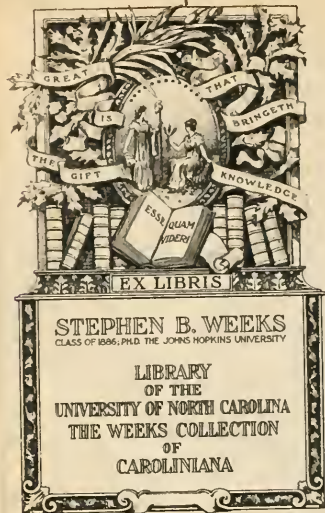


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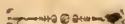
GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

AT THE

SESSION OF 1882-83.



RALEIGH:

CHARLES E. RAMSAY—Printer to the State.

WED 21-8 9 04 AM

1883.



LAWS OF NORTH-CAROLINA.

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

DAVID L. SWAIN, ESQUIRE, GOVERNOR.

CHAPTER I.

An act to establish the Bank of North Carolina.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a bank shall be established, the capital of which shall be two millions of dollars, of which individuals may subscribe one million of dollars, and the State of North Carolina one million of dollars, to be divided into shares of one hundred dollars each.

Bank established with a capital of 2 millions, one half may be subscribed by the State.

The principal bank located at Raleigh, and the Pr. & Drs. to establish its branches and agencies.

Proviso.

The Gov. to issue his proclamation appointing commissioners to open books of subscription.

At the end of sixty days, the books to be returned to the Governor. If one million be not subscribed by individuals, the commissioners to open books again; at the end of ninety days, if \$500,000 be subscribed, the pr. & drs. to be appointed by subscribers & afterwards by the Legislature.

II. *Be it further enacted,* That the said bank shall consist of the principal bank at the seat of government, and such branches and agencies as the president and directors of the principal bank, shall from time to time establish: And the capital aforesaid, shall be divided between the principal bank, its branches and agencies, in such proportions as the president and directors may think proper: *Provided,* That it shall not be lawful to have more than five directors at any one branch.

III. *Be it further enacted,* That the Governor of the State, immediately after the rise of this Legislature, shall issue his proclamation, appointing five commissioners for opening books of subscription for stock in said bank, at the following places, to wit: at Wilmington, Fayetteville, Beaufort, Newbern, Washington, Edenton, Halifax, Elizabeth City, Tarborough, Raleigh, Hillsborough, Milton, Greensboro', Salem, Salisbury, Wadesboro', Charlotte, Lincoln, Wilkesboro', Morganton and Asheville; a majority of said commissioners at each of said places, shall be competent to perform the duties of their appointment; at the end of sixty days the said commissioners shall return their books of subscription to the Governor, who together with the Treasurer and Comptroller of the State shall examine said books, and if the sum of one million of dollars be not subscribed by individuals, the Governor shall forthwith issue another proclamation announcing that fact, and shall again authorise commissioners at the aforesaid places to open new books of subscription, and return the same at the end of ninety days: and if then the sum of five hundred thousand dollars be subscribed, he shall issue another proclamation announcing that fact, and appointing a day for all the subscribers, or their authorised agents, to meet at the seat of government, for the purpose of appointing a president and eight directors, who shall have the management of the concerns of said bank for the space of one year, and until an election by the Legislature the next ensuing; and thereafter the president shall be elected annually, by joint ballot of both Houses of the General Assembly.

Subscribers to pay their subscription within ninety days after the first general meeting.

IV. Be it further enacted, That the subscribers shall within ninety days after their first General Meeting aforesaid make payment of their subscriptions to the president and directors aforesaid; and if any one of the subscribers shall fail to make payment within the ninety days, the said president and directors shall strike off his, her or their subscriptions, and open books to receive subscriptions in lieu thereof. That the said payments shall be made, by depositing with the president and directors at least one half of the subscription in gold or silver coin, at its value, as estimated by the laws of the United States, and the remainder in notes of the bank of the United States, in gold or silver bullion at Market value, or in

No discount made or note issued till capital stock is paid.

That certificates for the same, and the president and directors shall have no power to make any discount, or to issue any note, until the whole amount of capital stock subscribed shall have been paid.

V. Be it further enacted, That the affairs of said bank shall be managed by eight directors, to be appointed by the stockholders at the first General Meeting, and continue in office until their successors shall be appointed; the General Meeting when called, shall have power to remove any director or directors and appoint others in their place. The directors shall elect one of their own body president immediately after their appointment, and in case of vacancy shall elect his successor; and the president shall receive a salary, to be fixed at the General Meeting of the stockholders. In the absence of the president, the directors may appoint one of their own body as president pro tempore for the transaction of business. The president and a majority of the directors shall constitute a quorum, for the transaction of business, and shall have power to appoint officers and manage the affairs of the corporation; and make all bye laws for the government of the same, not inconsistent with the laws of the State or the United States, or ordinances of the stockholders; and shall appoint officers for managing the affairs of the branches and agencies.

The president and a majority of the directors to form a quorum.

VI. Be it further enacted, That the subscribers to said bank and their successors and assigns shall be, and are hereby created and made a corporation and body politic in law and in fact, by the name and style of the President and Directors of the Bank of North Carolina, and shall so continue until the first day of January, one thousand eight hundred and fifty-three; and by that name and style aforesaid, they shall have all the powers and privileges of a body corporate; and are hereby made able and capable in law to have, purchase and receive, possess, enjoy and retain, to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding twice its capital stock paid, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatsoever; also to make, have and use a common seal, and the same to break, alter or renew at pleasure; and there shall be a General Meeting of the stockholders at least once in every year at the seat of government; and a General Meeting may be called at any time

The subscribers incorporated.

The charter to extend to the year 1853.

There shall be a general meeting once in each year.

by the directors or by ten stockholders, owning one hundred shares each.

VII. *Be it further enacted*, That every cashier or clerk, before he enters on the duties of his office, shall give bond and security to the satisfaction of the president and directors, in such sum and with such conditions as they may prescribe. Cashier and clerks to give bond and security.

VIII. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be in the proportion, to wit: for every share under ten, one vote; and for every ten shares above ten, one vote; but no individual shall have more than forty votes. Stockholders may appear and vote either in person or by proxy, notwithstanding a stockholder, being a citizen of the State, shall be eligible as a director, or shall be entitled to vote by proxy. The manner in which the stockholders shall vote.

IX. *Be it further enacted*, That the lands, tenements and hereditaments, goods and chattels, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the current transaction of its business. What property the bank may hold.

X. *Be it further enacted*, That the total amount of debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed three times the amount of its capital stock actually paid in, over and above the amount of deposits for safe keeping. In case of excess, the directors, and whoever whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt in such cases may be brought against them or any of them, their or any of their heirs, executors and administrators, in any court of record in the State, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be so construed as to exempt the said corporation, or the lands, goods or chattels of the same, from being also liable for the said excess: *Provided*, That such of the said directors, as may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act, under by the same was contracted or created, may respectively exonerate themselves from being so liable by forthwith giving notice of the fact of their absence or dissent in some newspaper at the seat of government, and to the stockholders at a General Meeting, which they shall have power to call for that purpose. *Provided*, that nothing herein shall be so construed, as to authorise said bank to issue a greater amount of notes, than twice the amount of their actual capital stock and their cash deposits. The bank not to owe more than 3 times the amount of capital stock; in case of excess the directors shall be liable.

XI. *Be it further enacted*, That the stock of said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same. How stock shall be transferred.

XII. *Be it further enacted*, That the bills obligatory under the seal of the said corporation, which shall be made to any person or persons, may by such person or persons be made transferable by endorsement to his, her or their assignee or assignees, so as absolutely to transfer the same by endorsement. Bills under seal of said corporation, transferable by endorsement.

and vest the property thereof in such and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names, Bills, signed and bill or notes which may be issued by order of said corporation, by its president, and countersigned by the cashier or other person authorized thereof, promising the payment of money to any person or persons, shall be his, her or their order or to the bearer, though not under the seal of the said corporation shall be binding and obligatory on the same in like manner and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her, or their private or other capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, viz: those which shall be made payable to any person or persons, his, her, or their order, shall be assignable by endorsement in like manner and with like effect as bills of exchange now are, and those which are payable to bearer shall be negotiable and transferable by delivery only. And no note shall be issued by the president and directors of the said corporation below one dollar.

No note to be issued below one dollar. *XIII. Be it further enacted,* That the said corporation shall not deal except in gold or silver coin or bullion, bills of exchange, promissory notes expressing on the face of them to be negotiable and payable at the said bank or some of its branches, in the public debt of the United States, in stock of the present bank of the United States or such other bank as may hereafter be established by a law of the United States; *Provided,* That investment in such stock shall not exceed one half of the capital stock of the bank hereby created.

In what the bank shall deal. *XIV. Be it further enacted,* That the said corporation shall not take more than at the rate of six per cent. per annum upon its loans or discounts, which may be received in advance at the time of discount; and that half yearly dividends shall be made of so much of the profits of said bank as shall appear to the directors advisable.

Rate of interest. *XV. Be it further enacted,* That if any person or persons hold any note or notes of said bank shall present the same for payment at the principal bank, or either of its branches or agencies, where such note or notes are payable, and the payment shall be refused, the said note or notes shall draw interest at the rate of two per cent. per annum, from the time of said demand; and the said bank shall pay the same, any law to the contrary notwithstanding.

Notes to draw interest. *XVI. Be it further enacted,* That a tax of one per cent. per annum shall be levied on all stock held by individuals in such bank which shall be paid to the Treasurer of the State by the President or Cashier of the Bank on or before the first day of October in each and every year; the tax to commence from and after the first day of October, one thousand eight hundred and thirty eight.

Individual stock to be paid after 1838. *XVII. Be it further enacted,* That once in every year the directors shall lay before the stockholders at a General Meeting a particular and full statement of the affairs of the bank; a copy of

which statement it shall be the duty of the President of the bank to transmit without delay to the Public Treasurer, to be by him secured and finally transmitted to the General Assembly.

XVIII. *Be it further enacted*, That the State of North Carolina may at any time from the first General Meeting of the stockholders, or shall have power to subscribe for ten thousand shares of one hundred dollars each, of the capital stock aforesaid; and upon such subscription the State shall have a right to appoint one director for every two hundred and fifty thousand dollars subscribed as aforesaid, to be nominated by the Governor, unless otherwise directed by law; and the said shares subscribed for by the State, shall be paid in the same manner as payments by individual subscribers. *Provided*, That no member of the General Assembly shall be eligible either as president or director.

These shares may be paid for in three or more installments of stock, and the directors may receive for every \$25,000 subscribed, a Proviso.

XIX. *Be it further enacted*, That it shall be at all times lawful for any committee appointed by the General Assembly for that purpose to inspect the books and examine into the proceedings of the said corporation, and to report whether the provisions of this charter have been violated or not; and if such committee find and report that the charter in any of its provisions has been violated, the General Assembly may institute such proceedings against the said corporation, as are now allowed by law.

Any committee appointed by the Legislature may inspect the bank books.

XX. *Be it further enacted*, That after the time when the State shall have become a stockholder in said bank, as provided for by this act, at all meetings of the stockholders, the Governor for the time being or such other person or persons as he, or the Legislature may from time to time appoint, shall attend and act on behalf of the State, and shall have the same number of votes (except in the election of directors, and in that case shall have no vote) to which the greatest number of stockholders may be entitled, possessing an equal number of shares with those owned by the State at the time of such election.

When and in what manner the State may vote.

XXI. *Be it further enacted*, That if any cashier, clerk or other officer of said bank, its branches or agencies, shall fraudulently convert or appropriate the money of the same, or any of the funds, bills or notes of the same to his own use, or shall embezzle or purloin the same, he shall be held and deemed guilty of felony, and prosecuted accordingly.

Officers fraudulently using the funds, deemed guilty of felony.

XXII. *Be it further enacted*, That the directors shall be allowed to keep open the subscription books until the whole stock shall be taken.

Books kept open till all the stock is taken.

XXIII. *Be it further enacted* That the notes or bills of said bank shall be received in payment of taxes or any other debts due to the State.

Notes to be taken in payment of taxes.

XXIV. *Be it further enacted*, That no officer of said bank shall be permitted to be indebted thereto, at any time, for loans made to himself or for his use, a sum exceeding three thousand dollars. *Provided*, It shall not be lawful for any one person to subscribe for more than one hundred shares, or to own, possess, or to have any interest in said bank, for more than one hundred shares, directly or

No officer to owe the bank a larger sum than \$3,000. Proviso.

indirectly, from the opening of the books until the end of sixty days.

CHAPTER II.

An Act to vest the right of electing the Clerks of the County and Superior Courts, in the several counties within this State, in the free white men thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the next election for members of the General Assembly within this State, the sheriffs, deputy sheriffs, inspectors and all persons holding the elections, shall open a poll and receive votes given for county and superior court clerks, in the same manner and under the same rules and regulations that they now receive and return votes for members of the General Assembly; and in case of the failure of persons appointed to hold said elections, or either of them, it shall be competent for a justice of the peace and two freeholders to supply such vacancy.

II. *And be it further enacted,* That all free white persons qualified to vote for members of the House of Commons in the General Assembly of this State, shall be entitled to vote for clerks of the superior and county courts in their respective counties.

III. *And be it further enacted,* That the sheriffs or other persons qualified to hold said elections, shall at the court-house or place of returning or comparing the polls, declare the person or persons having the highest number of votes, duly elected clerk of the county or superior court, as the case may be, who shall continue in office for the term of four years next after their qualification; and in the event of two or more persons having an equal number of votes for either of the offices aforesaid, then and in that case the court of pleas and quarter sessions, a majority of the acting justices being present, shall proceed to make the election as now prescribed by law in case of the election of sheriffs; and said courts, in manner aforesaid, shall be a competent tribunal to decide all contested elections arising under this act.

IV. *And be it further enacted,* That the clerks elected under this act shall, at the first term of their respective courts, which shall happen after their election, execute and tender to the said courts such bonds, and take such oaths as now are or hereafter may be prescribed by law; and where a vacancy shall be occasioned by failure to give the necessary bonds, refusal or neglect to qualify, death, resignation, removal or otherwise, the court in which such failure may happen, shall proceed to fill the vacancy under the same rules, regulations and restrictions as are now required by law; and the person or persons so appointed, shall continue in office until the next annual election for members of the General Assembly, or the first term of the courts of pleas and quarter sessions, which shall thereafter happen.

V. *And be it further enacted,* That such person or persons and no others, who shall have attained to the age of twenty-one

years, and have resided in the county in which they may have been chosen twelve months immediately preceding the day of election, shall be eligible to the office of county or superior court clerk. *Provided always*, that nothing herein contained shall be so construed, as to repeal the law or any part thereof, which renders the courts liable for neglecting to take sufficient securities of the clerks of the county or superior courts.

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

CHAPTER III.

An Act making an appropriation, and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sum of fifty thousand dollars be, and the same is hereby appropriated for the rebuilding of the Capitol on Union Square, in the city of Raleigh, and shall be paid by the Public Treasurer out of any moneys belonging to the State, in the manner hereafter prescribed. *Appropriated - 50,000 dollars.*

II. *And be it further enacted*, That William Boylan, Duncan Cameron, William S. Mohou, Henry Seawell and Romulus M. Saunders, be, and they are hereby appointed commissioners, to contract for the erection of the said building, and shall take bond from the undertakers for the performance of the contract. *Commissioners.*

III. *And be it further enacted*, That the general plan of the said Capitol, shall be the same as the former building, with such extension of length and height, as may be deemed necessary for the better accommodation of the General Assembly, the lower story of which at least shall be built of stone, and the roof covered with zinc, or other fire proof material. *Plan of the Capitol.*

IV. *And be it further enacted*, That the said commissioners are authorised to take charge of the rock quarry belonging to the State, near the city of Raleigh; and to grant permission to the persons, who shall become contractors for the building of the said Capitol, to use the stone for all the purposes necessary in the said building. *Com'rs. may grant contractors the use of the quarry.*

V. *And be it further enacted*, That the said commissioners or a majority, shall from time to time, as the undertaker shall make progress in the performance of his contract, have power to order the payment of such part of the price of the work, as shall appear to them just, and may have been stipulated in the contract; and their warrant on the Public Treasurer shall be a sufficient authority for the payment of the same. *Undertaker may be paid as the work progresses.*

VI. *And be it further enacted*, That the said commissioners shall have power to employ an architect, for such purposes as they may deem necessary, who shall be paid under the same rules as are prescribed in the preceding section. *Com'rs. have power to employ an architect.*

CHAPTER IV.

An Act to repeal an Act, passed in the year one thousand eight hundred and thirty, entitled, "an Act to repeal part of the second section of an Act, passed in the year one thousand eight hundred and six. Chapter seven hundred and eight," entitled, "an Act to revise the Militia Law of this State."

Repealed so far as regards those averse to bearing arms, who shall produce certificates fr. the clerk of their church, and shall take oath or affirmation to that effect; but subject to tax in time of insurrection, &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 before-recited act, be, and the same is hereby repealed, so far as regards persons having scruples of conscience against bearing arms, who shall produce to the captains of their respective districts, certificates signed by the clerks of their respective churches, that they are regular members thereof; and shall make oath or affirmation before the company court martial of their respective districts, that they are, from religious scruples, averse to bearing arms, and shall produce also certificates from said court-martial, that said oath or affirmation has been duly made; and that such people as produce these certificates shall be subject to taxation in time of insurrection, invasion or war; they shall also be subject to furnish their quota of men, or pay an equivalent.

Exempts to be kept enrolled but not compelled to muster.

II. *Be it further enacted,* That it shall be the duty of every Militia captain in this State, to enrol on his muster-list all Quakers, Moravians, Dunkards, Menonists and others conscientiously scrupulous of bearing arms, residing within his district, and betwixt the ages of eighteen and forty-five; but that they shall not be compelled to muster or perform military duty, except in cases of insurrection or invasion, or pay any tax for said exemption.

CHAPTER V.

An act to amend the militia laws.

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

Maj. gen'l to review his division every year, and Brig. gen'l his brigade every 2 years.

For failure of duty in any gen'l officer, the Gov'r to strike his name fr. the list of officers.

That in future it shall be the duty of a Major General, to review his division once in every three years, and a Brigadier General to review his brigade once in every two years; and should any General Officer fail to review, equip himself, or to make an annual return of the militia of his division or brigade as is now required by law, it shall be the duty of the Governor to cause the Adjutant General to give such delinquent officer thirty days notice of his neglect of duty, and if such delinquent does not within forty days thereafter render a satisfactory excuse for such neglect, by shewing to the Governor that such delinquency happened in consequence of indisposition, absence from the State or other unavoidable accidents, it shall be the duty of the Governor to strike his name from the list of Officers, and report to the next Legislature accordingly.

