L. Taylor		46	00			46	00
		4125	63	736	43	5163	06

I. WETMORE, Cl'k T. D.

Statement of receipts and disbursements at the Public Treasury of North Carolina, on account of the Agricultural Fund, from 28th December, 1830, to 1st day November, 1831.

RECEIPTS.

	From whom received.	Official character.	Counties.	Sum.
1831				D. C.
Jan'y 21	James Morris	Cl'k Sup'r Court	Rutherford	90
27	Blount Coleman	do do do	Lenoir	5
Feb'y 7	B. Elliott	deputy do do do	Randolph	6 30
April 1	John H. Drake	Cl'k do do	Nash	10 82
9	Henry M. Miller	Clerk & Master	Wake	10 80
June 16	James Webb	do do	Orange	142 80
"	John Taylor	do Co'ty Court	Ditto	1 20
Aug. 18	John L. Henderson	do Supreme do		6 80
29	John Wood	do Co'ty do	Perquimons	3 73
Sept. 10	James Pearsall	do do do	Duplin	2 85
22	Stephen K. Sneed	do do do	Granville	6 83
23	Cornelius Dowd	do do do	Moore	1 50
26	Richard H. Weaver	do do do	Northampton	1 58
29	Hardy Bryan	do do do	Jones	6 97
30	Joseph Williams	do Sup'r do	Surry	4
Oct. 1	Robert Martin	do Co'ty do	Wilkes	1 30
12	Ransom Hinton	do Sup'r do	Wake	40 09
13	Jer'h Pearsall	do do do	Duplin	4 78
				258 25

I. WETMORE, Cl'k T. D.

(F 2)
DISBURSEMENTS.

1831					D. C.
Jan'y 6	Cash paid	John House and wife,	:	:	103 62
	do	" Henry Candle,	:	:	2 28
	do	" John B. Harry,	:	:	2 30
	do	" J. Forney,	:	:	1 30
	do	" Thos. Lowe's ex'r,	:	:	2 40
	do	" Benj. Johnson,	:	:	1 20
June 16	do	" A. Simonton,	:	:	17 40
July 7	do	" W. C. Stanly,	:	:	8
Aug. 11	do	" Albert Perry,	:	:	30 27
Oct. 1	do	" W. C. Clanton,	:	:	60
"	do	" Luke H. Paschall,	:	:	2 86
12	do	" Wm. Roane,	:	:	4
27	do	" John Barnett,	:	:	7 95
					184 18

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 28th day of December, 1830, to 1st November, 1831.

Branches of Revenue of 1830, and from whom Cash has been received.	Amount.		Aggregate.		Am't paid.	
	D	C	D	C	D	C
Tax on Land	23,641	56				
Do Town Property	1,357	66				
Do Polls	28,211	55				
Do Stud Horses	1,666	31				
Do Gates	193	90				
Do Artificial Curiosities	803	70				
Do Natural Curiosities	493	50				
Do Billiard Tables	470	00				
Do Stores	7,451	66				
Do Pedlers	2,296	62				
Do Negro Traders	28	20				
Penalty for failing to settle	400	00				
			67,014	46	66,452	73
<i>Bank Tax.</i>						
Bank of Newbern	5,683	00				
Bank of Cape Fear	3,889	00				
			9,572	00	9,572	00
<i>Bank Dividends.</i>						
State Bank of North Carolina	5,528	00				
Do do	5,528	00				
Bank of Cape Fear	30	00				
			11,086	00	11,086	00
<i>Miscellaneous.</i>						
Additional returns of public tax	282	42				
Dividend Buncombe Turnpike Comp'y	250	00				
David L. Swain, fee returned	500	00				
William M. Sneed, refunded	72	00				
Tuskarora bonds, Principal, \$1,400 27						
Interest, 50 74						
			1,431	01		
John Holloway, Principal, \$337 57						
Interest, 40 56						
			378	13		
Sale of land and negroes,						
Principal, \$4,426 68						
Interest, 736 43						
			5,163	06		
Land rent	10	00				
			8,086	62	8,086	62
			95,759	08	95,197	35

I. WETMORE, Cl'k T. D.

Statement of Insolvents allowed by the Comptroller to the Sheriffs, in their settlement of the Taxes of 1830.

Sheriffs.	Counties.	Amount
Thomas Ward	Lincoln	D. C. 9 00
Salathiel Stone	Stokes	29 40
James Long	Perquimons	4 40
Thomas B. Wright	Surry	28 40
James H. Wood	Northampton	9 00
Hiram Caldwell	Iredell	18 40
William Crawford	Richmond	10 00
Absalom Fulford	Carteret	17 00
Richard G. Cowper	Hertford	21 40
James C. Cole	Craven	37 60
Leslie Gilliam	Granville	21 00
Allen S. Ballinger	Johnston	4 80
James Simmons	Halifax	33 40
Henry G. Williams	Franklin	13 40
William Kenneday	Davidson	15 80
William Hampton	Wilkes	10 60
James Riddick	Gates	20 60
Fielding Slater	Rowan	64 40
James W. Doak	Guilford	47 40
John Parker	Edgecomb	19 80
Isaac Baxter	Currituck	9 00
William R. Hinton	Wake	11 40
William C. Clanton	Warren	10 80
Joseph Medley	Anson	16 20
Joshua A. Pool	Pasquotank	23 81
Hurace D. Bridges	Chatham	22 60
William C. Butler	Burke	21 60
William Carson	Rutherford	25 80
William D. Rascoe	Chowan	4 40
John W. Taylor	Greene	5 20
James S. Clark	Pitt	20 80
		<u>607 41</u>

I. WETMORE, Cl^k T. D.

(I)

Statement of Treasury Notes issued and reported by John Haywood, Esq. former Pub. 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>

Amount burnt by Committee of Finance according to the

Comptroller's Report of 1819,	\$943 34
Ditto ditto 1821,	7,710 00
Ditto ditto 1822,	9,784 52
Ditto ditto 1823,	6,310 51½
Ditto ditto 1824,	5,696 25
Ditto ditto 1825,	12,170 89½
Ditto ditto 1826,	15,392 46
Ditto ditto 1827,	15,523 98
Born by com. of Finance, 1827,	9,303 76
Ditto ditto 1828,	17,781 89
Ditto ditto 1829,	19,971 85½
Ditto ditto 1830,	21,601 61
	<u>142,191 07</u>

119,808 93

26,405 13

93,403 78

Deduct amount on hand in the vault of the Treasury,

Showing a balance unredeemed and in circulation of

21

W. S. MHOON, Pub. Tr

Proceedings of the Stockholders of the Bank of Newbern, January, 1831.

At a meeting of the Stockholders of the Bank of Newbern, convened at the Banking-house in the town of Newbern, on Monday the 3d of January, 1831. The meeting was organized by the appointment of Duncan Cameron, Esq. as President, and John H. Bryan, Secretary.

On motion of Gen. Saunders, it is ordered, that a committee of five be appointed to take into consideration the general state and condition of the Bank, to ascertain the value of the stock, and to report thereon, and also to recommend any measures they may deem necessary to promote the interests of the institution; whereupon, Judge Donnell, General Saunders, William Hollister, Asa Jones and John H. Bryan were appointed said committee.

The meeting then proceeded to an election of Directors of the Principal Bank, for the present year, (1831.) which resulted in the choice of the following gentlemen, viz. William Gaston, Edward Graham, Francis Hawks, Isaac Taylor, John Justice, Wm. Hollister, Elias Hawes, M. H. Lente, John H. Bryan, John Sneed and Charles Shepard, each of these gentlemen receiving 646 votes, being the whole number represented.

It is resolved by the meeting that a salary of 1200 dollars be allowed the President of this Bank annually.

The meeting adjourned subject to the call of the Chair.