Some of officer struck off to be published in State paper.

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

Company masters limited to

III. *Be it further enacted,* That it shall not be lawful for the captains of the several companies within this State to call their men together, without their consent for the purpose of company

more than twice in each year, except in cases of insurrection or invasion. *Provided*, That nothing herein contained shall be construed as applying to Volunteer companies; and *provided further*, That whenever any person enters into rank in the extra musters, he shall be subject to the same discipline, and governed by the same rules and penalties, as govern them in their regular musters. Proviso.
Further proviso.

IV. *Be it further enacted*, That in future it shall be the duty of the Commanding Officer, at any regimental, battalion or company muster, to cause the militia to be exercised not less than two hours on each day. Militia exercised at least two hours.

V. *Be it further enacted*, That for the future there shall be to each company of militia second and third Lieutenants. 2d & 3d Lieut. to each co.

VI. *Be it further enacted*, That the counties of Macon, Haywood and Buncombe, shall form the nineteenth brigade; Burke and Iredell the fifteenth brigade; and the nineteenth and fifteenth brigade shall form the fifth division. Montgomery, Cabarrus and Mecklenburg shall form the eleventh brigade; Rowan and Davidson shall form the seventh brigade; Rutherford and Lincoln shall form the tenth Brigade, which eleventh, seventh and tenth brigades shall make the fourth division: Rockingham, Stokes and Guilford shall form the eighth brigade; Surry, Wilkes and Ashe shall form the ninth brigade; which eighth and ninth brigades shall form the ninth division—any law to the contrary notwithstanding. Formation of brigades and divisions.

VII. *Be it further enacted*, That the adjutant General is hereby required to have the militia laws revised and compiled, with Captain's returns, and an index to each pamphlet to be sent, one copy to each field and staff officer and two to each company; which said copies shall be delivered to the Commanding Officer of each regiment to be by him distributed as herein required. Adj. Gen. to have militia laws revised and compiled.

VIII. *Be it further enacted*, That when any commissioned officer shall resign, who shall have received a pamphlet under this act, it shall be his duty to deliver the same to his successor in office, under the penalty of five dollars, to be recovered by warrant before any Justice of the Peace. Officer resigning to deliver pamphlet to his successor.

IX. *Be it further enacted*, That it shall be the duty of the field officers of Cavalry, once in every two years, to review the Cavalry Companies at that place which shall be most convenient in the brigade. Field officers of cavalry to review companies every two years.

X. *Be it further enacted*, That so much of the law, as requires the cavalry to be reviewed at the old district towns, be, and the same is hereby repealed. Part of law repealed.

XI. *And be it further enacted*, That the third section of an act, passed in the year one thousand eight hundred and thirty, amendatory of the militia laws, be, and it is hereby repealed. 3rd sec. of an act amendatory of militia laws repealed.

CHAPTER VI.

An act for the better regulation of Volunteers.

Be 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 number required to constitute a Volunteer Company of No. required to form a vol.

Light Infantry, Grenadiers, Riflemen or Artillery in this State, be reduced to forty-four, inclusive of commissioned and non-commissioned officers, musicians and privates, any law to the contrary notwithstanding.

CHAPTER VII.

An act for the better organization of the militia 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,

All exempts
to be enrolled.

That it shall be the duty of the several captains or commandants of militia companies in this State, to enroll and keep enrolled, on their muster rolls, all the exempts belonging to their respective companies, and who are exempt by law, from performing militia duty, only in time of invasion or insurrection.

No. of exempts
to be returned to
commandants of regiments.

II. *Be it further enacted,* That it shall be the duty of said captains or commandants to return the number of exempts in their annual returns to the commandants of regiments.

Commandants to
make a like return to the
brigadier and
adjutant general.

III. *And be it further enacted,* That it shall be the duty of commandants of Regiments to make a like return of all exempts, in their respective regiments, in their annual returns to the brigadier and adjutant General, in the same manner as is prescribed by law, for making the said annual returns.

CHAPTER VIII.

An act to allow the taking of depositions in cases of removal.

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

In cases of removal of any
cause from one
Court to another
depositions may be taken.

In cases of removal of any cause from one Court of law of one county to another: that after the order of removal, depositions may be taken in the cause, and that commissions may issue from either of said Courts, under the same rules, as if the cause had been originally commenced in the Court from which the commission issues.

CHAPTER IX.

An act to prevent the unlawful asportation of slaves from 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,

of any person
shall unlawfully carry any
slave out of the state,
or shall conceal, or otherwise
aid in the same, they shall be
deemed guilty of felony, and
shall be liable to death.

That if any person or persons, shall wickedly, willingly and feloniously carry, convey or conceal any slave or slaves the property of any citizen or citizens of this State, without the consent, in writing, of the owner or owners, his, her, or their guardian or guardians, of such slave or slaves, previously obtained, or shall feloniously, wickedly and willingly take, conceal, or permit or suffer the same to be done, with the intent and for the purpose of carrying and conveying such slave or slaves out of the limits of this State, with the intent and for the purpose of enabling such slave or slaves to effect an escape out of this State, every such person or persons, so carrying conveying or concealing, or so taking, concealing or causing or permitting the same to be done, with the intent as aforesaid, shall be taken and deemed to be guilty of felony, and shall suffer death without benefit of Clergy.

CHAPTER X.

An act to amend the tenth section of the act of one thousand seven hundred and fifty-one, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality.

Be 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 bonds required to be given by the tenth section of the act of one thousand seven hundred and forty-one, entitled an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality, shall hereafter be made payable to the Governor for the time being and his successors.

Bonds required by the 10th section to be made payable to the Gov'r.

CHAPTER XI.

An act to amend an act passed in the year one thousand eight hundred and thirty-one, entitled an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes.

Whereas, it is provided in the act recited in the above Caption, that every Sheriff shall return upon oath to the Court of Pleas and Quarter Sessions of his county, at the term next preceeding the time at which he shall settle with the Comptroller for Public taxes, a list of all moneys which he may have received for taxes imposed on merchants, retailers of spirituous liquours, pedlars, stage players, &c. &c.; and whereas, the County Court which preceeds the settlement with the Comptroller, happens in many counties in this State, before the Sheriffs can have completed the collection of said taxes in those counties. Therefore

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said lists of taxes required, as above stated to be made to the County Court, may hereafter be returned and filed with the Clerk of the County Court during vacation, which list shall be sworn to, in the presence of the Clerk, before two Justices of the Peace, by the Sheriff returning the same, and a certified copy delivered to the Sheriff to be by him filed with the Comptroller as directed by the aforesaid act of one thousand eight hundred and thirty-one, and for failure in the duties herein prescribed; the person so failing, shall incur the same penalties as are provided by the aforesaid act of one thousand eight hundred and thirty-one.

Lists of taxes required to be made to the County Court, to be sworn to, and a certified copy delivered to the Sheriff by vacation

CHAPTER XII.

An act vesting in the Courts of Pleas and Quarter Sessions of the several counties within this State, the right of establishing additional places of public sale 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 hereafter, the several Courts of Pleas and Quarter Sessions within this State, shall have full power and authority (a majority of the acting Justices being present) to establish additional places of public sale in their respective counties.

County courts may establish places of public sale.

CHAPTER XIII.

An act to provide for the registration of copies of grants for land.

Preamble.

Whereas by the existing laws of the State grants for lands are required to be registered in the county where the lands lie; and whereas it frequently happens by the loss or destruction of grants, that such registration cannot be made: For remedy whereof

Certified copies of grants may be registered, and to have the like effect as the original.

Be 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 any person to cause to be registered in the office of the register, any certified copy of a grant from the office of the Secretary of State, for the lands lying in such county, and such registration duly made shall have the same effect in law as if the original had been registered, any law to the contrary notwithstanding.

CHAPTER XIV.

An act concerning Charities.

Trustees of charities to deliver a full account to the clerk of the county 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 when real or personal property, has been or shall be granted by deed, will, or otherwise, for such charitable purposes as are allowed by law, it shall be the duty of those to whom is confided the management of the property, and the execution of the trust, to deliver in writing a full and particular account thereof, to the clerk of the Court of Pleas and Quarter Sessions of the county where the charity is to take effect at the first term of said Court, which shall be held after the first day of January in each year, to be filed among the records of the said court.

In case of failure or mismanagement of such trustee, the solicitor shall file a bill in equity vs. the trustee.

II. *Be it further enacted,* That if the foregoing requisition be not complied with, or there be reason to believe, that the property has been mismanaged through negligence or fraud, it shall be the duty of the Chairman or acting Chairman of the aforesaid Court, to give notice thereof, to the solicitor, who represents the State in the Superior Court of law and equity, for the aforesaid county; and it shall be his duty to file a bill in equity in the name of the State against the grantees, executors, or trustees of the charitable fund, calling on them to render a full and minute account of their proceedings in relation to the fund and the execution of the trust, under the same rules and regulations as now obtain between private individuals.

Solicitor may bring suit in equity at the suggestion of two citizens.

III. *Be it further enacted,* That the solicitor may also, at the suggestion of two reputable citizens, commence a suit in equity as aforesaid; and in either case, the court may make such order and decree as shall seem best calculated to enforce the performance of the trust, and to effectuate the intention of the donor.

Solicitor allowed fees.

IV. *Be it further enacted,* That the court may allow fees to the solicitor for his services, to be paid by the trustees, the estate, or the county, as shall be ordered by the court.

CHAPTER XV.

An act making compensation to the Secretary of State, for services required of him, by an act of the General Assembly, of one thousand eight hundred and twenty-seven. Chapter twenty-three 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 Secretary of State be allowed the sum of ten cents for each certificate by him made under the act aforesaid, and the sum of ten cents for each and every certificate he shall make previous to the first day of March next, to be paid by the public Treasurer; for which he shall be allowed in the settlement of his public accounts. Secretary's fee for making out certificate.

II. *And be it further enacted,* That from and after the first day of March next, the Secretary of State shall be allowed as his fee of each grant made out, recorded and delivered, the sum of seventy-five cents, to be paid by the grantee on the delivery of the grant, which shall be in full for all his services in making the certificate for the enterer to pay the purchase money into the treasury upon, and all other services to be performed by him for the completion of such grant. Fee for making out grant.

III. *And be it further enacted,* That hereafter, the Secretary of State shall be entitled to demand as a fee for copying large grants obtained for speculation, or the surveys on which such grants were made, the sum of fifty cents for each warrant of six hundred and forty acres contained in such survey and grant: *Provided,* That the fees for copying shall in no case exceed five dollars. Fee for copying grants.
 Proviso.

CHAPTER XVI.

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

Be 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 have made entries in the years one thousand eight hundred and twenty-nine, and one thousand eight hundred and thirty, and have had the same surveyed, and who have 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. Extends the time 12 months.
 Proviso.

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

CHAPTER XVII.

An act to continue for a longer time, the Neuse Navigation Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the several acts of the General Assembly, incorporating the Neuse Navigation Company, amending the provisions of the charter, and prescribing and regulating the conduct of the corpora- Continues in force 10 yrs.

tion and which will shortly expire, be continued in force for ten years longer, any law to the contrary notwithstanding.

CHAPTER XVIII.

An act declaratory of the law now in force, giving to the Courts of Pleas and Quarter Sessions of the several counties within this State, the power to alter and fix separate places of election.

Preamble.

Whereas, doubts have arisen, whether by the existing laws of this State, it is competent for the Court of Pleas and Quarter Sessions of the several counties within this State, to create new separate places of election, in their respective counties,

Co'ty courts may alter, renew and establish places of election.

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 hereafter the several Courts of Pleas and Quarter Sessions in this State shall have full power and authority (a majority of the acting Justices being present,) to alter, fix, establish, discontinue or create anew, such separate places of election as said courts may from time to time deem expedient.

CHAPTER XIX.

An act to render the land of a deceased debtor liable for the costs, where the plea of "fully administered," has been found in favour of his executor or administrator.

Where the plea of "fully administered" is found in favour of an executor or adm'r. the land of the dec'd debtor shall be liable for costs.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases where the plea of fully administered, has been found in favour of an executor or administrator, and the plaintiff in the original action, resorts to a *scieri facias* to render the land of the deceased testator or intestate liable for the satisfaction of his debt, he shall be entitled to recover all the costs expended in his former suit, and the same shall be assessed by the jury and judgment rendered therefor in like manner as for his debt.

CHAPTER XX.

An act authorising widows of persons dying intestate to file their petitions for a year's support, before letters of administration are granted.

Widows may file their petitions for a year's support before letters of administration are granted, which shall be heard and granted. Com'rs may allot any personal property, except the

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That when a person shall die intestate leaving a widow, such widow may at any time, before letters of administration are granted, file her petition in the County Court, praying the said court to appoint one Justice of the Peace and three freeholders unconnected with the said widow, who shall view the estate of such intestate, and to allot and point out such part of his personal estate as they are now by law authorised to do for the support of the widow and family, for the space of one year, and make return of the same, under their hands and seals to the next County Court, in the same way that they are now required to do by law in other cases; any law, usage, or custom to the contrary notwithstanding. *Be it further enacted,* That it shall be lawful for the said justice and freeholders to allot and set over to any such widow, any article or articles of the personal property, (negroes except-

ed) of such intestate and also any debt or debts known to be due to such intestate; and such allotment shall vest in such widow the right to collect by warrant or otherwise, by action of debt in her own name the debt or debts so allotted to her.

groes, also any debts due the intestate.

CHAPTER XXI.

An act amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies; and prescribing the mode of enforcing the collection of tolls.

Whereas the power of seizing and selling any boat or vessel which may refuse to pay tolls when demanded, has been secured by acts of the General Assembly, to the Roanoke Navigation Company, and to the Cape Fear Navigation Company; and whereas doubts have arisen as to the constitutionality of said grant or power, because said acts have not expressly reserved to the owner or master of said boat or vessel, so seized as aforesaid the right of replevying the same; and whereas the right of replevying any boat or vessel so seized as aforesaid is a right at common law, and is not necessary to be secured by statute, yet to remove all doubts and to prescribe the mode of exercising said right to replevy.

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 on the seizure of any boat or vessel by any collector of tolls of either of said Navigation Companies for the collection of tolls, the owner or master of said vessel so seized as aforesaid, or the agent of said owner, shall be permitted to replevy said boat or vessel so seized as aforesaid, by giving bond with two good securities, in a sum not less than twice the amount of the toll claimed as aforesaid, payable to either of said companies in whose behalf the same has been demanded as aforesaid conditioned for the appearance of said master or owner at the next term of the Court of Pleas and quarter Sessions or of the Superior Court of the county in which such seizure has been made as aforesaid, at the discretion of the collector making such seizure; and further conditioned that the person giving said bond shall stand to abide by, and perform such judgment or decree as may be rendered in favor of the company in whose behalf such seizure has been made; and the court at which such master or owner is bound to appear as aforesaid, shall make up at the appearance term an issue, to try if any thing is due to said company for tolls as aforesaid by said master or owner and what amount is so due, and that the said issue shall stand for trial at the second term of the court to which said bond may be returned as aforesaid, and said court shall render judgment for the amount which may be due as aforesaid and for costs of suit; and on judgment being rendered in favor of the obligee in said bond, judgment shall also be rendered against the securities on said bond on motion, under the same rules, regulations and restrictions as on appeal bonds for appeals from the County to the Superior Courts; and that any collector of tolls of either of said companies in making

Boats or vessels seized by any collector for toll, may be replevied, by the owner giving bond for his appearance at court, there to abide the judgment of the same.

Collectors to have the au-

thority of a said seizure as aforesaid shall be authorised and empowered to sheriff in ex- summon persons to assist them, and shall have in making such ecut'g a writ. seizure all the power and authority of a Sheriff in executing a writ of Judicial attachment.

Masters r
own'rs of ves-
sels to render
a true list of
all articles on
board liable
to toll, under
the penalty of
\$500.

II. *Be it further enacted*, That the master or owner of every boat or vessel plying in the river Cape Fear, between the ports of Wilmington and Fayetteville, shall at the commencement and completion of every trip or voyage render to the collector of tolls of the Cape Fear Navigation Company a true and correct list of all articles on board such boat or vessel liable to toll as aforesaid, both at the port of departure and of destination, if required by the said collector of tolls, which list shall be rendered on oath, which oath any Justice of the Peace of the counties of New Hanover, Bladen and Cumberland, is authorised to administer; and the said master or owner omitting to furnish such list for forty-eight hours after the same may be required as aforesaid, shall forfeit the sum of five hundred dollars, to be sued for by action of debt in the Superior Court of the county in which such requisition may have been made, in the name and to the use of any person suing for the same; and the said collector of tolls shall have power and authority to enter at all times on board any such boat or vessel either lading or laded as aforesaid, to ascertain what articles may be on board liable to toll as aforesaid.

Persons resist-
ing the col-
lector in the
performance
of his duty,
subject to in-
dictment.

III. *Be it further enacted*, That any person resisting the seizure of any boat or vessel by any collector of tolls as aforesaid, or shall resist the entry on board of any boat or vessel to ascertain what articles are on board liable to toll as aforesaid, shall for each and every act of resistance be subject to indictment in the Superior Court of the county where such offence may be committed, and on conviction, such offender may be fined and imprisoned at the discretion of the court in which such conviction may take place; and in case any collector shall in such seizure transcend the powers vested in him by law, he or they shall be subject to indictment in like manner as persons making resistance.

CHAPTER XXII.

An act to provide for the more prompt administration of justice in the counties of Burke, Buncombe, Lincoln and Rutherford.

Special terms
of the sup'r
court shall be
held to conti-
nue one week

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That special terms of the Superior Courts of law and equity shall be opened and held for the county of Buncombe on the fifth Monday of July next; for the county of Rutherford on the first Monday in August next; for the county of Lincoln the second Monday in August next; and for the county of Burke on the third Monday of August next; each of said courts to continue for the term of one week, in like manner and under all the rules and regulations now prescribed by law, for the Superior Courts of law and equity holding for said counties.

The co. court
preceding to

II. *Be it further enacted*, That the County Courts which may be held next, immediately proceeding the special Terms provid-

ed by this act, shall proceed to draw fifteen jurors to serve at the special courts provided by this act. And the clerks of the County Courts, and the Sheriffs of said counties respectively, shall in delivering lists to the Sheriffs, and in summoning said jurors, discharge the same duties as now prescribed by law.

draw 15 jurors to serve said special courts.

III. *Be it further enacted*, That the Superior Court of law and equity, provided to be held by this act, shall have jurisdiction of all civil causes pending for trial in said courts and of all criminal causes pending as aforesaid, whenever the party defendant shall be in actual confinement, and bills of indictment shall have been previously found, in as full and ample manner as the Superior Courts of law and equity now held for said counties.

Jurisdiction of said courts.