January 7th, 1831,

The meeting being convened by the call of the Chair, the committee appointed to take into consideration the general state and condition of the Bank, after having examined the accounts of M. C. Stephens, late Cashier, find the said M. C. Stephens to be responsible to the Bank for a large amount, and the committee having received a proposition from said M. C. Stephens to convey to them (said President and Directors) certain property, real and personal, in consideration of being released from said responsibility, both as to himself and his sureties, and also from his private debt to said President and Directors, the said meeting having considered the said proposition, do accept the same, and recommend that the President and Directors of said Bank do ratify the same. Whereupon, it is resolved,

1st. That the proposition of said M. C. Stephens be accepted upon the terms therein mentioned.

2ndly. That thereupon the said M. C. Stephens and his sureties be released from all responsibilities arising from his having heretofore been Cashier of said Bank; and further that said Stephens be released from his personal debt to said President and Directors, due by note dated the 15th of December, 1830, for \$3,550.

The meeting adjourned till to-morrow morning, 10 o'clock.

Saturday, January 8th, 1831.

The Stockholders met pursuant to adjournment. Gen'l Saunders from the committee appointed to take into consideration the general state and condition of the Bank, &c. made the following report, accompanied with the Resolutions annexed thereto.

REPORT.

The committee appointed to inquire into the general state and condition of the Bank, having discharged the duty assigned them, report, that the committee have examined, with great care, the various accounts and other

transactions connected with the institution, in order to enable them to lay before the Stockholders its condition, and to recommend such measures as their interest and the future operation of the Bank seemed to demand.— This investigation has necessarily been tedious, but as the committee believed indispensable to a proper understanding of the affairs of the Bank, and called for under the existing state of things. The committee cannot say that the examination has been entirely satisfactory to themselves, though they believe the result is as nearly correct as it was practicable to obtain. The statement which follows exhibits the actual condition of the Bank, predicated upon such parts of its funds as were deemed available, and which the committee believe so far correct as to enable the Stockholders to see its present state, and to estimate with reasonable certainty the true value of its stock.

FUNDS.

Debts due the Bank and Agencies, deemed good,	\$1,072,309
Bank property, real estate, and estimated value,	\$4,281
Sherwood Haywood's deficiency, estimated as likely to be good,	20,000
Bills of exchange and foreign notes,	74,261
Specie and United States Notes,	61,323
General profit and loss, being nett gain since last dividend,	53,393
Balance loss on capital stock,	222,696
	<hr/>
	\$1,538,265

LIABILITIES.

Capital stock as reduced by Bank purchases,	\$789,800
Deposites liable to checks,	89,697
Due Foreign Banks,	319,704
Dividends unpaid supposed to be	1,000
Bank notes in circulation,	338,064
	<hr/>
	\$1,538,265

Estimated condition of Funds,	1,315,569
Ditto Liabilities,	748,465
	<hr/>
Balance applicable to the payment of stock,	\$567,104

As it appears from this estimate that a large portion of the funds of the Bank must remain unproductive, and the State tax will continue on such part of the capital stock as shall not be extinguished until the year 1835, in addition to the contingent expenses, the committee believe sixty-five dollars per share a reasonable value for the stock at the present time.

In regard to the economy and future expenses of the institution, the committee have sought to retrench every expenditure which they believed could with safety and propriety be made. With this view, they recommend that the Agency at Milton should forthwith be discontinued, and the debt removed to the Agency at Raleigh, where it can be managed at a less expense, and be under the more immediate control and supervision of the Directors of the Principal Bank. With the same view, the committee recommend the discontinuance of the Agency at Charlotte, so soon as it can be done consistent with the interest of the Bank and its present engagements. In the same spirit of economy, the committee are induced to recommend the

employment of but one clerk at the Principal Bank, believing him competent to the discharge of its present business.

In accordance with the terms of the amended charter of the Bank, as expressed in the act of 1829, and to discharge as early as practicable the debts due foreign Banks, the committee recommend that the Directors should, in every possible case, require a rigid compliance with the terms prescribed on the renewal of notes; and that in all cases when the debt is considered of doubtful security, it should, if practicable, be strengthened. In order still further to concentrate the means of the Bank, and to hasten the final adjustment of its affairs, it is deemed advisable at once to dispose of all the property of the Bank not necessary to its banking operations.