IV. *Be it further enacted*, That whenever a criminal cause shall be for trial in pursuance of the provisions of this act, it shall be the duty of the presiding Judge to assign counsel for the State; and the counsel so assigned and acting shall receive the same fees, in the event of conviction, as are now allowed by law.

Judge to assign counsel for the state.

V. *Be it further enacted*, That all mesne process, and no other, in causes pending for trial at the special terms provided to be held by this act, shall be made returnable to the said terms under the same rules and regulations now prescribed by law for the issuing, service, and return of such process.

What process shall be made returnable to said terms.

VI. *Be it further enacted*, That the Governor of the State shall issue a commission to some one of the Judges of the Superior Courts of law and equity for this State, commanding and authorizing him to hold the several courts provided for by this act, and the Judge so holding said courts shall receive the same compensation as is now received, to be paid under the same rules and regulations as are now prescribed by law, for the payment of the Judges of the Superior Courts of law and equity.

Governor to issue a commission to one of the judges to hold said courts.

VII. *Be it further enacted*, That all executions issuing from the Courts provided to be held by this act, shall be made returnable in the manner following, to wit: to the Superior Court of law and equity already provided to be held for the county of Beaufort, on the third Monday after the fourth Monday in March one thousand eight hundred and thirty four; to the like court, provided to be held for the county of Rutherford, on the fourth Monday after the fourth Monday in March, one thousand eight hundred and thirty four; to the like court, provided to be held for the county of Lincoln, on the fifth Monday after the fourth Monday in March, one thousand eight hundred and thirty four; and to the like court, provided to be held for the county of Burke, on the fourth Monday in March, one thousand eight hundred and thirty four.

How executions, issuing from the said courts, shall be made returnable.

VIII. *Be it further enacted*, That the clerks and sheriffs of the counties herein before mentioned, shall attend the courts provided to be held by this act, in like manner as they are now required to attend the Superior Courts of law and equity already provided to be held by law.

Clerks & sheriffs to attend said courts.

IX. *Be it further enacted*, That the provisions of this act shall

This act not to prevent the

holding of superior courts in no wise be construed to prevent the holding of the Superior Courts of law and equity, now provided to be held by law.

CHAPTER XXIII.

An act to create one additional wreck district in the county of Hyde and for other purposes.

Wreck district divided into two.

Be 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 wreck district of said county, which commences at New Inlet, shall be, and the same is hereby divided and formed into two districts; the first district shall commence at said New Inlet, and extend to Ira Midgetts; the second district shall commence at said Ira Midgetts and extend to Bald Beach.

Wreck master to appoint.

II. Be it further enacted, That one wreck master shall be appointed for the first district created by this act, under the same rules, regulations and restrictions as are prescribed by law in cases concerning wrecks, and this act shall be in force from and after the ratification thereof; and any thing contained in any other, or former law, coming within the meaning and purview of this act, shall be, and the same is hereby repealed.

CHAPTER XXIV.

An act to prevent disputes in consequence of a late survey of the line dividing the counties of Anson and Mecklenburg.

Running the dividing line shall not affect legal titles to lands.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the running and establishing said dividing line by the commissioners appointed in the year one thousand eight hundred and twenty-nine, shall not in any wise whatever, affect the legal title to lands of the claimants of either county in consequence of the said line not being found by the said commissioners to run as it was supposed to run previous to the survey aforesaid.

Read three times and ratified in General Assembly,
bly, this 10th day of January, A. D. 1832.

LOUIS D. HENRY, S. H. C.
W. D. MOSELEY, S. S.

A true copy,

WM. HILL, Secretary.

PRIVATE ACTS.

CHAPTER XXV.

An act, to enact with sundry alterations and additions, an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company, and for other purposes," passed by the Legislature of Virginia, on the eighth day of March, one thousand eight hundred and thirty-two.

Whereas it is represented, that the General Assembly of the Commonwealth of Virginia, hath passed an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company and for other purposes," in the words following, to wit:

Be it enacted by the General Assembly, That it shall be lawful to open books at the town of Portsmouth, under the direction of Arthur Emmerson, Francis Grice, Mordcai Cooke, John W. Murdaugh, William Benthall, John P. Leigh, Holt Wilson, Robert B. Butt, John Hodges, John Thompson, John A. Chandler, Enoch Choate, Henry Singleton, Charles F. Niemeyer, John Talbot, John Cocke, Samuel Watts and John W. Collins, or any five of them; in the town of Norfolk, under the direction of John Tunis, Joseph H. Robertson, John B. Roy, William C. Holt, Miles King, Robert E. Taylor, Joseph T. Allyn and Harrison Allmand, or any three of them. At Suffolk, under the direction of Mills Riddick, John C. Cohoon, Richard H. Baker, Richard Goodwin, Richard D. Webb, James McGuire, John T. Kilby, Joseph Prentis and David Jordan, or any three of them. At Smithfield, under the direction of George Wilson, Archibald Atkinson, James C. Jordan, James Chambers, Watson P. Jordan and Mallory Todd, or any three of them. At Jerusalem, under the direction of James Rocielle, William B. Goodwyn, Carr Bowers, George T. Kilby, Jeremiah Cobb, James Urquhart, Thomas Pritlow, Thomas Newsum, or any three of them. At Hick's Ford, under the direction of Nathaniel Land, T. Merritt, Benjamin Maclin, Thomas Spencer, Henry Wyche, John D. Maclin, Meriwether Brodeax and Augustin Claiborn, or any three of them. At Lawrenceville, under the direction of Stephen D. Watkins, Henry Lewis, James H. Gholson, Richard K. Meade, junior, John E. Shell, Diggs Poyner and James B. Claiborn, or any three of them. At Boydton, under the direction of William Townes, Charles Baskerville, Clark Royster, William O. Goode, Richard Russel, Alexander G. Knox and Conrad Bayd, or any three of them. At Halifax Court House, under the direction of William B. Banks, Edward C. Carrington, James C. Bruce, Armstead Barksdal, William D. Sims, Thomas Easley, Henry Edwards and William Bailey, or any three of them. At Danville, under the direction of Benjamin W. S. Cabell, Thomas Rawlins, Vincent Witcher, Nathaniel Wilson, William Swanson, John Dickinson, Thomas Tunstall and David C. Clark, or any three of them; and at such other places, and under the direction of such other persons, as the commissioners herein named for the town of Portsmouth may appoint, for the purpose of receiving subscriptions to the amount of four hundred thousand dollars, to be divided into shares of fifty dollars each, to constitute a joint capital stock, for the purpose of making a Rail-road from the town of Portsmouth, in the county of Norfolk, to some point on the Roanoke river to be selected by the company herein incorporated; the time and place of receiving subscriptions as aforesaid, shall be advertised in the newspapers published in the borough of Norfolk; and the books for receiving the same shall

not be closed in less than ten days; and if it shall appear that more than eight thousand shares of the capital stock aforesaid, shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners appointed to receive subscriptions at Portsmouth, or any five of them, to reduce the number of shares subscribed for among the subscribers, in like and equal proportions, to the amount of stock subscribed for respectively by each, until the whole amount of shares shall have been reduced to eight thousand; but if the whole number of shares shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued open, as a majority of the above named commissioners appointed to receive subscriptions at Portsmouth may judge to be most beneficial, until the whole number of shares shall be subscribed for.

When three thousand shares shall be subscribed in manner aforesaid, the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a Company, by the name and style of "The Portsmouth and Roanoke 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 by-laws, rules and regulations not inconsistent with the constitution and laws of this State, or of the United States, as shall be necessary for well ordering and conducting the affairs of the company.

Upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, their deputies or agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as it may be required by the president and directors of said company. The said commissioners and deputy commissioners shall forthwith, after the election of the president and directors of the company, pay over to the said president and directors all moneys 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 or inferior court of the county or corporation wherein such commissioner or commissioners, their executors or administrators may reside. The clerk shall endorse on the execution which shall issue on such judgment, that no security shall be taken, and the sheriff or other officer shall govern himself accordingly.

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, 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 entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present either in person or by proxy: and if a sufficient number to constitute a meeting do not attend on that day, those who do attend may adjourn from time to time until a meeting shall be formed. The subscribers at their general meeting aforesaid, 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 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 four or more of the directors who shall appoint one of their own body president pro tempore, shall constitute a board for the transaction of business. In case of a 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.

The president and directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair and maintenance of a rail road, to be located as aforesaid, with as many sets of tracks as they or a majority of them may deem necessary, and may cause to be made; and also may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of the said rail road. They shall also 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 respecting the same, which they shall judge necessary and proper; to require from the subscribers from time to time such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be paid; to call in any emergency a general meeting of the stockholders, giving one month notice thereof in any one or more of the newspapers herein before mentioned; to appoint a clerk, treasurer and such other officers as they may deem proper; and to transact all the business of the company, during the intervals between the general meetings of the same. 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 as aforesaid, it shall and may be lawful for the said president and directors or a majority of them, to sell at public auction, and 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 said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the said president and directors may recover the balance of the original proprietor, or his assignee or the executor or administrator of either of them, by motion on ten day's notice before the court of that county of which he is an inhabitant, or by warrant if the amount does not exceed twenty dollars, before a justice of such county; and any purchaser of such stock, under the sale by the president and directors, shall be subject to the same rules and regulations as the original proprietor.

The president and directors, their officers, agents and servants shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make the said rail road, and to lay out the same according to their pleasure, so that neither the dwelling house, garden, orchard, yard nor curtilage of any one be invaded without his consent. If the president and directors cannot agree with the owner of the

land, on the terms upon which the said rail road shall be opened, it shall be lawful for them to apply to the court of the county in which the land lies, and upon such application, it shall be the duty of the court to appoint five discreet, intelligent, disinterested and impartial freeholders, to assess the damages to such lands, which will result from opening the said rail road through it. No such appointment, however, shall be made, unless ten days previous notice of the application shall have been given to the owner of the land, or the guardian, if the owner be an infant; or to the committee, if the owner be non compos mentis, if such owner, guardian, or committee can be found within the county; or if he cannot be found, then such appointment shall not be made unless notice of such application shall have been published, at least one month next preceding, in some newspaper published nearest the said land, and shall have been posted at the door of the Court House on the first day at least of the next preceding term of the said court. A day for the meeting of the freeholders to perform the duties assigned them shall be designated in the order appointing them, and any one or more of them attending on that day may adjourn from time to time until their business shall be finished. Of the five freeholders so appointed, any three or more may act after being sworn or solemnly affirmed before some justice of the peace, that they will impartially and justly, to the best of their ability, ascertain the damages which the proprietor of the land will sustain from opening the said rail road through the same, and that they will truly report their proceedings thereupon to the court of the said county.

It shall be the duty of the said freeholder, in pursuance of the order appointing them, to assemble on the land through which the rail road is to be opened, and after viewing the same, and hearing such proper evidence as either party may offer, to ascertain, according to the best of their judgment, the damages which the proprietor of the land will sustain by opening the rail road through the same. In performing this duty, they shall consider the proprietor as being the owner of the whole fee simple interest; they shall take into consideration the quality and quantity of the land which the rail road will occupy; the additional fencing and gates which will be required thereby, and all other inconveniences which will result to the said land, from opening the said rail road; and shall combine therewith a just regard to the advantages which the owners of the land will derive from the opening the rail road through the same. When the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in the manner and form prescribed in the ninth section of the act, entitled, "an act prescribing certain general regulations for the incorporation of Turnpike companies," passed February seventh, one thousand eight hundred and seventeen, after varying the same so as to make it applicable to the said rail road. At the foot of the report so made, the justice before whom the said freeholders were sworn or affirmed shall make a certificate in the manner and form prescribed in the same section of the aforesaid act, varying the same as aforesaid. The report of the freeholders so made, together with the certificate of the justice as aforesaid shall be forthwith returned by the said freeholders to the court of the said county, and unless good cause be shown against the report it shall be affirmed by the court and entered of record. But if the said report should be disaffirmed, or if the said freeholders being unable to agree,

should report their disagreement, or if from any other cause they should fail to make a report within a reasonable time after their appointment the court may at its discretion, as often as may be necessary, supersede them, or any of them, appoint others in their stead, and direct another view and report to be made in the manner above prescribed. On the affirmation of any such report and on the payment, or tender, to the proprietor of the land of the damages so ascertained, or the payment of such damages into court, when for good cause shown, the court shall have so ordered it, the president and directors shall be at liberty to open the said rail road, upon the grounds viewed and assessed by the freeholders as aforesaid.

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

If the said president and directors shall not obtain the consent of the proprietor or proprietors of any land through which they propose to open and construct the said rail road, and shall not apply to the said county court, and procure assessors or valuers to be appointed as before directed, within forty days from the time the said president and directors, their superintendents, agents, contractors, labourers, or servants, shall commence opening and constructing the said rail road through such land, then it shall be lawful for the proprietor or proprietors of such land, at any time previous to, an application for the appointment of valuers, by the said president and directors, giving the said president and directors ten days previous notice, by serving the same on the president or any one or more of the directors, to apply to the said county court; and upon such application, it shall be the duty of the said court to make the appointment of assessors or valuers as before directed, who shall be qualified in the same manner, and shall, upon the same principles and in the same manner in all respects, proceed in issues and report to the court the damages that will result to the proprietor or proprie-

tors of such land, as if they had been appointed on the motion of said president and directors; and the said court shall proceed upon the said report, and confirm, or set aside the same, and appoint other assessors or valuers, in all respects, as if the same had been by assessors or valuers appointed on the motion of the said president and directors; and if the said president and directors, shall not pay to the proprietor or proprietors of such lands nor into court, the damages assessed during the term of the said court at which the report thereof shall be confirmed, at any time after the adjournment of the court, on the like application, the clerk shall issue the like execution for the amount of the damages, against the said company.

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

Whenever, in the construction of the said rail road, it shall be necessary to cross or intersect any established road or way it shall be the duty of the said president and directors so to construct the said rail road across any road or way already or hereafter to be established by law, as not to impede the passage or transportation of persons or property thereon. And when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual, proper waggon ways across the said rail road, from one part of his land to another. The said president and directors shall have power to purchase, with the funds of the said company, and place on the said rail road, all machines, waggons, vehicles, carriages and teams of any description whatsoever, which they may deem necessary and proper for the purposes of transportation. All machines, waggons, vehicles and carriages, purchased as aforesaid, and the works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective share holders of the company forever, in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatever. So soon as a section of ten miles of the 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 the said rail road, and which they shall be required to transport to any point to which the said rail road may be com-

pleted, in the order in which the company shall be required to transport the same, after it shall have been deposited convenient to the said rail road, so that equal and impartial justice shall be done to all the owners of produce or other commodities in the transportation thereof by the company: *Provided*, The owners of the produce or other commodities required to be transported by the said company shall pay or tender to the said company at their toll gate or gates the toll due upon such produce or other commodities under this act.

And it shall be lawful for the said president and directors, and they are hereby authorised, to erect on such section or sections a toll gate or gates and to demand and receive the following rates of toll, to wit: On all goods, produce, merchandize or commodity, of any description whatsoever, a sum not exceeding eight cents per ton per mile; and for the transportation of passengers a sum not exceeding six cents per mile for each passenger. It shall be lawful for the said company to erect scales at their toll gate or gates to weigh the burthen of any waggon, carriage, machine, or other vehicle, used in transporting produce or other commodities along the said rail road.

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

In counting all votes of the said company each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten by him held at the time in the stock of the said company. The president and directors shall render distinct accounts of their proceedings and disbursements of money, to every annual meeting of the stockholders.

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

If any toll gatherer, at any toll gate to be erected under 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 costs, 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 awarded against him, the said company shall be liable to pay the same.

If the said president and directors, within three years from the passage of this act, shall not begin the said work, 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.

The said president and directors shall cause to be written or printed, certificates for shares of stock in the said company, and shall deliver one certificate, signed by the president and countersigned by the treasurer to each:

person for every share subscribed by him; which certificate shall be transferable by him, subject, however, to all payments due or to become due; and such assignee having first caused the transfer or assignment to be entered in a book of the company, to be kept for that purpose, shall thereafter become a member of the said company, and shall be liable to pay all sums due, or which shall become due, on the stock assigned to him: *Provided, however,* That such assignment shall in no wise exempt the assignee 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.

If the said president cannot agree with the proprietors for the purchase and sale of any such quantity of ground not exceeding one acre, at one place, as may be necessary for the accommodation of a toll house or house to cover any station, machine or engine for stables, which may be erected on the said rail road, it shall and may be lawful for the said president and directors to apply for and obtain from the court of the county in which the said land may lie, a writ of *ad quod damnum*, upon which such proceedings as are denominated shall and may be had, as are prescribed for the condemnation of an acre of land for the abutment of a mill dam, in the act entitled an act to reduce into one the several acts concerning mills, mill dams and other obstructions to water courses, passed March second, one thousand eight hundred and nineteen, so far as the provision thereof may be applicable to this case.

And upon the payment of the value found by this jury, upon any such writ, to the owner or proprietor of the ground so condemned and located by the jury, or upon the payment thereof into court, when for good cause shown, the court shall have so ordered it, the said president and directors, and their successors, shall be and stand seized of the ground so condemned and located in fee simple.

It shall be lawful for the said company to purchase lands from the proprietors, at each point of termination of the said rail road or the vicinity thereof, not exceeding ten acres, to be used by them for all necessary purposes of said rail road or to be disposed of by them when they shall deem it proper.

If any person shall wilfully by any means whatever injure, impair or destroy any part of any rail road constructed under 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 commonwealth at the time for the protection of public works or property of the commonwealth.

It shall and may be lawful for the Trustees of the town of Portsmouth to subscribe for such portion of the Capital of the said Portsmouth and Roanoke Rail Road Company, not exceeding fifty thousand dollars as they shall deem expedient, upon the same terms and conditions as those upon which subscriptions are authorised to be made by individuals; and the said trustees shall possess and enjoy the same rights and privileges as shall be possessed and enjoyed by the individual stockholders in the said company; *Provided,* That before the said trustees shall be allowed to subscribe as aforesaid, the propriety of doing so shall be determined upon in a town meeting of those persons qualified to vote for trustees of the said town, upon one week's previous notice of the time and place of such meeting, published in at least one of the Newspapers of the borough of Norfolk or town

of Portsmouth. When the said trustees shall have been authorized as aforesaid, and the subscription made, they shall be and are hereby authorized for the purpose aforesaid, after the first day of April next, to borrow upon such terms as they may choose to accept, any sum of money not exceeding the amount subscribed by the said trustees to the stock of the said company. And the said trustees shall have power, either by deed or ordinance, to convey or pledge all the estate belonging to the trustees of the said town, and also to appropriate any portion of their revenue for the payment of any sum of money which may be borrowed under the authority of this act. It shall likewise be lawful for the said trustees and they are hereby authorized and empowered, to levy, assess and collect a sum not exceeding three thousand dollars in any one year, which sum, with the dividends on the said stock, shall be applied annually to the purpose of paying the interest and for the redemption of the principal, of any loan which the said trustees may negotiate under the authority of this act. The said trustees shall be, and they are hereby authorized and directed to apply the moneys raised or to be raised, under the authority of the act entitled "an act to revive and amend an act entitled an act to authorize a lottery and the sale of certain lots in the town of Portsmouth," passed February the fourteenth, eighteen hundred and twenty nine, and the act amending the same, passed March the twenty-sixth, eighteen hundred and thirty-one, to the subscription of stock in the said company, and the payment thereof, and to apply annually one half of the dividends arising from the stock so subscribed and paid for, to the redemption of the principal of the loan herein before authorised, until the said loan of fifty thousand dollars shall be fully discharged, and the other half of said dividends, to the purposes of the above recited acts; and after the said loan shall have been fully redeemed, then the whole of the dividends arising from the stock taken and subscribed for by the said trustees, under this and the next preceding section, shall be applied by the said trustees to the general improvement of the said town of Portsmouth.