The committee spent some time in the investigation of the accounts of M. C. Stephens, late Cashier of the Bank; but having received from him certain propositions pending this investigation, which they thought it prudent at once to make known to the Stockholders, which being accepted by them, the committee have not thought it necessary to take any particular notice of that matter, further than to remark that the property conveyed by him, and valued at 10 to 12 thousand dollars, forms no part of their estimated funds of the Bank; and although a part of this sum will certainly be realized, yet, as they may have taken into their calculation a larger amount of debt that will prove *bad* than what they have rejected as *doubtful*, it is thought most prudent not to alter their estimate. It will be necessary that the Directors close the books of the late Cashier, and cause the proper entries to be made by the present one. In conclusion, the committee report certain resolutions which they recommend to the adoption of the Stockholders, viz.

1st. *Resolved*, That the value of stock be fixed at the rate of 65 dollars per share.

2ndly. *Resolved*, That the Directors shall in no case receive stock, unless in payment of debts of doubtful security, or when it shall tend to enhance the value of property sold by the Bank, or for its benefit: provided, that the amount so received shall not during the current year exceed one hundred thousand dollars.

3d. *Resolved*, That the Agency at Milton be discontinued, and that the debts due be transferred to the Agency at Raleigh; that the Agent's salary at Milton continue until the 1st day of July next, and no longer; that the Agent at Raleigh, with the approbation of the President, be authorised to employ an additional clerk for one year, and no longer, whose salary shall not exceed 400 dollars.

4th. *Resolved*, That the President be requested to visit the Milton Office at the earliest convenient period, to investigate its condition and take such steps as he may deem advisable for carrying into effect the foregoing resolution.

5th. *Resolved*, That the Agency at Charlotte be discontinued so soon as it can be done consistently with the interest of the Bank and present engagements, and so soon as arrangements can be made for the collection of its debts elsewhere.

6th. *Resolved*, That but one clerk be employed at the Principal Bank in Newbern, who shall act as clerk and teller, and whose salary shall be eight hundred dollars per year.

7th. *Resolved*, That the whole of the property belonging to the Bank be sold, except the banking houses and other property necessary for bank-

ing purposes at Newbern and Raleigh, upon such terms as the Directors shall prescribe.

8th. *Resolved*, That the President and Directors of the Principal Bank be, and they are hereby requested to carry the foregoing resolutions into effect.

All of which is respectfully submitted.

R. M. SAUNDERS, *Chairman*.

Which report being read, is concurred in, and the resolutions thereunto annexed are adopted by the meeting.

The following ordinances were adopted by the meeting:

Be it ordained by the Stockholders in general meeting assembled, That the stock of this Bank shall be transferable only at the Bank on the transfer book, by a stockholder in person or by attorney duly appointed for that purpose.

Be it further ordained, That no stockholder who now is, or hereafter may be indebted to the Bank as principal or otherwise, shall be allowed to transfer his, her or their stock, or any other part thereof, but with the consent of the President and Directors of the Bank, until the responsibilities of such stockholder to the Bank are satisfied; and all such responsibilities of a stockholder are hereby declared to be, and shall be taken and held to be a lien on all the shares of such stockholder indebted as aforesaid, so long as the responsibilities of such stockholder to the Bank remain unsatisfied.

The meeting then adjourned sine die.

JNO. H. BRYAN, *Sec'y*.
D CAMERON, *Ch'n*.

A true copy from the Stockholders' Journal.

JNO. W. GUION, *Cash'r*.

Exhibit of the affairs of the Bank of Newbern, taken on Thursday, the 30th June, 1831.

Due to the Bank.		Due from the Bank.	
Deemed good			
	Dollars.		Dollars.
Bills receivable, with interest,	872,839	Capital stock of the Bank,	751,900
Property of the Bank,	43,000	Due to Deposits,	53,699
Individual debt unsettled,	20,000	Due to foreign Banks,	253,918
Foreign banks and bills of exchange,	136,757	Due to Dividends,	1,000
Specie and United States notes,	53,993	Due to Bank notes in circulation,	272,203
Balance, loss,	226,131	General profit and loss, nett \$88,096,	
	1,531,720		1,334,720

W. S. Mhoon, Esq. Public Treasurer.

Sir,—The above exhibit represents only such debts as are deemed to be good by a late revision of them; and it is believed that an ample allowance is made for the depreciation on the "property of the Bank." Very respectfully, your obt. servt.