This act shall commence and take force from the passing thereof.

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

It Be it further enacted, That the assent of this Legislature shall not be given to those portions of the before recited act which prescribe the mode and manner to be observed by the president and directors of the company aforesaid, their officers, agents and servants, in entering upon the land of the proprietors, and in obtaining from them, land, wood or timber, stone, gravel and earth within the limits of this State, for the necessary and expressed purposes of the said rail road.

III. And be it further enacted, That if the president and directors cannot agree with the owners of land, in this State, through which it may be necessary to make the said rail road, as to the terms upon which the said rail road shall be opened through the same, then it shall and may be lawful for the said president and directors to file their petition in the Court of Pleas and

Quarter Sessions of the county wherein the land lies, under the same rules and regulations as are now prescribed by law in laying off public roads; and upon the filing of said petition, the same proceedings shall be had as in cases of public roads. And when the jury shall have laid off said road and assessed the damages to be paid to the owners of the land through which the same shall be laid off, then it shall be lawful for the said president and directors, upon paying to the owner or owners of said land, his, her or their guardian, as the case may be, or into the office of the clerk of the Court of Pleas and Quarter Sessions of the county wherein the land lies, the sum or sums so assessed, to enter upon the land, lay off and construct their rail road thereon, to make all necessary excavations and embankments, bridges and other structures necessary to the construction and preservation of the level of the said rail road. And to hold the said land to their own use and benefit for the purpose of preserving and keeping up said rail road during the continuance of the corporate existence by this act given to them, and at any time to remove off from the same all fixtures which they may deem it necessary from time to time to put thereon for the purpose of constructing or keeping up said rail road; and in all things to have the same power and authority over said land so laid off, during their existence as a corporation, under the laws of this State, as though they owned the fee simple therein: *Provided*, that nothing in this act contained shall be construed to give power to the jury to lay off said road through the yard, garden, curtilage or burial ground attached or appurtenant to the dwelling house or any plantation through which it may be deemed necessary to lay off said road, without the consent of the owner thereof.

IV. *And be it further enacted*, That whenever any wood, stone, gravel, or earth may be wanted for the construction or repairing of the said rail road, and if the president and directors cannot agree with the owners of lands adjacent in this State as to the terms on which they can procure the same, then it shall and may be lawful for the said president and directors, by themselves, their officers, agents or servants, to enter upon any adjacent lands not in a state of cultivation, and take therefrom all wood, stone, gravel or earth, so 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, stone or earth, constituting any part of a fence or building: and when any stone, gravel, earth or wood shall be so taken, as in this section is provided, it shall and may be lawful for the owner to file his, her or their petition in the Court of Pleas and Quarter Sessions of the county wherein said land lies, from which said earth, stone, gravel or wood shall have been taken, first giving ten days notice to the said president and directors, their officer or agent, of the filing of such petition, praying to have a jury summoned to go upon the land and assess the damages he, she or they may have sustained thereby; upon which, it shall be the duty of the court to order a jury, as in laying off public roads, which jury shall go upon the land, after being duly sworn to do equal justice to all parties in assessing the said damages, shall consider what damage the owner of said land shall have sustained, and after assessing the same, shall return their proceedings to the said court, and if the court shall approve thereof, the damages so assessed, together with all costs, shall be paid by the said president and directors. But if the said court shall

not approve thereof, they shall order another jury to be summoned, and proceed in like manner to assess said damages and return their proceedings to said court, and upon approval thereof by said court, said damages and cost shall be paid by said president and directors; and if said president and directors shall not pay the damages so assessed, and all costs, execution may issue therefor against them as against other corporations: *Provided, always*, that either party not satisfied with the sentence or decree of the County Court, may appeal therefrom to the Superior Court of Law for said county.

V. *Be it further enacted*, That the rail road contemplated to be made by the said company within the State of North Carolina, shall terminate on the North side of the Roanoke river, opposite or below Weldon, in this State.

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

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

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

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

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

CHAPTER XXVI.

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the president and directors of the Petersburg Rail-road Company, and they are hereby authorised, at those points on the line of their rail-road between the Roanoke river in this State and the Virginia State line, where they may deem it important for the better accommodation of the trade and business of their said rail-road, to purchase from the proprietors land, not exceeding five acres at any one point, to be used by them for the establishment of depots and warehouses, and for other necessary purposes of said road, or to be disposed of where by them it shall be deemed proper.

II. Be it further enacted, by the authority aforesaid, That the said president and directors be, and they are hereby authorised to charge for storage of produce, merchandise and other articles, at any warehouses which they may deem it advisable to construct, rates not exceeding the customary warehouse rates and the sea port taxes of this State.

III. Be it further enacted, by the authority aforesaid, That if any person or persons shall wilfully and with evil intent, place or cause to be placed on the aforesaid line of the said rail-road any obstruction or impediment, so as to jeopardise the safety and endanger the lives of persons travelling on said road, he, she or they shall be deemed guilty of an indictable misdemeanor, and upon conviction thereof, in either the County or Superior Court of the county in which such offence may have been committed, shall be punished by fine and imprisonment, or either, at the discretion of the court.

CHAPTER XXVII.

An act to amend an act passed in the year one thousand eight hundred and twenty-one, entitled an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes, and an act amendatory of the same passed in the year one thousand eight hundred and twenty-eight.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners appointed by the aforesaid acts, together with John Williams and Hezekiah Lockwood of Elizabeth City, and Lewis M. Cowper of Murfreesborough, be, and they are hereby appointed commissioners for the purposes mentioned in the before recited acts, and that the commissioners shall open books for the purpose of receiving subscriptions, and shall continue them open for the space of twelve months, and longer if necessary, and when the sum mentioned in the before recited acts shall have been subscribed, the subscribers shall be incorporated into a company by and under the name of the Roanoke Inlet Company, and shall have all the powers, privileges and immunities, and shall be governed by the same rules, regulations and restrictions, as are prescribed by the aforesaid recited acts.

And be it further enacted, That if the said navigation shall not have been improved or completed, as contemplated by the provisions of the before recited acts, within ten years from and after the passage of this act, all the exclusive privileges granted to the said incorporated company, shall cease and determine on the expiration of the said term of ten years.

II. *And be it further enacted*, That the capital sum mentioned in the before recited acts, shall be divided into shares of twenty five dollars each; and that any person may subscribe for one or more shares.

CHAPTER XXVIII.

An act to authorise the issuing of a grant for land to Amos Curtis and others for a Camp Ground.

Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That the Governor of the State shall, and he is hereby required to issue a Grant to Amos Curtis, John Dobson, John O. Bell, George N. Hughes, William Britain, Robert Huggins and Jesse R. Siler for a portion of a tract of land, in the county of Macon, section thirty five, district sixteen as follows, viz: beginning west of the north east corner of said section at a red oak thence west on said line sixty poles to a stake, thence south fifty three poles to a stake, thence east sixty poles to a stake, thence north fifty three poles to the beginning, upon payment of the sum of twenty dollars in manner as now prescribed by law, for the issuing of grants and payments for the same.

II. *Be it further enacted*, "That the title conveyed by said grant, shall vest in the above named grantees to the use of the Methodist Episcopal Church now organised, or which at any time hereafter may be organised in the county of Macon, for a Methodist camp ground, whereon, to worship Almighty God, and for no other use. And on the death, or removal out of the said county of any one or more of the said grantees, the title acquired by such deceased or removed grantees shall be vested in the remaining grantees—a majority of whom, shall have power to fill up all vacancies in their number by new appointments by deed, under their hands and seals; and the person so appointed, shall have all the rights in the premises which the original grantees had, so as to keep the succession perpetual: *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.

CHAPTER XXIX.

An act amendatory of an act passed at the present Session entitled an act to authorise the issuing of a grant to Amos Curtis and others for a Camp Ground.

Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That the aforesaid act, entitled an act to authorise the issuing of a grant, to Amos Curtis and others, for a Camp ground, be operative and in force from the enactment of this act, and the said grant referred to in said act, be instantly issued upon the payment of the purchase money.

CHAPTER XXX.

An act to appoint Commissioners for the town of Carthage in the county of Moore and to incorporate the same.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That A. McDonald, A. C. Curry, C. H. Dowd, William Hancock and W. D. Dobbie, and they are hereby appointed Commissioners for the town of Carthage in the county of Moore, and they are hereby declared to possess full power and authority to adopt such rules and regulations, and pass such bye laws as may

appear to them necessary, for the good order, regulation and government of said town, not inconsistent with the laws or constitution of this State; 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. *Be it further enacted*, That in case of vacancy by death or resignation, or otherwise, the remaining commissioners shall have full power to fill such vacancies, and the person or persons so appointed shall have and possess as full power and authority as if appointed by this act.

III. *Be it further enacted*, That three of said commissioners, may constitute a quorum for the transaction of business, any law to the contrary notwithstanding.

CHAPTER XXXI.

An act to incorporate the Trustees of the Waynesborough Academy in the county of Wayne.

Be it enacted by the General Assembly of the State of North Carolina, And it is hereby enacted by the authority of the same, That Sampson Lane, Richard Washington, John Wright, Arnold Borden, Robert Collier, Cullen A. Blackman, John W. Sasser, Philip Hooks and Lemuel H. Whitfield be and they are hereby constituted a body politic and corporate, by the name and style of the trustees of the Waynesborough 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. *Be it further enacted*, That on the death, refusal to act, or removal out of the State of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned.

CHAPTER XXXII.

An act concerning the survey of lots in the Town of Franklin.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the principal surveyor for the county of Macon, be, and he is hereby required to survey all the lots in the town of Franklin, in like manner and by the same measure as originally surveyed by John Patton, commissioner in behalf of the State; and when the said surveyor, shall have ascertained the boundaries so originally laid out by the said commissioner, he shall establish the same, by some permanent corner and boundary.

II. *Be it further enacted*, That the said surveyor shall make out a plat of said town agreeably to his survey and return the same to the office of the Clerk of the County Court for the county of Macon, and it shall be the duty of said clerk to preserve said plat in like manner as he is now required to preserve other documents in his office.

III. *Be it further enacted*, That said boundaries when so established shall thence alter be the true and permanent boundaries of said lots.

IV. *Be it further enacted*, That the County Court of Macon, shall make compensation to the said surveyor, to be paid and collected from the citizens of said town, in such manner, and in such proportions as the County Court may direct.

CHAPTER XXXIII.

An act to alter the names of Richard Alderson and William White of Beaufort County, and entitle them to inherit.

Be 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 name of Richard Alderson, a lad, the son of Sophia Alderson of said county, shall be, and the same is hereby altered to that of Richard Cogdell, and by that name, he shall be entitled to inherit by descent and distribution from Nancy Cogdell of said county, as her adopted son as effectually in law, as if he had been born of her body and in the bonds of wedlock, any law or usage to the contrary notwithstanding.

II. *Be it further enacted,* That the name of William White, of said county, a lad, now, and for years past, a member of the family of Hilery Whitehurst, and acknowledged and educated by him as his illegitimate son, shall be and the same is hereby altered to that of William Whitehurst, and by that name he is hereby legitimated and declared to be entitled to inherit by descent and distribution from his said parent, as effectually as if he had been born in wedlock, any thing in any other law to the contrary notwithstanding.

CHAPTER XXXIV.

An act to amend an act passed in the year eighteen hundred and thirty, entitled an act to establish the town of Gatesville.

Be 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 death, resignation or removal of any of the commissioners appointed by the before recited act, 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 the before recited act.

II. *Be it further enacted,* That the commissioners of the town of Gatesville, 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 XXXV.

An act to authorize the making of a Turnpike road 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 William Weich, Nelson G. Howell, William Sitton, Francis McGee, Robert Penland, William M. Davidson and Kedar Boon, 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 Tennessee line, the most direct route through the Cattertucky or Pigeon mountains in Haywood county, so as to unite and collect the most interest from Severeville and Newport in the State of Tennessee, towards the town of Waynesville 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 May next, and receive subscriptions of stock in the said company.

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

III. *Be it further enacted,* That as soon as one thousand 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 Haywood county as they may think proper, to 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, treasurer, and five 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 and style of the Waynesville 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 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 portion 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 twenty-six one vote; and for eight shares thereafter one vote.

V. *Be it further enacted,* That the owners of a majority of all the shares subscribed, shall have power to appoint commissioners to lay off and mark the location of said road, and make and ordain all bye-laws for the government and regulation 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 further be 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. *Be it further enacted,* That it shall be the duty of the treasurer to receive all moneys due the company, to 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 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 a gate or gates on the same, and de-

mand toll, the road shall be reviewed by two commissioners to be appointed by the County Court of Haywood, who shall make report to the said court, that 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 half cents; on every one horse waggon or cart, 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 horseback, six and a fourth cents.

X. *Be it further enacted*, That so soon as 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 tolls shall be exacted without the consent of the Legislature.

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

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

CHAPTER XXXVI.

An act to incorporate the Williamson and Windsor Turnpike Company.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful to open books at any time after the first day of February next, in Williamston, under the direction of Joseph Biggs, sen., D. W. Bayley and Henry Williams; in Windsor, under the direction of James L. Bryan, Joseph B. G. Roullac and William Watson, for the purpose of receiving subscriptions to the amount of five thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock to make a turnpike road, from Williamston landing, in Martin county, to intersect the public road leading from Spillars' ferry to Windsor, in Bertie county, at some point opposite Bond's plantation, in said county, and to establish a ferry across Roanoke river. When two thousand five hundred dollars shall have been subscribed, the said managers or any two of them may call a general meeting of the subscribers, at Williamston, by public advertisement in the aforesaid towns; and if at such meeting more than five thousand dollars be subscribed, then the same shall be reduced to that sum by them, and divided among the subscribers in fair and equal proportions, to the amount of stock subscribed for respectively by each.

II. *Be it further enacted*, That when two thousand five hundred dollars shall be subscribed in manner aforesaid, then the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of Williamston and Windsor Turnpike 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, as shall be necessary for the well ordering and conducting of the affairs of the company

III. *Be it further enacted*, That the subscribers at their general meeting before directed, to constitute which a majority of shares subscribed for shall be represented, and the proprietors of the stock at every annual meeting thereafter shall elect a president and seven 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 thereof occasioned be filled by a majority of the votes given at any general meeting. The president with four or more of the directors, or in the absence of the president, any four of the directors, who shall appoint one of their 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 said company, after being sworn before some magistrate to do their duty according to the provisions of this act, shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining a turnpike road, located as follows: Beginning at Williamston landing, about forty feet below the upper corner of said landing on the swash, extending upwards sixty feet, running thence a straight course of the same width of sixty feet, to the extreme bend of the river at the eddy, thence up the river the same width to the bend of the river above the Herring Gut opposite Spear's or Slade's corner, on the north side of Roanoke river, in Bertie county; from thence, such direction as the president and directors may think expedient, terminating the same at some point opposite Bond's plantation, on the road leading from Spellars' ferry to Windsor, not exceeding sixty feet wide; and the said president and directors may cause to be made all works whatsoever which may be necessary and expedient, in order to the completion and maintaining said road and the establishment of said ferry.

V. *Be it further enacted*, That the president and directors shall have power to make contracts with any person or persons, in behalf of the company, for making the said road and the establishment of said ferry, and performing all other works respecting the same which they shall judge necessary and proper; and they are hereby invested with power, if they shall deem it expedient, to hire laborers and mechanics, or pursue any other course they may think best for the construction of said road and the establishment of said ferry; they shall have power to call, on any emergency, a general

meeting of the proprietors of the stock, giving twenty days notice thereof by public notice in said towns; to appoint a treasurer, clerk and such other officers, and transact all the business of the company during the interval 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 twenty days after the same shall have been publicly advertised in Williamston and Windsor, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction in Williamston, and to convey to the purchaser the share or shares of said stockholder so failing or refusing, giving ten days 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 out 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 Martin county; and any purchaser of the stock of the company 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 owner of land over which it may be thought expedient for the said road to pass, or for land whereon to erect necessary houses for the company, or if the owner be a feme covert, under age, non compos, or out of the State, then on application to two justices of the peace of the county wherein the lands lie, they shall issue their writ to the Sheriff of said county commanding him to summon a jury of eighteen freeholders of the county, of reputation and not interested, within ten days, who after meeting on the premises and being sworn by the Sheriff to act impartially, provided as many as twelve do appear, shall proceed to lay off and value the land required for the construction of said road, and the damages the owner will sustain by the same, and such inquisition so taken shall be returned under their hands and seals into the Court of Pleas and Quarter Sessions of said county and upon the payment of the said assessment to the owner of the land, or his or their guardian, or into the office of the clerk of the Court of Pleas and Quarter Sessions of said county, by the president and directors, it shall and may be lawful for them to enter upon the land laid off, and construct the said road thereon and to hold the said land to their 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 the existence of said company as a corporation, as though they owned the fee simple therein.

VIII. *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 subscribed for 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, the proprietors who do attend, may adjourn from time to time until a general meeting

shall be had. That in counting all votes of said company each member shall be allowed one vote for each share, as far as six, and one vote for every three shares above six by him held at the time in the stock of said company.

IX. *Be it further enacted*, That in case the sum of five thousand dollars shall be insufficient to complete said road and ferry, the president and directors may open books at any time after the same shall have been ascertained for new subscriptions, and the subscribers under this clause shall be subject to the same rules and regulations, and entitled to the same privileges as the original subscribers, and shares of stock in said company shall be transferable in the same manner as personal property: *Provided, however*, That all shares of stock shall be liable to pay such sums as are due to the company upon the same, if the assignee or his representative shall be unable or fail to pay the same.

X. *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, and such compensation shall be made from time to time to any of the officers or agents of the company as the proprietors in general meeting shall prescribe or allow.

XI. *Be it further enacted*, That if any person or persons shall wilfully by any means obstruct, impair or destroy any part of said road, or flats engaged on said ferry, they shall be subject to indictment, and upon conviction shall be punished at the discretion of the court, and liable to the company in an action for the damages sustained.

XII. *Be it further enacted*, That so much of the said road as lies on the west side of the said river, shall be free of toll, and may be used by all persons whatsoever, without charge; but said president and directors may charge for the use of the residue of said road, including ferrying across said river, the following tolls (viz.) for a single person, ten cents; for a horse or mule, twenty cents; horse and man, twenty-five cents; for a horse, chair and driver, fifty cents; for a four wheel carriage, horse or horses and driver, one dollar; for a wagon, team and driver, one dollar and fifty cents; for a hog or sheep, five cents; for a barrel, five cents; for a hoghead, twenty cents; and every other article of bulk shall be charged by the dimensions of a common barrel at the rate of five cents per barrel: *Provided, however*, and it is hereby expressly directed, that said president and directors shall not take exceeding fifteen per centum per annum, on the actual capital invested in the construction of said road, including the cost of the ferry flats for the same: and if at the end of any year, it shall appear that the above rate of tolls shall have raised more than fifteen per cent on the said cost, then it shall be the duty of the said president and directors, and they are hereby required to reduce the rate of tolls so as to bring the receipts within said limitation, and to advertise such reduction at the Court house door in the town of Williamston, and also at the Court house door in the town of Windsor.

XIII. *Be it further enacted*, That the corporation shall exercise the corporate powers hereby granted, for sixty years, and no longer, without a renewal of the charter, and this act shall be in force from and after the passage thereof: *Provided*, That nothing in this act shall be so construed as to permit the County Court of Martin, to discontinue the road leading from Williamston to Spellars ferry, until the said road shall be actually completed.

CHAPTER XXXVII.

An act to appoint an additional place of public sale in the county of Beaufort.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That two additional places of public sale for property taken for taxes and under executions in said county, shall be and the same are hereby appointed. The first shall be at Joseph Bonner's Store door in the town of Bath, for all property below Bath creek, on the north side of Pamlico river, the second shall be at Durham's creek mills, for all property below Blount's creek on the south side of said river; and the Sheriff, Constables and Coroner of said county shall make such sales in all respects as they are now required to make them, except merely as to the place and day of selling the same; the sale day at Bath shall be on the Saturday in each and every month next before the sale day at Washington; and the sale day at Durham's creek shall be on the Friday in each and every month next before the sale days at Bath.

II. *Be it further enacted,* That the constables of said county, shall desist from the oppressive practice of vexatiously ordering defendants to trial, to places remote from their homes and neighbors; and in future shall have their trials, if the same can be, either within the district in which the defendant resides, or at farthest not exceeding two districts from his residence, unless by the consent of such defendant.

III. *Be it further enacted,* That so much of the acts now in force, as conflict with the provisions of this act, be, and the same is hereby repealed.

CHAPTER XXXVIII.

An act to incorporate the Trap Hill Riflemen, in the county of Wilkes.

Be 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 in the county of Wilkes, commanded by captain John S. Johnson, be, and the same is hereby made a body politic and corporate, by the name and style of the Trap Hill Riflemen, 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, forfeitures and penalties 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 the said company for military purposes.

CHAPTER XXXIX.

An act to establish the Barshavia Farmers Academy in the county of Stokes, and to incorporate the Trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Revd. Michael Doub, Henry Doub, Daniel Spainhour, Hosly G. Anderson, William A. Lash, Benjamin Hauser and Jacob Shoub, and their successors, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the Trustees of Barshavia Farmers Academy, and by that name shall have perpetual succession, and shall be able and capable in law, to have, receive, and possess any quantity of land and tenements, goods, chattels and moneys, that may be given to them, and apply

the same according to the will of the donor, and dispose of them, when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded in any court of law within this State, shall have power to appoint other or more trustees, and to fill the place of such as may die, remove, resign or be incapable of acting; and to establish such rules and regulations, for the government of said institution, as may be necessary for the preservation of order and good morals, elect a professor or professors, tutors and other officers, and do and perform all such acts and things as are incident to and usually exercised by bodies politic, for the accomplishment of the contemplated object.

CHAPTER XL.

An act to incorporate the Donaldson Academy, and Manual Labour School in the town of Fayetteville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William H. Beatty of Bladen county, Henry Potter of Fayetteville, Colin Melver of Fayetteville, John Smith of Cumberland, John Owen of Bladen, Benjamin Robinson of Fayetteville, Thomas P. Hunt of Wilmington, George McIntosh of Richmond, James Owen of Wilmington, Henry A. Rowland of Fayetteville, Gabriel Holmes of Wilmington, Archibald McQueen of Robeson, George McNeill of Fayetteville, Alexander Melver of Sampson, James H. Hooper of Fayetteville, and William B. Wright of Fayetteville, be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Donaldson Academy and Manual Labour School, and by that name shall have perpetual succession and a common seal, and be able and capable in law to sue and be sued, plead and be impleaded, in all courts either in law or equity; and shall take, demand, receive and possess all monies, goods and chattels, and choses in action which may be given to them for the use of the said Academy and Manual Labour School, and the same apply according to the will of the donors when expressed, and without such declaration according to their own judgment; and by purchase or devise, to take, hold and possess to them and their successors forever, any lands, rents, tenements and hereditaments of what kind, nature or quality whatsoever, in special trust and confidence, the same with the profits thereof to apply to the use and purpose of endowing and supporting the said academy, and may purchase and hold for the purposes aforesaid, all such chattels and personal property as to them shall seem requisite.

II. *Be it further enacted, &c.* That the said trustees by the name aforesaid, shall be able and capable in law, to grant, bargain, sell and assure to the purchaser any or all such lands, rents, tenements and hereditaments as aforesaid, when not restrained by the terms of the grant or devise to them.

III. *Be it further enacted,* That in case of the death, resignation, refusal to act, or removal from the State of any of the trustees for the time being, the Presbytery of Fayetteville shall elect such persons to fill said vacancies as they shall think qualified, not confining themselves in their selection to the members of the presbyterian church.

IV. *Be it further enacted, &c.* That the said trustees shall hold their first meeting in the town of Fayetteville, on the fourth Wednesday of January, one thousand eight hundred and thirty three, and shall have power from time to time to appoint their own president, secretary and treasurer, and

such professors, tutors and officers in and over the said academy as to them shall appear proper; and may remove the same for misbehaviour, inability or neglect of duty. They shall have power to make all necessary bye laws and regulations, (not inconsistent with the laws and constitution of the State) for the government of the same.

V. *Be it further enacted, &c.* That the said trustees may and shall locate the said academy in the town of Fayetteville or in its vicinity within four miles thereof, and shall cause to be erected all such buildings and improvements for the accommodation of the same as they shall deem advisable and proper, and for the benefit of all such persons as wish to assist themselves by their own industry, in procuring their education, the said trustees shall be empowered to establish, and keep up a manual labour department in the said academy; which department as a component part of the institution, shall be conducted on such plan, and on such mode, as the board of trustees shall from time to time adopt. And five trustees shall be a quorum to transact all manner of business.

CHAPTER XLI.

An act fixing a uniform time of holding the elections in the third Congressional district of North Carolina, in all the counties therein.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter the annual elections in the counties of Pitt, Beaufort, Hyde and Washington, shall be held on the same day on which the annual elections are now held in the county of Edgecombe, to wit, on the last Thursday of July in each and every year, which elections shall be conducted in the said counties, respectively, in all other respects, under the rules, regulations and penalties which now are or hereafter may be prescribed by law, for regulating elections in said counties.

CHAPTER XLII.

An act to establish the boundary line between the counties of Washington and Beaufort.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That at the first Court of Pleas and Quarter Sessions of the counties of Washington and Beaufort, held after the first of April next; the said courts respectively shall appoint, and are hereby required to appoint three commissioners from each county, to run the boundary line between said counties leading from Long Acre to the Pungo settlement, or such portion of boundary as is yet undetermined between said counties.

II. *And be it further enacted,* That the line so run shall be deemed and held the dividing line between the said counties, and the said commissioners shall make out two fair reports and plats of the line so run, one of which shall be filed in the office of the clerk of the Court of Pleas and Quarter Sessions of each county, and certified copies of either shall be received in evidence to establish the said dividing line.

CHAPTER XLIII.

An act to incorporate the Leaksville Toll Bridge Company in the county of Rockingham.

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

Scales, James Dillard, Silmon Coleman, Edward T. Brodnax, Charles Galloway, William Barnett, Duvartes Dempsey and William A. Carrigan, or any three of them, be, and they are hereby appointed commissioners to receive subscriptions to the amount of six thousand dollars, for the purpose of building a bridge across Dan river, at or near Leaksville in the county of Rockingham, at the falls immediately above Galloway's ford; and the said commissioners or a majority of them shall prepare books, and cause the same to be opened for subscription of stock at such places, and under the direction of themselves or such persons as they may appoint, on or before the first day of February next, and they shall continue open until the first day of March next, at which time the said books shall be returned to the said commissioners in the town of Leaksville, and at the same time, there shall be a general meeting of the subscribers personally or by proxy, which meeting may continue from day to day, until the business thereof be finished, and if it shall appear, that two thousand dollars or more of the capital stock have been subscribed, or as soon as the sum of two thousand dollars shall be subscribed, the said subscribers, their heirs and assigns shall be, and they are hereby declared to be incorporated into a company by and under the name and style of the Leaksville Toll Bridge Company; and as such may sue and be sued, plead and be impleaded, defend and be defended, and have perpetual succession and a common seal; and such of the said subscribers as shall be present at the first meeting after the said sum of two thousand dollars shall be subscribed, or a majority of them, are 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 vote for him or her at any general meeting; and the votes of such proxy shall be as effectual to all intents and purposes, as if the proprietor himself were personally present at the doing thereof.

II. *Be it further enacted, by the authority aforesaid,* That the capital stock of said corporation shall be six thousand dollars, divided into one hundred and twenty shares, of fifty dollars each; and if the whole sum shall not be subscribed on or before the first day of March next, it shall be the duty of said commissioners or a majority of them, should the sum of two thousand dollars be not subscribed by the said first day of March next, to open said books for further subscriptions at such times and places as they may choose, and as soon as said corporation shall organize and elect a president and directors, said books and subscriptions shall be under their direction and control; and should more than the sum of six thousand dollars be subscribed, said commissioners shall strike off said subscriptions until the sum is reduced to six thousand dollars, and in striking off subscriptions they shall begin and strike off a share 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 stock aforesaid

III. *Be it further enacted,* That the shares shall be paid for at such times and places, and by such instalments as the president and directors of said company shall direct, they first advertising the sum to be paid in such instalment in some newspaper for at least twenty days; and if any person or

persons holding any 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 said person may hold in the said company, by giving ten days notice thereof, and if the said share or shares shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person or persons who own the said stock, and the books of said company shall be good evidence of such sale and of the purchase of said shares.

IV. *Be it further enacted*, That said corporation shall have full power and authority to elect a president and four directors biennially, to transact and manage the business of said corporation, and to supply any vacancy that may happen from death, resignation or otherwise, and to pass all such by-laws, not inconsistent with the laws of this State, as they shall deem expedient.

V. *Be it further enacted*, That the said president and directors shall have power and authority to erect a gate or gates on said bridge as soon as the same shall be built, and to ask, demand and receive, from persons passing over the said bridge, not exceeding the following toll, to wit: for four wheeled carriages of pleasure, seventy five cents; and waggons, fifty cents; for two wheeled carriages of pleasure, fifty cents; for carts, twenty five cents; for a man and horse, ten cents; single horse, five cents; foot passengers, free, cattle per head, three cents; hogs and sheep, three cents.

VI. *Be it further enacted*, That the public road, leading from Charles Galloway's gate, on the south side of Dan river, crossing at Galloway's ford, and then to Leaksville, shall be turned to cross at said bridge, as soon as the same shall be ready for use, and thereupon the old road crossing at said ford, shall be discontinued.

VII. *Be it further enacted*, That the County Court of Rockingham, if a majority of the justices shall deem it expedient, shall have full power and authority to take shares in said stock; to an amount not exceeding two thousand dollars, and shall have power and authority to lay a tax for that purpose, to be collected, as other county taxes, and shall have power to appoint a person to represent the interest of said county in said company, and the said County Court shall have until May term thereof next, to determine what number of shares shall be taken by said county.

VIII. *Be it further enacted*, That an act passed in the year, one thousand eight hundred and eighteen, entitled an act to incorporate the Leaksville Toll Bridge Company and for other purposes, be, and the same is hereby repealed.

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

CHAPTER XLIV.

An act to authorise David W. Borden, of Carteret county, to erect a gate across the road leading from the cross roads on White Oak river to Borden's ferry.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That David W. Borden, of Carteret, be, and he is hereby authorised to erect a gate on his own land across the road leading from the cross roads on White Oak river to Borden's ferry, subject to the same rules, regulations and restrictions, as are now prescribed by law for the erection of gates,

CHAPTER XLV.

An act to allow a further time to open books for the purpose of receiving subscriptions for stock in the Lake Drummond and Orapeake Canal Company.

Whereas circumstances have occurred to prevent the opening of books for the purpose of receiving subscriptions for stock in the Lake Drummond and Orapeake Canal Company, within the times heretofore prescribed by law; wherefore.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to open books in the several places mentioned in the act of one thousand eight hundred and twenty-nine, entitled an act to incorporate the Lake Drummond and Orapeake Canal Company, under the management of the persons therein named, and for the purposes, and in the manner therein prescribed, on the first day of June next, and such books shall continue open until the first day of January, one thousand eight hundred and thirty-four, inclusive and on the second Monday in February, then next ensuing, there shall be a general meeting of the subscribers, at Deep Creek, in the State of Virginia, to be convened in the same manner and for the same purposes as are prescribed by the before recited act.

CHAPTER XLVI.

An act authorising the County Court of the county of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law 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 Court of Pleas and Quarter Sessions of the county of Gates be, and the same is hereby authorised to have recorded in good and sufficient books, such of the public documents and papers on file in the office of the clerk of said court, as are required by law to be recorded, but have not heretofore been so recorded; and all documents and papers so recorded shall be held and deemed original records of said court.

II. *And be it further enacted,* That copies of such records shall be held and deemed as full and sufficient evidence in all suits at law and equity in this State, as copies of original records now are.

CHAPTER XLVII.

An act to alter and amend an act passed in the year one thousand eight hundred and twenty-nine, entitled an act for the improvement of the road from the old Fort, in Burke, to Ashville, in Buncombe.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the above recited act, allowing the commissioners of said road four years from the time of erecting a toll gate thereon, to pay the two thousand dollars borrowed from the Board of Internal Improvement to improve said road, be extended four years longer, by said commissioners giving new bond and security as prescribed in the above recited act.

II. *Be it further enacted,* That the rate of tolls collected by the commissioners of said road, for the transportation of the mail thereon, shall not exceed, in the whole, fifty dollars in each and every year, to be paid quarterly, any law to the contrary, notwithstanding.

CHAPTER XLVIII.

An act to incorporate the Town of Rutherfordton 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 it shall be lawful for the citizens resident in the town of Rutherfordton, in the county of Rutherford, on the first Monday in February next, and on the same day in each and every year thereafter, to elect five persons to act as commissioners of said town, for the term of one year from the time of said election; and in case no election takes place, the said commissioners to continue in office until others are appointed: provided that no one shall be deemed eligible to the appointment of commissioner, unless he has resided in said town for six months immediately preceding his election; nor unless he is, at the time of his election, and has been for six months previous thereto, seized and possessed in fee simple of at least one lot or part of a lot within the limits of said town; nor shall any one be entitled to vote for such commissioners unless he has attained the age of twenty-one years, has paid a public tax and has been a resident of said town for six months immediately preceding the day of election.

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

III. *Be it further enacted,* That the commissioners elected by this act, or a majority of them, shall have power to appoint a magistrate of police, a town treasurer and constable: And also to have power to pass and adopt all such by-laws, rules and regulations as they, or a majority of them, may deem necessary for the good order and government of said town, and for the improvement of the streets, and all such other rules and regulations necessary for the preservation of health in said town; the said commissioners shall advertise the same on the Court-house door thirty days before they shall be enforced: provided the same shall not preclude the citizens of said county from any of the customs and privileges that they have heretofore had and enjoyed, within the public square of said town: *Provided always,* That nothing herein shall be inconsistent with the constitution and laws of this State or of the United States.

IV. *Be it further enacted,* That said commissioners, or a majority of them, should they deem it necessary, are hereby authorised and empowered annually, on or before the first Monday in April next, and in each and every year thereafter, to lay a tax not exceeding one dollar on all taxable polls residing in said town, and a tax not exceeding twenty cents on every hundred dollars worth of town property within the limits of the same; which tax when collected shall be applied to the improvement and repair of the streets of said town, and to such other purposes as the commissioners, or a majority of them, may deem necessary for its prosperity and advancement.

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

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

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

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

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

CHAPTER XLIX.

An act to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the Trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Waugh, Peter Trance, Jacob Shults, Abraham Hauser, David Blum, George Folts and Robert Murchison be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of "the Trustees of Good Spring Grammar School;" and by that name shall have perpetual succession and a common seal; and they, or a majority of them, by the name aforesaid, shall be able and capable in law to receive subscriptions and donations, possess all monies, goods and chattels that shall be given for the use of the said school, and by gift, purchase and devise, take, possess and enjoy, to them and their successors, any lands, tenements and hereditaments in trust, and for the purposes of establishing and supporting the said Grammar School.

II. *Be it further enacted*, That the said trustees, or a majority of them, by the name aforesaid, shall be fully authorised and made capable in law to grant, bargain, sell and convey any such land and tenements and hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation; and the said trustees, or their successors in office, shall be able and capable in law to sue and be sued, plead and be impleaded in any court of law or equity within this State.

III. *And be it further enacted*, That the said trustees and their successors, or a majority of them, shall have power to make, ordain and establish such laws, rules and regulations for their own government, and for the regulation of the

said Grammar School, as to them may appear necessary and proper; and upon the death, resignation, refusal to act, or removal out of the State of any of the trustees aforesaid, the remaining trustees, or a majority of them, shall have power to fill such vacancies as may thereby be occasioned; and the trustees so appointed, shall have the same powers as those mentioned in the first section of this act.

CHAPTER L.

An act to alter the line separating the North and South Régiments of the North Carolina Militia, in the county of Surry.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the main Yadkin river shall be the dividing line between the north and south régiments of the North Carolina Militia in the county of Surry, from the mouth of the Arrarat river the place at which the Stokes line intersects the main Yadkin river; and that the men living on the north side of the said Yadkin river, between the mouth of the Arrarat and the Stokes line, be, and they are hereby attached to the north regiment, any law to the contrary notwithstanding.