Bank of Newbern, July 20, 1831.

JNO. W. GUNN, Cashier.

An Exhibit shewing the situation of the State Bank of North Carolina, May, 1831.

		Dolls. C.	Dolls. C.
Specie,	\$94,028 30	Capital stock,	1,598,775 00
Notes of other Banks and bills of exchange,	173,408 41	Notes in circulation,	728,789 00
Due from other Banks,	184,396 23	Due to other Banks,	8,642 40
		Profits reserved to cover bad debts, losses on real estate, &c. and out of which the present dividend of 2 per cent. is payable,	163,014 52
Bank stock taken for debt,	452,732 99	Due to deposits and dividends unpaid,	192,951 99
Due from State of North Carolina,	87,465 00		
Due from individuals by notes discounted, &c.	83,906 11		
Real estate,	1,809,799 66		
Interest bills and checks,	207,072 80		
	51,196 35		
	2,692,172 51		2,692,172 91

To William S. Mhoon, Esq. Public Treasurer, North Carolina.

CHAS. DEWEY, Cash'r.

State of the Bank of Cape Fear, on Saturday morning, 1st of January, 1831.

	Dollars.		Dollars.
Capital Stock,	601,200	Specie Funds,	
Notes of this Bank in circulation,	343,780	Deposites in Foreign Banks,	40,929
Deposites,	55,508	Due by Banks in North Carolina,	208,463
Dividends unpaid,	4,076	Notes of other Banks on hand,	3,549
Due to Banks,	281	Real Estate,	53,641
Profit and Loss,	77,557	Bills of Exchange,	77,015
Ditto	23,687	Debt, Notes discounted, Judgments, &c.	25,909
by transactions in Stock of this Bank,			698,583
	1,108,039		1,108,039

JOHN HILL, Cash'r.

State of the Bank of Cape Fear, on Friday morning, the 1st July, 1831.

	Dollars		Dollars.
Capital Stock,	596,100	United States Bank notes and specie,	43,940
Notes of this Bank in circulation,	358,511	Deposites in foreign Banks,	306,926
Deposites,	128,409	Due by Banks in North Carolina,	2,520
Dividends unpaid,	2,660	Notes of other Banks on hand,	63,780
Due to Banks,	4	Real Estate,	77,053
Profit and Loss,	74,972	Bills of Exchange in suit,	25,909
Ditto	26,707	Debt, (notes discounted, judgments, &c.)	667,326
(by transactions in stock of this Bank,)			1,186,768
	1,186,763		

JOHN HILL, Cash'r.

W. S. MILES, Prtg. Pub. Treas'r.

I forward you above the usual semi-annual statement of this Bank, on the 1st inst. Very respectfully, your ob't serv't,

Bank of Cape Fear, 15th July, 1831.

JOHN HILL, Cash'r.

A statement showing the condition of the Bank United States at Fayetteville, 27th December, 1825.

Bills discounted on personal security,		\$134,376 93 ^a Capital stock,	
1310 on Bank Stock,	35,800 00 ^a Notes issued,	\$500,000 00	
Domestic Bills of Exchange ^c ,	134,969 81	620,320 00	
Due from Bank of United States,	12,226 83 ^b Dividends unclaimed,	8,392 15	
Due from State Banks,	298,507 02 ^b Due to Bank United States and Offices,	107 25	
Defalcations,	21,087 05 ^b Deposits of Treasurer of United States,	57,089 17	
Banking houses, Bonds, Premium, &c.	82,428 49 ^b Deposits of Public Officers,	51,398 56	
Expenses ^d ,	128 77 ^b Deposits of Individuals,	27,281 18	
† Notes of Bank United States and Offices,	251,100 00	34,399 76	
Notes of State Banks,	23,709 10		
Specie,	49,324 65		
	1,223,858 07	1,203,838 07	

^aNotes issued by this Branch,
†Notes Bank U. S. and Offices on hand,
Probable circulation,

620,320
251,100
\$369,120

A Statement showing the condition of the Branch of the Bank United States at Fayetteville, 27th Dec^r, 1830.