II. *Be it further enacted,* That this act shall not be so construed as to effect the line heretofore established by law, between the north and south régiments above the mouth of the Arrarat river, and that this be in force from the passage hereof.

CHAPTER LI.

An act to authorise the altering and amending the State road, running through the county of Haywood.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the County Court of Haywood, at their first court, after the first day of March next; and also the first court after the first day of March in each and every year, to appoint six commissioners; that is, three of said commissioners to act from the Bancombe line to the Court house in Waynesville, and the other three from the Court house in Waynesville to the Macon line; whose duty it shall be to proceed within twenty days after their appointment, to view and report all such amendments and alterations in the respective portions of said road, as to them or any two of them may be deemed necessary.

II. *Be it further enacted,* That it shall be the duty of the respective overseers on the said road, upon the notice given them to attend upon the said commissioners when they are making a review of said road, along that portion thereof which they may have to work, so that they may fully understand the extent of the improvements or alterations on the said road; and if it shall appear by the report of the said commissioners, that it will require a greater number of hands to make any alteration in said road, then such overseer may have hands to work under him by his order; in that case, it shall be the duty of the County Court to order such number of hands as is most convenient to work under the overseer, whose portion of road is to be altered; *Provided, nevertheless,* That nothing herein contained shall be so construed, as to allow any alteration in said road, without the consent of the owners of the land over which the same would pass by such alteration.

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 LII.

An act to repeal an act passed in the year one thousand eight hundred and thirty, Chapter one hundred and forty three, entitled an act for the better regulation of the Courts of Pleas and Quarter Sessions of the County of Haywood.

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

CHAPTER LIII.

An act to authorise the removal of buildings on the public lands, in the town of Franklin. Whereas the State of North Carolina, refuses to dispose of the lots in the town of Franklin and county of Macon; and whereas many of the citizens of said town, have improved said lots, by the erection of buildings on 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 it shall be lawful now, and at any time hereafter, for any individual, his heirs, executors or assigns, having erected buildings on the lots in the town of Franklin and county of Macon, to remove the same, any law to the contrary notwithstanding.

CHAPTER LIV.

An act to repeal part of an act passed in eighteen hundred and twenty four, entitled an act to authorise the Court of Pleas and Quarter Sessions of Hyde and Tyrrell counties, to issue licences to retail spirituous liquors by the small measure, at or near their Court house.

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

CHAPTER LV.

An act to authorise the Courts of Pleas and Quarter Sessions of the counties of Hertford and Gates, to lay a tax to defray the expenses incident to calling out the Militia during the insurrection in Southampton county Virginia, 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 Courts of Pleas and Quarter Sessions of the counties of Hertford and Gates, a majority of the justices being present, shall have full power and authority, if they shall deem it necessary and proper, at any term of the said courts, to lay a tax upon the inhabitants and taxable property of the said counties, for the purpose of paying and discharging such expenses and disbursements as may have been made by the inhabitants of said counties, in making preparations to quell the late insurrection of the slaves in Virginia; and also, for the payment of such persons as were employed therein as soldiers: *Provided, always,* That every claim which shall be paid under this act, shall first be allowed and approved of by the said County Court; and the said court is hereby authorised, to prescribe the time by public advertisement, within which all claims shall be filed in the said courts, and make any other regu-*

lation therein as they may deem necessary, any law to the contrary notwithstanding.

CHAPTER LVI.

An act to incorporate the Scotland Neck 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 or Light Infantry in the county of Halifax, commanded by captain Whitmel H. Anthony, be, and the same is hereby incorporated and made a body politic and corporate, by the name and style of the Scotland Neck 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 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 the militia fines are recovered in this State, and appropriated to the use and benefit of the said company for military purposes.

CHAPTER LVII.

An act amendatory of the act of one thousand eight hundred and thirty one, entitled an act to authorise the Governor to grant certain lands to the Trustees of Franklin Academy, in the county of Macon.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Love, Senior, George Penland, Jesse R. Siler, John Hail and James Whitaker, be, and they are hereby declared to be a body politic and corporate, to be known by the name of the Trustees of the Franklin Academy, and by that name shall have perpetual succession and a common seal, and shall be able and capable in law, to sue and be sued, plead and be impleaded, to hold all moneys, lands and tenements which now belong to said academy, or which may hereafter be acquired, by purchase, gift or otherwise, to them and their successors; and to sell, lease, or otherwise dispose of, for the use of said academy, and also to fill all vacancies which may happen among the trustees by death, resignation or otherwise; and to enjoy all such rights, powers and privileges as are usually exercised and enjoyed by 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.

CHAPTER LVIII.

An act to incorporate the Gatesville 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 Gates, commanded by R. Rawles, is hereby incorporated by the name of the Gatesville Troopers, 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 of said troop for military purposes.

CHAPTER LIX.

An act to incorporate a Cavalry Company 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 the Cavalry Company, in the county of Hertford, at present commanded by Richard G. Cowper, be, and the same is hereby declared a body corporate and politic, and under the name and style of the Hertford County Cavalry Company, and by that name shall sue and be sued, plead and be impleaded, and give 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 the said company, to muster at least four 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 enrollment of any private in said company, it shall be the duty of every officer or private, to appear duly equipped and in uniform, according 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 four, 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 enrollment, 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 exempted from the order or command of the officers of any other company, battalion or regiment.

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

CHAPTER LX.

An act to incorporate the Experimental Rail Road Company, in the City of Raleigh.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joseph Giles, William Polk, William White, John C. Stedman, Thomas Cobbs, George W. Mordecai, E. P. Guion, Western R. Gales, William H. Haywood junior, and their associates, who have heretofore subscribed and commenced the erection of an Experimental Rail Road in and near Raleigh, shall and they are hereby declared to be a body politic and corporate, by the name and style of the Experimental Rail Road Company, and as such, they may sue and be sued, plead and be impleaded as a corporation, and own, use and exercise all the rights and privileges, and be liable to all the penalties and responsibilities of a corporation for a term of years hereinafter mentioned.

II. *Be it further enacted,* That the said company may pass and establish for their own government, and for the government of any road which

they have erected or may erect, in Wake county, such rules and regulations as they may think best, not inconsistent with the general laws of this State.

III. *Be it further enacted*, That when any of the subscribers to the stock of said company shall not have paid according to rules by them established, the said company may sue or warrant for the subscription, or sell the stock of the subscriber, and sue for the loss if any occur, as the said company may choose.

IV. *Be it further enacted*, That the said company shall make a dividend of their clear profits for tolls on the rail road by them erected, at least once in every year, and oftener if they think fit; which tolls shall be fixed by their bye laws and published.

V. *Be it further enacted*, That the said company may purchase upon the best terms they can procure it, any lands over which the said rail road may pass, and where the said rail road passes over the public roads or the public ground, they shall have liberty to do so, free of charge, provided that they do not materially obstruct the public highways or streets, but provide a mode of convenient passing and repassing across said road, and provided that they do not interfere with any of the public lots of the State in the City of Raleigh. *And provided, nevertheless*, That nothing in this act, shall authorise or permit the said corporation, to demand from any person or persons, who may hereafter contract for the erection of any building or work for the use of the State, in which rock may be deemed a necessary material, a greater price for transporting rock on the said rail road than two thirds of the usual price charged by owners of waggons.

VI. *Be it further enacted*, That this act shall be in force for twenty years from the ratification thereof and no longer.

VII. *And be it further enacted*. That this act shall commence and be in force from and immediately after the ratification thereof.

CHAPTER LXI.

An act to incorporate a Cavalry Company in the county of 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 the Company of Cavalry in the county of Duplin commanded by Captain William J. Price, be, and the same is hereby incorporated and made a body politic and corporate, by the name and style of the Duplin mounted Grays, 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 LXII.

An act to incorporate the Northampton Troop of 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 Troop of Cavalry in the county of Northampton, commanded by Captain Matthew Calvert be and the same are hereby incorporated, and made a body politic and corporate, by the name and style of the Northampton Troop of Cavalry.

ry, 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 LXIII.

An act to incorporate the North Carolina Historical Society.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Iredell, David L. Swain, Alfred Moore, Joseph S. Jones, Louis D. Henry, Isaac T. Avery, Joseph A. Hill, William D. Mosely, Richmond Pearson and such persons as may hereafter be associated with them, be, and they are hereby incorporated into a body politic and corporate, to be known and distinguished by the name and style of the North Carolina Historical Society, and by that name and style shall have perpetual succession, sue and be sued, implead and be impleaded and have a common seal, shall appoint such officers as they may think proper for conducting the affairs of the society, make such regulations as they choose for the admission of members, shall be authorised to hold property not exceeding at any one time ten thousand dollars, and in general may make such rules and regulations as they may deem requisite for promoting the object of their association, not inconsistent with the laws of this State or of the United States.

II. *And be it further enacted, That the said society shall have free access to all the public records of this State, and shall be permitted at their own costs and charges, to transcribe or cause to be transcribed any of the said records, it being understood that such transcription is to be made in the offices respectively, in which such records now are for safe custody, and without interruption to the duties of the officers having charge of the same.*

CHAPTER LXIV.

An act to incorporate the Trustees of the Rolesville Academy in the county of Wake.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Roles, William Jeffreys, Wesley Hartsfield, Bryan Green, John Ligon, Matthew Strickland, William Alston, John L. Tyrrel and Benjamin Marriott be known and distinguished by the name of the Trustees of Rolesville Academy in the county of Wake, and by that name shall have perpetual succession, and they or their successors shall be able and capable in law, to take, have and receive, possess, enjoy and demand any property real or personal, and any moneys or other things that shall be given for said school, and the same to apply according to the will of the donor; to take, have, possess and enjoy to them and their successors forever, any lands, tenements of what kind or nature siever, in special confidence, that the same or the profits thereof, shall be applied to and for the purpose of establishing said academy.

II. *And be it further enacted, That the trustees aforesaid, shall have full power and authority to make such bye laws and regulations as they may think proper for the good government of said academy, not inconsistent with the laws of the State.*

CHAPTER LXV.

An act to incorporate the Sunsbury Academy in 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 John C. Gordon, Joseph Gordon, Richard H. Parker, Henry Costin, James Costin, Thomas Twinn, Noah Hance, Tillery W. Carr, George Costin, Willis F. Riddick, Wells Cowper, Isaac R. Hunter, Edward R. Hunter and John Gatling of the county of Gates, be, and they are hereby incorporated by the name and style of the Trustees of the Sunsbury 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 the trustees, by death, resignation or otherwise.

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

CHAPTER LXVI.

An act to incorporate the Person Artillery.

Be 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 Artillery in the county of Person, commanded by Captain Robert Jones, be, and they are hereby incorporated under the name of the Person Artillery, and as such, shall have power to adopt such bye laws for the government thereof, as a majority may deem necessary; not inconsistent with the constitution and laws of this State; and all fines, penalties and forfeitures, incurred in pursuance of such bye laws, shall be recovered as militia fines are now recovered, and when collected may be applied to the use of said company for military purposes.

CHAPTER LXVII.

An act concerning the hands working on roads, 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 all hands allotted by the Court of Pleas and Quarter Sessions of Burke county, to work on any road in said county, on which the United States mail is carried in stages, shall and they are hereby exempt from working on, or cutting out any other road; any law usage or custom to the contrary notwithstanding.

CHAPTER LXVIII.

An act to extend the provisions of an act passed in the year one thousand eight hundred and thirty, Chapter one hundred and thirteen, entitled an act to amend an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee river Turnpike road, passed Anno Domini one thousand eight hundred and twenty six, Chapter thirty six.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the above recited act, be, and the same are hereby extended to the first day of January one thousand eight hundred and thirty four.

CHAPTER LXIX.

An act to incorporate two Volunteer Companies in the county of Pasquotank.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Volunteer Cavalry Company in the county of Pasquotank at present, commanded by Thomas Harvey, be, and the same is hereby declared a body corporate and politic, and under the name and style of the Elizabeth City Rangers; 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 government and discipline of said cavalry company as they shall deem expedient and proper, not inconsistent with the constitution and laws 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 shall be applied to the use and benefit of said cavalry company for military purposes.

II. And be it further enacted, That the Volunteer Infantry Company in the county of Pasquotank, at present commanded by Frederick B. Shepard, be, and the same is hereby declared a body politic and corporate, and under the name and style of the Elizabeth City Guards 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 government and discipline of said infantry company, as they shall deem expedient and proper, not inconsistent with the constitution and laws of the 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 shall be applied to the use and benefit of said infantry company for military purposes.

CHAPTER LXX.

An act to empower the Wayne County State Guards to form themselves into a squadron of Light or Horse Artillery.

Be 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, incorporated last session, by the name of the Wayne County State Guards, in the county of Wayne, be, and they are hereby authorised and empowered to form themselves into a squadron of Light or Horse Artillery, by the same name, and that they are hereby declared to have and possess the same corporate powers and privileges as are granted to like squadrons in this State; any law to the contrary notwithstanding.

CHAPTER LXXI.

An act to incorporate the Robeson Light Dragoons.

Be 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 Robeson, commanded by Edm. McQueen, is hereby incorporated by the name of the Robeson Light Dragoons, 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 LXXII.

An act to incorporate the Franklin 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 troop of cavalry in the county of Macon, commanded by N. S. Barrett, be, and the same is hereby incorporated by the name of the Franklin 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 constitution and laws 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 of said troop for military purposes.

CHAPTER LXXIII.

An act to incorporate the Granville Dragoons.

Be 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 Granville, commanded by Sandy Harris, is hereby incorporated by the name of the Granville Dragoons, and by that name and style shall have power to adopt such uniform, and enact 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 LXXIV.

An act to incorporate the La Fayette Hotel Company in the town of Fayetteville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas L. Curtis, William Whitehead and their associates, and their successors, are hereby constituted a body, corporate and politic, by the name and style of the La Fayette Hotel Company, and by that name, may sue and be sued, plead and be impleaded, make contracts, hold and possess real estate, borrow money and pass all such bye laws for the regulation of the concerns of said company as may be necessary, not inconsistent with the constitution and laws of this State.

II. Be it further enacted, That the capital stock of said company shall not exceed the sum of twenty five thousand dollars, divided into shares of two hundred and fifty dollars each, and that the general interests of said company shall be managed by a president and three directors to be chosen by the stockholders.

CHAPTER LXXV.

An act to incorporate the Pitt Troopers and Bladen 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 Company of Cavalry in the county of Pitt, commanded by captain John Hodges, and the company of cavalry in the county of Bladen, commanded by captain John Owen, be, and they are hereby incorporated, the former under the name of

the Pitt Troopers and the latter under the name of the Bladen Cavalry, and under such names they shall have power to adopt such bye laws for the government of said 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 recovered in this State, and appropriated to the use and benefit of said companies for military purposes.

CHAPTER LXXVI.

An act concerning the upper Regiment of Chatham county militia.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter it shall not be lawful for any general or field officer to order the upper Regiment of the militia of Chatham county, to parade any where without the territorial limits of said regiment, except in cases of insurrection or invasion.

CHAPTER LXXVII.

An act in relation to the independent or volunteer companies attached to the second regiment of the Stokes County Militia.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the three light infantry companies, the two Rifle companies, and the one artillery company, at present attached to the second regiment of Stokes County Militia, commanded by Colonel Ziglar, shall be, and they are hereby formed into a separate and distinct regiment; which regiment, for its organization, conduct and operation, shall have the same number of field officers and other necessary officers, enjoy the same rights and privileges and be subject to the same duties as other militia regiments.

II. *Be it further enacted,* That said regiment for muster and review shall convene at Salem and Germanton alternately, and that any other volunteer company, which may hereafter be formed in the second regiment of Stokes county militia, shall have liberty to join this regiment.

III. *Be it further enacted,* That should the court martial of the regiment thus formed, find it expedient, the regiment may at any time with the consent of the Brigadier General commanding the brigade dissolve itself.

CHAPTER LXXVIII.

An act to incorporate the Silver Run 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 James McKethan, Archibald Cameron, James Cameron, Demsey Griffin and Daniel McNeill, of the county of Cumberland, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of Silver Run 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 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 power to fill such vacancy thereby occasioned.

CHAPTER LXXIX.

An act to incorporate the Anson Dragoons.

Be 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 Anson, commanded by Thomas Waddell, junior, is hereby incorporated by the name of the Anson Dragoons; 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 that 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 LXXX.

An act to incorporate the Randolph Blues.

Be 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 county of Randolph, commanded by Michael Cox, is hereby incorporated under the title of the Randolph Blues.

II. *Be it further enacted, That the Randolph Blues shall have power to adopt such bye laws for the government of the company, not inconsistent with the constitution and laws of this 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 as militia fines are recovered in this State, and appropriated to the use and benefit of said company for military purposes.*

CHAPTER LXXXI.

An act to incorporate the Onslow Troopers, the Johnson Dragoons, and the Lenoir 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 Onslow at present commanded by Lott Ballard, the troop of cavalry in the county of Johnson, at present commanded by John McLeod, and the troop of cavalry in Lenoir county, now commanded by John C. Washington, be, and the same are hereby severally incorporated under the name and style of the Onslow Troopers, the Johnson Dragoons, and the Lenoir Troopers, and each 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 severally applied to the use of said troops for military purposes.

CHAPTER LXXXII.

An act to incorporate the Cabarrus Artillery.

Be 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 artillery in the county of Cabarrus, commanded by captain Caleb P.

McKee, be, and the same is hereby incorporated by the name of the Cabarrus Artillery; and by that name shall have power and authority to adopt such bye laws, as they, or a majority of them, may deem necessary for the government of said company, 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 that militia fines are recovered in this State, and applied to the use of said company for military purposes.

CHAPTER LXXXIII.

An act to incorporate the Gatesville Academy.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Saunders, Henry Gilham, William C. Daughtery, Jephtha Fowlkes and William E. Pugh be, and they are hereby constituted a body politic and corporate, by the name and style of the Trustees of the Gatesville 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 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 LXXXIV.

An act to incorporate the Blakeley Blues.

Be 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 company of cavalry at Long Creek Bridge, in New Hanover county, is hereby incorporated under the title of the Blakeley Blues.

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

CHAPTER LXXXV.

An act to incorporate the La Fayette Artillery 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 company of artillery in the county of Mecklenburg, commanded by captain Joseph E. Pritchard, be, and the same is hereby incorporated under the name of the La Fayette Artillery, and as such, shall have power and authority to adopt such bye laws and rules as a majority may deem necessary, not inconsistent with the constitution and laws of this State, and all fines, forfeitures and penalties incurred under such bye laws may be recovered as other militia fines are, and when collected may be applied to the use of said company for military purposes;

II. *Be it further enacted*, That the La Fayette Artillery, shall be detached from the regiment of a battery to which it now belongs, and be attached to the first regiment of North Carolina volunteers.