Bills discounted on personal security,		\$763,793 59 ^a Capital stock,	
1110 on Bank Stock,	15,900 00 ^a Notes issued,	\$500,000 00	
Domestic bills of exchange ^c ,	72,433 38 ^b Discount, exchange and interest,	1,177,690 00	
Real estate,	23,788 47 ^b Dividend unclaimed,	2,551 16	
Due from Bank of United States,	578,795 60 ^b Due to United States ² Bank and Offices,	99 00	
Due from State Banks,	27,429 88 ^b Due to State Banks,	24,467 55	
Losses chargeable on contingent fund,	38,606 35 ^b Deposits of Treasurer of United States,	2,174 99	
Defalcations,	18,087 05 ^b Deposits of public officers,	40,554 81	
Banking houses, bonds and premium,	13,585 02 ^b Deposits of Individuals,	26,256 90	
Expenses ^d ,	233 61 ^b	29,835 64	
† Notes of Bank United States and Offices,	369,160 00		
Notes of State Banks,	42,177 00 ^b		
Specie,	37,840 07 ^b		
	1,803,630 05 ^b	1,803,630 05	

^aNotes issued by this Branch,
†Notes of U. S. Bank and Offices on hand,
Probable circulation,

\$1,177,690
369,160
808,530

REPORT
OF THE
COMMITTEE OF FINANCE
ON THE
STATE OF THE PUBLIC TREASURY.

— 126 —

The Committee of Finance, to whom by law is referred an examination of the Public Treasurer's Report, the Statement of the Comptroller, the books and accounts in each of these offices, and in general into the funds and fiscal concerns of the State, ask leave, in part, to Report:

In conformity to the provisions of sundry acts of Assembly, and particularly that passed in 1827, entitled "an act concerning the Public Treasury," the committee have carefully examined the books in the offices of the Public Treasurer and Comptroller, and compared them with the evidences of receipt and disbursement, and find that the several amounts of cash which have been received by the Public Treasurer for public taxes, impositions and dues, and paid as directed by the acts and votes of the General Assembly, are distinctly set forth in the books of the Treasury in such a plain and intelligible manner, as to present the nett amount of the revenue and disbursements for the fiscal year ending with the 31st day of October, 1831, the period to which alone your committee has directed its attention. In the same is also exhibited a clear and distinct view of the various branches and funds into which the public revenue has been apportioned and distributed; and we find them *thoroughly and particularly* to coincide and correspond with the Report of the Public Treasurer and the Statement of the Comptroller, made to the present General Assembly.

The committee have also *carefully* examined the accounts of the Public Treasurer on the books of the Comptroller, and compared the same with the vouchers of receipt and disbursement in the latter office, and find them *fully* to agree and correspond, except in numbers 105, 106, 107, 108, 109, 110, 111, 112 and 113, embracing the receipt from sundry persons by the Public Treasurer of the sum of 976 dollars and 93 cents; as also of numbers 182 and 195, being the receipts of Jesse A. Bynum and William Clark, Esquires, two members of the last General Assembly, for the sums of 182 dollars, and for 3 dollars, which were given by them to the Public Treasurer, and by him duly settled and passed over to the Comptroller. These vouchers, we are told by the Comptroller, are the only papers of value, connected with the last fiscal year, which have been lost or mislaid from his office in the bustle, hurry and confusion of removing his books and papers from his office in the State House at its conflagration in June last. So small a loss under the circumstances of this case, the committee think a most signal and fortunate occurrence; and has resulted in *no loss or injury* to the State or the Public Treasurer. The committee have caused a certificate of each of these vouchers to be made out by the Comptroller, stating the number of each, to whom paid or from whom received, and the amount, and have caused the same to be countersigned by their chairman and placed in their proper file.

All the vouchers corresponding with the charges in the books of the Comptroller have been duly cancelled and returned to him, to be placed on file.— We would be somewhat more explicit: We say the vouchers from the 29th of December, 1830, the day on which the present Treasurer entered on the duties of his office, up to the 1st day of November, 1831, have been cancelled. Those from the first of November to the 29th of December, 1830, although composing a part of the vouchers of the last fiscal year, appertained to the administration of the duties of the late Public Treasurer, and were examined and cancelled by the committee of Finance at the last session of Assembly.

Your committee has not yet completed the examination of the bonds given for purchases of the Cherokee lands. So soon as that duty shall have been performed, the result will be reported to the General Assembly.

The monthly settlements, as required by law, between the Public Treasurer and Comptroller, have been *critically* examined, and they are found to be fairly and fully made in accordance with the requisites of the act of Assembly which requires them. Your committee cannot too highly commend the wisdom of this regulation: which results in the fidelity of the officer charged with the public funds: and, connected with another most *salutary* regulation of this department, viz. “the deposite in the Banks of the amount received in each month,” removes all *anxious* responsibility from that important department.

All due and proper attention has been bestowed by the committee on the examination of the deposite of the public monies, at the end of each month, in the Banks of the State. We have carefully inspected the accounts of the Public Treasurer on the books of the State Bank and the Branch of the Bank of Newbern in this city, from his entrance on the duties of his office up to the 1st of November, 1831. For the same period his accounts with the Bank of Cape Fear at Fayetteville have been satisfactorily shown by the monthly statement thereof under the hand of the Cashier of the Bank. All these have been compared with the Bank books, and the book in the Treasury exclusively appropriated to these accounts. These again have been compared with the certificates of deposite in the possession of the Treasurer, and the duplicates thereof filed according to law in the office of the Comptroller. The result of all this, a perfect *agreement* and coincidence of all and each.

This examination exhibits a credit, on the 1st of November last, to the Treasurer in those Banks respectively of the following amounts, viz.

In the State Bank at Raleigh of	\$43,779 04
Bank of Newbern do.	29,478 16
Bank of Cape Fear, Fayetteville,	16,360 07

Making a total sum of \$89,587 97

Which corresponds with the amount stated in the Treasurer's Report.

A brief view of the state of the Treasury at the end of the last fiscal year, will now be given.

The committee of Finance, at the last session, by order of the General Assembly, adjusted the accounts of William Robards, Esq. the then Treasurer, from the 1st day of November to the 21st day of December, A. D. 1830, the time at which his term of office expired. The Report of this settlement was made to the last session of the Assembly, and approved. The amount thus found to be due was paid over to the committee of Finance, and by that committee paid over and delivered to the present Public Treas-

surer, and amounts to the sum of		848,755 65
Additional sums received by him, viz.		
Cash on bonds for sale of land and negroes. &c.		
Principal	84,426 68	
Interest on do.	736 48	
	<hr/>	5,163 66
Do. on 2,764 shares of stock in State Bank for half year ending 31st Dec. 1830, at 2 per cent.	5,529 00	
Do. on do. 30th June, 1831, at 2 do.	5,229 00	
Do. of Bank of Cape Fear for 10 shares for do. to 31st Dec. 1830, at 3 per cent.	50 00	
	<hr/>	10,736 00
Do. of John Holloway, 2d bond, Principal	837 57	
Interest on do.	40 56	
	<hr/>	378 13
Do. for rent of public land,		10 00
Do. of sundry persons for purchase of Tuscarora lands,		
Principal	1,400 87	
Interest on do.	80 74	
	<hr/>	1,431 01
Do. rec'd of sheriffs for tax 1830,	66,452 73	
Do. additional returns,	232 42	
	<hr/>	66,725 15
Do. of David L. Swain, part fee refunded,		500 00
Do. of William M. Sneed, com'r, refunded in settlement of his account,		72 00
Do. for dividnd on Buncombe Turnpike Company stock,		250 00
Do. Bank of Newbern, tax 1831,		5,683 00
Do. do Cape Fear, do.		8,889 00

Making a total sum of \$138,951 00 which agrees with the amount stated to be due in the Treasurer's report.