III. *Be it further enacted*, That no member of the La Fayette Artillery; shall be exempt from the performance of military duty in said company, by enrolling himself in any fire or other company whatever.

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

CHAPTER LXXXVI.

An act to incorporate the Macon county Agricultural Society.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That Jesse R. Siler, Luke Barnard, John Dobson, and John Hall of the county of Macon and their associates, be, and they are hereby constituted a body politic and corporate, to be known in law, by the name and style of the Macon County Agricultural Society, for the purpose of encouraging agriculture and family domestic manufacture in the said county.

II. *Be it further enacted*, That there shall be a president, treasurer and secretary, appointed by the Society, who together with five directors shall constitute a board for the transaction of business.

III. *Be it further enacted*, That the board of managers and their successors in office, shall be able and capable in law to sue and be sued, plead and be impleaded, to pass all such bye laws, rules and regulations for the government of the society, as a majority of them may think proper, not inconsistent with the constitution and laws of the State;

CHAPTER LXXXVII.

An act to amend an act, passed in the year one thousand eight hundred and twenty nine, entitled an act to authorise the forming a Fire Engine Company in the town of Elizabeth City.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the number of members limited by the afore-said act, to the afore-said Fire Engine Company, be increased to forty.

II. *Be it further enacted*, That such additional members enrolled, pursuant to the provisions of this act, be, and they are hereby made subject to the rules, penalties and exemptions heretofore established by law for the government of said company.

CHAPTER LXXXVIII.

An act to incorporate the Haywood Boating 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 for the purpose of facilitating the transportation of produce, goods, wares and merchandise between the towns of Haywood, Fayetteville and Wilmington, that Abraham G. Keay, Charles J. Williams, Jonathan Haralson, Dr. Robert K. Smith, William C. Stedman, Jacob Hadley, Nathan Mendonall, Chesley P. Facetti, Ross P. Facetti, Richardson Facetti, John Jones Allston, Green Wismack, Joseph Small, Dr. Spencer McLenehan, George H. Shatts, William

Boylan, James Mebane and Benjamin Williams, are hereby incorporated under the name and style of the Haywood Boating Company; and under that name and style may sue and be sued, plead and be impleaded, have the power of appointing such officers as a majority may deem best for the furtherance of the objects, and to adopt such bye laws, not inconsistent with the constitution and laws of North Carolina, as they may deem fit and proper for the regulation of their concerns.

II. *Be it further enacted*, That the capital stock of the said company shall be two thousand dollars, with the liberty of increasing the same hereafter to ten thousand dollars; and that for the purpose of attaining the end of the said corporation, books of subscription may be opened in the towns of Pittsborough and Haywood, under the direction of such persons as the company may select for the purpose, and at such time as they may hereafter appoint: *Provided*, that nothing in the above act shall be so construed as to enable the above company to throw any impediments in the way of others, to the free and unrestricted navigation of the river as now enjoyed.

III. *Be it further enacted*, That this act shall be in force for the term of ten years from and after the ratification thereof, and no longer.

CHAPTER LXXXIX.

An act directing the manner in which Constables shall hereafter be elected in the counties of Davidson, Buncombe, Chatham, Currituck, Wilkes, Duplin, New Hanover, Surry, Wayne, Hyde and Onslow.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter, there shall not be a greater number of constables in the counties of Davidson, Buncombe, Chatham, Currituck, Wilkes, Duplin, New Hanover, Surry, Wayne, Hyde and Onslow, than one for each captain's district within said counties.

II. *And be it further enacted*, That on the first Saturday in February next, and annually thereafter the inhabitants of each captain's district within said counties, 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 Courts of Pleas and Quarter Sessions of the said counties as hereinafter directed; and upon such return being made under the certificate of the judges appointed to hold said election, the said courts 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 counties, and in their absence any justice of the peace within the district shall on the said first Saturday of February next, and on the first Saturday of February in each and every year thereafter, appoint two discreet and suitable persons to hold said elections, and every free white 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 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 in this act 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 XC.

An act for the better organization of the militia of the county of Beaufort,
Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the militia of the said county shall be, and the same is hereby divided into three battalions, shall form one regiment and be commanded by one Colonel Commandant, one Lieutenant Colonel and three Majors, to wit: one major for each battalion, who shall reside within the limits of his said battalion.

II. *Be it further enacted*, That the Washington battalion, shall be composed of the captain's companies in the districts of Washington, Chocowinity, Tranters Creek and Broad Creek, and the battalion muster of said battalion, shall be in the town of Washington. That the Bath battalion shall be composed of the captain's companies in the districts of Bath, Long Acre, North Creek, Lower Broad Creek and Log House, and the battalion muster of said battalion shall be held in the town of Bath. That the Durham's Creek battalion shall be composed of the Durham's Creek Guards and the captain's companies in the district of Blount's creek, South dividing creek and Goose creek, and the battalion muster of said battalion, shall be in George W. Peed's old field, near Durham's creek mills, where the company muster of said Guards, shall also be.

III. *Be it further enacted*, That any regimental or battalion court martial of said county, shall have and are hereby invested with the power to detach from either of said battalions and attach to another battalion, either of the said district companies whose convenience and wishes may at any time require such alterations.

CHAPTER XCI.

An act to prevent the felling of timber in or otherwise obstructing the channel of Little River, from Bumpers Fork to the county line in Montgomery county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter, if any person or persons shall fell timber in or otherwise obstruct the channel of Little River, from Bumpers Fork down to the Montgomery county line, in said county, such person or persons shall be deemed guilty of a misdemeanor, and may be indicted in the Superior Court of said county, and on conviction may be fined at the discretion of the court, not exceeding fifty dollars for each and every offence against this act: *Provided, however*, that nothing in this act shall be construed to prevent the erection of water fences or mills on said river, or to prevent the owners of land on said river from clearing the same, if the timber cut down and felled in said river in clearing such lands be removed within five days.

II. *Be it further enacted*, That if any slave or slaves shall offend against the provisions of this act, on conviction before any justice of the peace in

said county, shall receive not exceeding thirty-nine lashes on his or her bare back, and the owner of such slave or slaves shall be liable for all costs.

CHAPTER XCII.

An act to restore Joshua Pennel of Wilkes county, to credit.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joshua Pennel, of the county of Wilkes, be, and he is hereby restored to all the privileges of a free citizen, in as full and ample a manner as if he had never been convicted of the crime of conspiracy.

CHAPTER XCIII.

An act for the relief of Britton Jones, of Bertie 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 Britton Jones, a free person of color, be permitted to reside within this State, and that he be exempted from the act of one thousand eight hundred and twenty-six, entitled an act to prevent free persons of color from migrating into this State, for the government of such persons resident in the State, and for other purposes; and that all penalties which he may have incurred under the above recited act be hereby remitted.

CHAPTER XCIV.

An act to authorise certain persons hereafter named, to raise by way of lottery two thousand dollars, for building a bridge across Neuse river, at John Carter's landing in the county of Lenoir, and for other purposes.

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William D. Mosely, Connel Wooten, George Whitfield, senior, Jesse Lassiter, John W. S. West, Allen W. Wooten, Wendall Davis, junior, Richard Rouse and Needham Whitfield, be, and they are hereby authorised to raise by way of lottery two thousand dollars, by such scheme or schemes as they or a majority of them may think most advisable, in special confidence that the said sum shall be applied to the building a bridge across Neuse river, at John Carter's landing in the county of Lenoir, to raise the road through the swamp on each side of the river, so as to make the same passable in high water, and also to build a bridge across Bear creek, at Hinson's old bridge.

II. *Be it further enacted, That the said lottery or lotteries shall be conducted and drawn under the superintendence and direction of the persons before named, or a majority of them, under such rules, regulations and restrictions as they may prescribe.*

III. *Be it further enacted, That when the sum aforesaid is raised, the commissioners aforesaid shall proceed to contract with some suitable person or persons to build the bridges and raise the road aforesaid, in such way and of such materials as they or a majority of them may think proper.*

IV. *Be it further enacted, That when the said bridges and road shall have been completed, the same shall and they are hereby declared to be open and free to the passing and re-passing of all and every person, free of toll or any other charge whatever,*

CHAPTER XCV.

An act to incorporate Oak Grove Academy in Bertie county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John G. Roulhac, Joseph B. G. Roulhac, Lewis Bond, Thomas Gilliam, Turner Carter, Willie J. Gilliam, Jeremiah Bunch, William Hoggard, James Dewes, William Watson, Jonathan S. Taylor and Joseph B. Outlaw and their successors be, and they are hereby declared to be a body politic and corporate, by the name and style of the trustees of the Oak Grove Academy, and by that name, shall have and enjoy all the rights, privileges and immunities usually enjoyed by any incorporated academy within this State.

CHAPTER XCVI.

An act amendatory and declaratory of the several laws now in force concerning the town of Oxford,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the several laws now in force, concerning the town of Oxford, shall not be construed as to confer upon the commissioners thereof or any other person acting under their authority, the power to condemn or otherwise affect the stock or other property belonging to the citizens out of the corporate limits of said town.

II. *And be it further enacted,* That any person offending against the provisions of this act, shall be held guilty of a misdemeanor and also liable for damages in an action on the case to the part aggrieved.

CHAPTER XCVII.

An act to empower the commissioners of the town of Serecta in the county of Duplin to sell the town commons.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the aforesaid town of Serecta in the county of Duplin, are hereby authorized to sell the town Commons of said town, and pay over the proceeds thereof to the county trustee to be disposed of, as the County Court of said county shall see proper.

II. *Be it further enacted,* That the commissioners aforesaid, shall receive such compensation for their services as the court may direct, a majority of the acting justices being present.

CHAPTER XCVIII.

An act to incorporate an academy on the lands of Martin R. Garret, in the county of Nash, by the name and style of Stony Hill Academy.

Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That John Davis, Austin Plummer, Henry Simms, James N. Mann, William Burt and Arthur Arrington, be, and they are hereby constituted a body politic and corporate by the name and style of the trustees of Stony 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 incorporate academy within this State.

II. *Be it further enacted* That any three of said trustees may constitute

a quorum for the transaction of business, and that on the death, resignation, refusal to act, or removal out of the State of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned.

CHAPTER XCIX.

An act to establish Haywood Academy in Chatham county, and to incorporate the trustees thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Charles J. Williams, Abraham G. Kean, Robert K. Smith, Jonathan Haralson, Robert Fancett, George H. Shutt, Spencer McLeneham, William D. Strain and John Farrar, be, and they are hereby constituted a body corporate and politic, by the name and style of the trustees of Haywood 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. *Be it further enacted by the authority aforesaid, That* any three of the said trustees may constitute a quorum for the transaction of business; and that on the death, refusal to act, resignation or removal out of the State of any of the trustees, the remaining trustees shall have power to fill the vacancies thereby occasioned,

CHAPTER C.

An act to prevent the felling of timber in, or otherwise obstructing the channel of either branch of the north east branch of New river in Onslow County

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person or persons hereafter, shall fell timber in, or otherwise obstruct the channel of either branches of the north east branch of New river in Onslow county, below the boat landing and herring fisheries in said county, shall be guilty of a misdemeanor, and may be indicted for the same in the County or Superior Courts of said county, and on conviction shall be fined at the discretion of the court, not exceeding twenty dollars for each and every offence against this act: *Provided*, That nothing herein contained shall be so construed as to prevent owners of land from erecting water fences, or building mills thereon; nor shall any person incur the penalty herein prescribed, who shall fell 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 ten days.

CHAPTER CI.

An act to incorporate the town of Whiteville in the county of Columbus.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the government of Whiteville in the county of Columbus, shall be vested in the following persons as commissioners, to wit: John H. White, Henry Joiner, Chester Rockwell, Harman Williams and Richard L. Byrne.

II. *And be it further enacted, by the authority aforesaid, That* the said commissioners or a majority of them and their successors in office, appointed as hereinafter prescribed, shall be, and they are hereby incorporated into

a body politic and corporate, by the name and style of the Commissioners of Whiteville, and by such name shall have succession and a common seal, sue and be sued, and shall have power from time to time and at all times hereafter, to make such rules, orders, regulations, bye laws and ordinances as to them, or a majority of them, shall seem necessary for the good government of the said town, not inconsistent with the constitution and laws of this State or of the United States; and the said commissioners are hereby further authorised, should they deem it expedient and not injurious to the public convenience, to lay off a certain portion of the streets and public square, in said town (not exceeding ten feet on each side) for the erection of piazzas or porticoes to such houses as have been or shall hereafter be built on lots contiguous to said streets and public square.

II. *Be it further enacted, by the authority aforesaid,* That if any of the said commissioners should die, remove, or refuse to act, the remaining commissioners shall have power to fill such vacancy by the appointment of others in their stead.

CHAPTER CII.

An act appointing lay days on Rocky river, joining Anson and Montgomery 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 it shall not be lawful for any person or persons to haul a seine, or authorise, or connive at the same in Rocky river, joining Anson and Montgomery counties, from twelve o'clock on Saturday night until twelve o'clock on Monday night in any week, between the tenth day of February and the tenth day of May in any year hereafter.

II. *Be it further enacted,* That if any person or persons shall, either directly or indirectly offend against any of the provisions of the above section, they shall for each offence be subject to indictment in the Superior Courts of either county, and on conviction, shall be fined at the discretion of the court, not exceeding twenty dollars; any law, usage or custom to the contrary notwithstanding.

CHAPTER CIII.

An act to prevent the falling of timber in, or otherwise obstructing the navigation of Goshen, between Hursts bridge and the North East 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 if any person or persons hereafter, shall fall timber in, or otherwise obstruct in any manner whatever, the navigation of Goshen from Hursts bridge to its junction with the North East river, may be indicted in the County or Superior Courts of Duplin county, and upon conviction, shall be fined at the discretion of the court not exceeding the sum of fifty dollars.

CHAPTER CIV.

An act to revive and continue in force in the town of Washington, the provisions of an act passed in the year one thousand eight hundred and twenty four, entitled an act to provide against the introduction and spreading of contagious or infectious diseases in this State.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the above recited act shall be, and the same is hereby revived and declared to be in full

force and effect in the said town, and the commissioners thereof shall not be restrained in the enforcement of said act by any thing contained in any other act whatsoever, and this act shall be in force from and after the ratification thereof.

CHAPTER CV.

An act to emancipate Horace, a slave.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Horace, a slave, belonging to Lovedy Ann Henderson of the county of Wake, is hereby with the consent, and at the request of his said owner, emancipated and set free, and by the name of Horace Henderson, shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of colour within this State, provided nevertheless, that before such slave shall be emancipated, the petitioners shall give bond and good security to the Governor and his successors in office in the County Court of Wake, that the said slave shall honestly and correctly demean himself so long as he shall remain in this State, and shall not become a parish charge, which bond may be sued upon in the name of the Governor for the time being, to the use of the parish, and of any person injured by the mal-conduct of such slave.

CHAPTER CVI.

An act to divorce Polly Buckner from her husband Edward Buckner.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Polly Buckner of the county of Buncombe be, and she is hereby divorced from the bonds of matrimony with her husband Edward Buckner late of said county, in as full and ample a manner as if the same had never been entered into; and that she be, and is hereby discharged from all duties, obligations and engagements as a wife to the said Edward Buckner.

CHAPTER CVII.

An act to amend an act passed in the year one thousand eight hundred and twenty one, entitled an act to prevent fire hunting of fowl in Carteret county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person or persons, offending against the provisions of the first section of the before recited act, shall be guilty of a misdemeanor, and may be indicted in the County or Superior Courts for Carteret county, and on conviction may be fined and imprisoned, not exceeding twenty dollars fine or thirty days imprisonment, any law to the contrary notwithstanding.

CHAPTER CVIII.

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

CHAPTER CIX.

An act concerning the inspection of fire wood in the town of Newbern.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the price for the inspection of wood in the town of Newbern, shall hereafter be two and a half cents for every cord inspected; any law, usage or custom to the contrary notwithstanding.

CHAPTER CX.

An act to authorise Robert Henry, to erect a mill on Hominy creek in Buncombe county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Robert Henry of Buncombe county be, and he is hereby authorised and empowered to build a mill, and erect a dam across Hominy Creek within his own plantation in said county; any law to the contrary notwithstanding.

CHAPTER CXI.

An act to authorise the County Court of Wake to lay a tax for building a substantial fire proof Court house or a substantial fire proof Office, for the safe keeping of the public records of the county.

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of the county of Wake, a majority of the acting justices of the peace of said county being present, is hereby authorised whenever it may deem it expedient to dispose of the framed house at present used as a Court house in the City of Raleigh, and to lay a tax on the citizens of the county for the purpose of raising such a sum of money as may, when added to the proceeds of the sale of the present Court house, be deemed sufficient to defray the expence of erecting a substantial fire proof Court house on the site on which the Court house now stands, furnished with the necessary fixtures and appendages for such a building; or if said court shall deem the present Court house sufficient for the present, and decline to erect a more substantial one, that said court be authorised to lay a tax sufficient to defray the expence of building on said Court house lot a substantial fire proof office, for the safe keeping of the public records of said county.

II. And be it further enacted by the authority aforesaid, That it shall be competent for the said justices, a majority being present, to obtain by loan such sum of money as they may deem necessary for the said purpose.

CHAPTER CXII.

An act to authorise the completion of the Tennessee River Road, in the county of Macon, 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 the justices of the Court of Pleas and Quarter Sessions for the county of Macon, at their next court that may happen first after the first day of March next, seven justices being present, shall appoint three fit and discreet persons as commissioners, for the purpose of opening books and receiving subscriptions of stock to the amount of two thousand dollars, which sum shall constitute the capital stock of the company hereby incorporated; and it shall be the duty of the commissioners to open books at the town of Franklin, and at such other places as the court may direct, on the first day of April next, for the purpose of receiving subscriptions of stock in said company.

II. *Be it further enacted*, That the aforesaid capital stock of two thousand dollars, shall be divided into shares of twenty dollars each, and shall be applied to the use of completing and keeping in repair a turnpike road, commencing at or near the junction of the Tuckaseege and Tennessee rivers, so as to meet the Tennessee River Turnpike Road, and thence up Tennessee river, on or near the same ground where the road is now laid off, towards Franklin, to the house where Elias Kilpatrick now lives, a distance of twenty miles; the road to be, when completed, of the following dimensions, that is to say, sixteen feet wide, clear of obstructions, except where side cuttings may be necessary, in which case the road shall be twelve feet wide; all necessary bridges shall be twelve feet wide, and the declivities of the road shall not exceed one foot perpendicular to ten feet horizontal.