The disbursements made at the Public Treasury from 1st day of November, 1830, to the 1st day of November, 1831, (including those made by the late Treasurer, the amount of which will be deducted at the bottom of this statement,) consists of the following sums, paid on the several accounts as stated, viz.

AMOUNT OF DISBURSEMENTS.

By cash paid on account of General Assembly,	840,662 78
Do Executive Department,	2,273 33
" Department of State,	1,143
" Treasury Department,	2,003 06
" Comptroller's do	1,000
" Judiciary,	23,830 05
" Pensioners,	860
" Adjutant General's Office,	200
" Public Printers,	900
" Sheriffs for settling taxes,	1,002 10
" Do Congressional elections,	325 48
" Repairs of State House,	45 79
" Government House,	692 20

"	Public Library.	-	-	-	75
"	Bogue Banks.	-	-	-	4 91
"	Treasury Notes burnt.	-	-	-	21,501 61
"	Money burnt, emission 1783 and 1785,	-	-	-	4 56
"	State Bank, on payment for interest on deferred stock,	3,356	24		
"	Mrs. E. E. A. Haywood,	299	93		
"	Tuscarora Indians,	50	50		
"	Contingencies,	2,674	44		
					<hr/>
					\$103,385 99
Deduct amount disbursed of this sum by the late Treasurer,					26,532 94
					<hr/>
which leaves the sum of					876,853 05
to which add the amount which was directed by a resolution					
of the last Assembly to be transferred to the Literary					
Fund, amounting to					29,074 96
					<hr/>
which shows the total amount of disbursements to be					105,928 01
If this amount is deducted from the sum of \$138,951, the					
amount of receipts, as before stated, there will remain a					
balance of					33,022 99
due from the Public Treasurer on the 1st of November;					
1831; and hereafter to be accounted for by him.					
					<hr/>
					\$138,951
					<hr/>

Your committee have reason to believe that frauds have been committed upon the public, by Sheriff's receiving the tax imposed by law upon "retailers of spirituous liquors," and pedlars, and retaining the licenses furnished to them by the Comptroller, and failing to account with him for the tax thus received. A bill designed to remedy this grievance, and to prevent frauds of this kind, was referred to your committee by the House of Commons, and a substitute for the original bill has been prepared and reported to that House, which is respectfully recommended to be passed into a law.

In the discharge of a further duty imposed upon your committee by a joint resolution of the two Houses, passed in the early part of the present session, they have, with much care and labor; counted "the Treasury notes in the Public Treasury," at the passage of the resolution, and burnt to the amount of twenty-eight thousand three hundred and ninety-four dollars and ninety-seven cents, (\$28,394 97.) A receipt for that sum has been given to the Public Treasurer. To enable the Comptroller to credit the Public Treasurer with that sum, we submit the resolution which accompanies this report, and recommend its adoption.

Your committee is not willing to close this report without paying a just tribute to the Public Treasurer, by saying, that, so far as they have been able to form an opinion upon the discharge of the duties required of him as such, he has evidenced a vigilance, promptitude, accuracy and fidelity, which has received their approbation, and does, in their opinion, entitle him to that of the General Assembly.

All which is respectfully submitted.

WM. M. SNEED, *Chairman.*

December 14, 1831.

A Statement of the Nett Amount of that Branch of the Revenue which is receivable by the Sheriffs, for the year 1830.

A Statement of the nett amount of that branch of the Revenue which is receivable by the auctioneers, for duties on Sales at Auction, for 130—81; and from the Banks of Newbern and Cape Fear, for the tax of 1851, on Stock owned by individuals, at one per cent.

06	INTERNAL IMPROVEMENT FUND.	75,025	06
59	Amount received on bonds for Cherokee Land,	485 98	
26	Do do on Banks Dividends, appropriated,	4,074 60	
7			
28			
5		4,559 58	
30		22 50	
9	Deduct Disbursements, - - - -		
03		4,537 48	
59		5,496 71	
15	Balance due Int. Imp. Fund, on the 21st Dec. 1830,		
7		7,944	19
26			
0		115,993	15
46			

J. GRANT, *Comptroller.*