III. *Be it further enacted*, That as soon as one thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders in the town of Franklin, and if the stockholders owning a majority of all the shares subscribed for shall attend, it shall and may be lawful for them to proceed to appoint a president, treasurer and three directors, for the term of one year and until the next general meeting of the stockholders; and the president, treasurer and directors, when so appointed, and their successors in office, shall constitute a body politic and corporate in law, by the name and style of the Franklin Turnpike Company; and by that name may sue and be sued, plead and be impleaded, in any court of record within this State; and as such shall have perpetual succession and a common seal, and shall have and possess in common all the rights and privileges which may be necessary to carry into full effect the objects of this incorporation.

IV. *Be it further enacted*, That the number of votes to which any stockholder shall be entitled, shall be according to the number of shares he may hold, in the proportion 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 fifty, one vote; for every ten shares above fifty, one vote.

V. *Be it further enacted*, That the president and directors shall have power, from time to time, to make and establish such bye laws for their own government, as they may think proper, not inconsistent with the constitution and laws of the State.

VI. *Be it further enacted*, That the owners, or a majority, of all the shares subscribed, shall have power at any time to remove from office the president, treasurer and directors of said company, or any of them, and to appoint others in their stead, and to fill all vacancies which may happen in any way; and it shall be the duty of the president to make a full and fair statement of all the affairs of the company to each general meeting of the stockholders; and it shall be the duty of the treasurer to receive and account for all moneys belonging to the company, to keep a fair account of the same, and to do and perform all such duties as may be required of him in relation to his office.

VII. *Be it further enacted*, That the stockholders shall, at their first general meeting, fix on the time and 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 said road shall be completed, as directed in the second section of this act, it shall and may be lawful for the company to erect a toll gate at some convenient place on said road, and may demand and receive toll at the following rates, that is to say, for a man and horse, six and a quarter cents; for loose horses and mules, four cents; for hogs and sheep, one cent each; for cattle, two cents per head; for six horse wagon, seventy-five cents; for five horse wagon, sixty-eight and three-fourths cents; for four horse wagon, fifty cents; for every three or two horse wagon, thirty-seven and a half cents; for one horse wagon, twenty-five cents; for four wheeled carriages of pleasure, fifty cents; on every gig or sulky, twenty-five cents: *Provided, however*, that no toll shall be collected until the said road shall have been viewed and received by commissioners appointed by the court for that purpose.

IX. *Be it further enacted*. That before any toll shall be collected as afore-said, the County Court shall appoint one or more suitable persons as commissioners for the purpose of viewing and seeing that the said road is kept up; and if at any time the company shall suffer the road to get out of repair and remain so for the space of one month, the president and directors shall be subject to indictment, and on conviction shall be fined at the discretion of the court, and shall also have the gates opened and kept open until the road shall be put in good repair; the commissioners to receive one dollar for every day they are necessarily engaged in viewing and making return of said road, to be paid by the company.

X. *Be it further enacted*, That all the hands liable to work on public roads, and living within two miles of said road, from Kilpatrick's down to the Smoky mountain, shall be subject to work eight days in each and every year on this road, under the directions of the company, and shall be exempt from working on any other road in said county.

XI. *Be it further enacted*, That nothing in this act contained shall render any citizen of the county of Macon liable to pay any of the above tolls.

XII. *Be it further enacted*, That this act shall be in force from and after the passage thereof, and that the powers hereby granted shall cease and determine at the expiration of twenty years.

CHAPTER CXIII.

An act to provide for the final settlement of Executors and Administrators; also the annual settlement of Guardians in the county of Anson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of the county of Anson, may if they deem it advisable annually at the July term of the court, a majority of the justices of the county being present, appoint three persons of skill and integrity (any two of whom will form a quorum for business) to audit and pass on all accounts and final settlements of all Executors and Administrators, and the annual settlement of Guardians.

II. *And be it further enacted*, That when any executor, administrator or guardian shall be prepared to settle his accounts, he shall apply to the said board of auditors, who shall within three months thereafter appoint a time and place to settle and audit said accounts, and it shall be the duty of said executors, administrators and guardians, to give thirty days notice in writing of the time and place at which settlement will be held to all persons interested in

the settlement of said estate as legatees, distributees or guardians of minor heirs, which notice shall be proved before the said board at the time and place aforesaid, and it shall be the duty of said board of auditors to audit and pass on the accounts of the said executor, administrator or guardian, and report the account and settlement so made by them to the next County Court; and upon a confirmation of said report the same shall be conclusive and final as to all persons notified as aforesaid; and unless any person or persons, so interested in said settlement, shall within twelve months thereafter except the said report of settlement, and commence a suit against the said administrator or executor to falsify the same; and except further as herein provided.

III. *And be it further enacted.* That in case the said board of auditors shall refuse to admit any voucher or claim of any executor or administrator, he or she may appeal to the Superior Court, and an issue, if the said court shall deem it proper, shall then and there be made up by the said Superior Court, and the justness of said claim shall be tried by a jury, and in case they find the said claim or claims to be just or the court so determine, the expense of the said appeal shall be paid out of the estate in the hands of such executor or administrator, otherwise the said executor or administrator shall pay the costs.

IV. *And be it further enacted.* That in case any of the legatees or distributees shall reside out of the limits of this State, the said administrator, or executor, shall give notice for six weeks in the State Gazette, of the time and place appointed by said auditors to settle said accounts, which notice shall be deemed sufficient for all such non resident legatees and distributees, who are of full and lawful age. *Provided, nevertheless,* That any legatee or distributee who may reside out of this State, may, at any time within two years after the confirmation of the report of the auditors, except the said report or commence a suit against the executor or administrator to falsify the same and recover judgment for any amount due him.

V. *And be it further enacted.* That in case any infant, idiot or lunatic shall be interested as a legatee or distributee in the settlement of any executor or administrator, it shall be the duty of said executor or administrator to give notice to the general guardian of such infant, idiot or lunatic.

VI. *And be it further enacted.* That no settlement shall be binding on any infant, lunatic or person non compos mentis, unless a regular notice agreeable to the provisions of this act, shall be served on his or her guardian, nor unless said guardian has given bond and security agreeable to his guardianship.

CHAPTER CXIV.

An act for the better regulation of the town of Statesville

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Theophilus Falls, William F. Cowan, Abner Franklin, Thomas M. Young and William C. Worke, the present commissioners of the town of Statesville, and their successors in office, shall have power and authority to lay a tax annually, not exceeding one dollar on every poll in said town, liable by law to pay a poll tax, and not exceeding thirty three and one third cents on every hundred dollars value of lots in said town with their improvements,

II. *And be it further enacted by the authority aforesaid,* That the said commissioners as such, shall have perpetual succession; and upon the death, resignation, or refusal to act, of any one of said commissioners, it shall and may be lawful for the remaining to appoint some suitable and discreet person as commissioner in the place of him so dying, resigning or refusing to act, which said commissioner so appointed, upon taking and subscribing an oath to perform the duties of said appointment, shall be held and deemed to be a commissioner and his acts as such to be as good and valid as if his name had been herein set forth, and in like manner may all succeeding vacancies be filled up, so as to keep up the succession forever.

III. *And be it further enacted,* That the said commissioners shall appoint a treasurer, who shall enter into bond with sufficient securities, to the Governor and his successors in office, in the sum of five thousand dollars conditioned that he shall annually account for all moneys received by him, and pay the same according to the direction of the said commissioners.

IV. *And be it further enacted,* That the said commissioners shall keep a record of the proceedings, and shall appoint a secretary whose duty it shall be to furnish the sheriff of the county of Iredell, with a copy of the order for laying a tax, and the said sheriff shall collect the same and pay it over to the treasurer under the same rules and regulations as other taxes are collected and paid.

V. *And be it further enacted,* That the said commissioners or a majority of them, shall have a public meeting in the Court house on the second Monday in February in each and every year, and shall proceed to value the lots in said town with their improvements, and shall hear and consider the complaints of any person who may think themselves aggrieved by the valuation of their property, and the final determination of said commissioners shall be conclusive as to the value of the lots and their improvements. And a copy of the valuation shall be filed in the office of the clerks of the Court of Pleas and Quarter Sessions of Iredell county, on the Monday of February Court in each year, and all taxes for the State, county, poor and town shall be collected and accounted for, according to such valuation.

VI. *And be it further enacted,* That the said commissioners shall from time to time apply the taxes received by virtue of this act to the improvement of the streets of said town, and to such other purposes for the benefit of the town as they may deem expedient. And whenever in their opinion the funds will justify it, they may contract for paving the side walks in the principal streets in said town, and for the purpose of making such pavements, they shall have power and authority to remove all obstructions.

VII. *And be it further enacted,* That after the said commissioners shall have laid and collected a tax, according to the provisions of this act, no person shall be compelled to work on the streets of said town.

VIII. *And be it further enacted,* That all laws which come within the purview of this act, are hereby repealed and made void.

CHAPTER CXV.

An act to appoint commissioners for the town of Haywood in the county of Chatham, 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 it shall and may be lawful for the citizens resident in the town of Haywood, and within two

miles thereof, having the necessary qualification of voters for members of the House of Commons of the State Legislature, on the first Monday of March next, and on the first Monday of March in each and every year thereafter, to elect five persons to act as commissioners of said town for the term of one year from such election: *Provided*, That no one shall be deemed eligible to the appointment of commissioner unless he has resided in said town, or within two miles thereof, twelve months immediately preceding his election, nor unless he is at the time of his election, and has been for twelve months previous thereto, seized and possessed of a freehold within said town, or within two miles of the same.

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

III. *Be it further enacted*, That the commissioners or a majority of them, if they should deem it necessary, shall have power annually to levy and collect a tax not exceeding twenty five cents on each poll, and twenty five cents upon every hundred dollars worth of real property of the taxables and taxable property in said town, which tax when collected shall be applied to such improvements of the said town as the board of commissioners may direct.

IV. *Be it further enacted*, That the treasurer and constable appointed by the commissioners, before entering upon their duties, shall give bond and security respectively, in such sum as the commissioners or a majority of them may require, payable to the magistrate of police for the time being and his successors in office, conditioned for the faithful performance of their respective duties; and the constable when so appointed, shall have full power and authority to collect all taxes imposed, and all fines and penalties incurred by the bye laws adopted by the said commissioners, and all other claims due to the corporation, in the same manner that similar claims are now collected by law.

V. *Be it further enacted*, That said commissioners are hereby authorized to appoint a patrol in said town, and within two miles thereof, consisting of such number of free white men as they may deem necessary, who when appointed and duly notified thereof, shall patrol said town and the adjacent two miles, under such rules, regulations and penalties, as may be prescribed by the board of commissioners.

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

CHAPTER CXVI.

An act to amend an act passed in the year one thousand eight hundred and twenty four entitled an act for the better settlement of the finances of the county of Robeson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Committee of Finance, appointed under the provision of the before recited act, to call upon the several officers of their county, who are receivers of public moneys, previous to the first court of Pleas and Quarter Sessions, which shall be holden for the county of Robeson in the year one

thousand eight hundred and thirty three, for a settlement of public their accounts and the said officers shall be bound to attend, under the same penalties as are prescribed in the said act of eighteen hundred and twenty four, and it shall further be the duty of the said committee of finance, to apply to the clerk of the County court, and it shall be the duty of said clerk to furnish said committee of finance with a statement from his minute docket of all orders made, in the preceding year for payments out of the county funds, to whom made, and for what purpose, and the said committee shall also make application to the clerk of the wardens of the poor, and it shall be the duty of the said clerk to furnish them with a full statement of the allowances made out of the poor funds, and to whom made, for the preceding year, or for the year for which the said committee are preparing to make settlement; and the committee aforesaid, shall make out three fair statements of the accounts of the several officers mentioned in the before recited act, to which shall be added the accounts of the wardens of the poor for the same year, for which said committee is then engaged to make settlement, and the committee aforesaid, shall make a distinct statement of the amount of tax for each specific object, designating therein, the amount due, striking a balance in each case, and report to the first court of Pleas and Quarter Sessions, which shall be held for the county of Robeson, after the first day of February next, and to the first County Court which shall be held for said county, after the first day of February annually thereafter.

II. *And be it further enacted*, That the court to which said report is returnable in each and every year, seven justices being on the bench, may if they deem it expedient, pass an order authorising their clerk to have a number of the copies of the said report printed for distribution, not less than one copy for each magistrate and militia captain in said county, and it shall further be the duty of the clerk of the court aforesaid to have the same distributed, for which service he shall be paid the amount of the printers bill, to be paid by the Sheriff out of the county funds.

III. *And be it further enacted*, That the said committee of finance, at the court in each and every year at which they are required by this act to make report, to set up in some conspicuous part of the Court house, a copy of said report.

IV. *And be it further enacted*. That nothing in this act shall be so construed as to prevent the said committee of finance from calling on the officers and receivers of public moneys of the county aforesaid, as often as the said committee may deem it advisable; any law to the contrary notwithstanding.

CHAPTER CXVII.

An act compensating Jurors of the original pannel in the county of Beaufort.

Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That thirty jurors and no more, shall hereafter be drawn as the original venire, for each of the several County and Superior Courts of said county; to each of which jurors shall be paid the sum of seventy five cents per day, for every day such juror is compelled to attend at any term of said courts, which happens after the first day of August next, besides his ferriage or toll in going to and from court: *Provided*, said juror verifies on oath of affirmation before the clerk of such courts his attendance and toll or ferriage, for which said clerk shall give to such juror a ticket certified under his hand and may charge therein his fee of ten cents for such ticket to be paid down by the juror to the clerk.

II. *Be it further enacted*, That it shall be the duty of the Sheriff of said county, to receive all such tickets at par in payment of taxes or any other moneys due to the county; and the said sheriff is hereby required to attend in person or by his deputy at the Court house of said county on the days of said courts, on which the jurors are discharged for the term; and then and there to pay and take up all such jury tickets as shall be presented to him for payment, and he shall be allowed the same by the committee of Finance in the settlement of his annual account; but if said sheriff shall neglect or refuse to pay any juror ticket when presented to him for that purpose, or shall fail to attend at the Court house for the purpose of paying said tickets, each and every juror holding unpaid tickets, may recover by warrant in his own name of such sheriff double the amount of his ticket besides cost of suit for damages on account of such default, but the sheriff shall only charge the nett amount of the ticket in every case warranted on.

III. *Be it further enacted*, That if any sheriff, deputy sheriff or county trustee of said county shall presume to shave any jury ticket, or any other claim against said county, or shall employ any other person to shave or take in any such ticket or claim, at less than par, such officer so offending shall be liable to indictment and punishment as for misdemeanor in office; and any other person so employed by an officer shall be liable to indictment and punishment as for cheat.

IV. *Be it further enacted*, That the fund for the payment of said jurors shall be raised in the following manner and no other, that is, by a tax on land and lots and their improvements; and on taxable white and black polls, and on law proceeding in said county, in the following manner and rates; that is to say, it shall be the duty of the justice of said county, and they are hereby required to assemble at the Court house of said county, at the first term of the court of Pleas and Quarter Sessions of said county, which happens after the first day of January next, and at the same term in each and every year thereafter, and then and there lay a jury tax of three cents on every hundred dollars valuation of lands and lots and their improvements, and a tax of ten cents on every taxable white and black poll in said county. The residue of said fund shall be raised by the following taxes on law proceedings in the courts of said county, which taxes shall be, and the same are hereby levied or imposed; to wit, on every leading process returnable to the County Court one dollar; for every petition to said court except those for roads and widows' provisions, one dollar; and every indictment in said court, where conviction happens and the defendant is able to pay the cost, one dollar; on every appeal to said court from the judgment of a single justice out of court, one dollar; on every appeal, writ of error, certiorari, mandamus, or leading process returnable to the Superior Court, two dollars; on every indictment in said court where conviction happens and the defendant is able to pay the costs, two dollars; on every appeal to the Supreme Court or subpoena, or other writ to answer to any bill in equity, three dollars: *Provided, however*, That the clerks of said courts shall not charge any other tax than that authorised by this act, on any writ, or other paper or proceeding in said courts, which is made taxable hereby, and they are hereby required to exact no other.

V. *Be it further enacted*, That it shall be and is hereby made the duty of the sheriff of said county, to collect the aforesaid land and poll taxes the same

year in which they are laid by the court, and in season to commence paying juror tickets at August court of the same year; and he shall continue to make such payments at each and every court thereafter. And it shall be the duty of said clerks and they are hereby respectively required to exact the said taxes at the time of issuing leading process or other writs hereby made taxable, or at the time of filing appeals from justices' judgment out of court; or at the time of filing petitions, or at the time of filing appeal bonds, or at the time of pronouncing judgments or indictments; and each and every one of said clerks are hereby required to pay over to said sheriff, on the last day of each and every term of their respective courts, the amount of said taxes, which they may have received since the last term; and at the time of paying the same over, shall also hand to the sheriff a true statement of such taxes, as well the amount as the names of the cases from which the same was received, which said statements said sheriff shall hand over to the committee of finance at the time of making his annual settlements with them: *Provided, however,* That said sheriff may retain six per centum on the amount of the land and poll tax collected by him under this act; and the said clerks may retain six per centum on the amount which they respectively shall pay over to said sheriff for taxes on writs and law proceedings under this act; but no commissions whatever shall be charged or allowed to the county trustee, on the amount arising from either of the aforesaid descriptions of taxes.

VI. Be it further enacted, That if the aforesaid taxes shall prove to be insufficient to pay the whole of said jury tickets of any one year, the said sheriff is hereby required to pay the residue of such tickets out of any other county money in his hands; and if the jury fund shall at any time prove to be more than sufficient to pay all of said jury tickets, then the County Court may order the excess to be applied to the payment of any other claims against said county.

VII. Be it further enacted, That the committee of finance shall report to the County Court at the first term which happens in each and every year, an exact account of the state of the jury fund, and whether the said officers shall have faithfully discharged the duties required of them by this act; and if either of said officers shall at any term of said courts fail to perform the said duties, it is hereby made the duty of the county attorney of said county to move for judgment instant, and enter the same up against such delinquent officer and his securities upon his official bond in such court, to be discharged by the payment of the sum (with the costs) which said officer should have paid at said court, and it is hereby made the duty of said attorney to enforce such judgments.

VIII. Be it further enacted, That it shall be the duty of the clerks of said courts to collect without delay, the balances due in their respective offices, under the act for compensating the jurors of said county, passed in the year one thousand eight hundred and twenty nine, and pay the same over to said sheriff, whose duty it is hereby made to pay the same to those jurors under the said act who remain unpaid; and the residue if any apply to the payment of such other county claims as the County Court shall or may direct.

IX. Be it further enacted, That this act shall be in force from and after the ratification thereof; and any thing in any other law coming within the meaning and purview of this act, shall be, and the same is hereby repealed and made void.

CHAPTER CXVIII.

An act to amend an act passed in the year one thousand eight hundred and twenty six entitled an act to appoint commissioners for the town of Kinston 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 free men residing within the limits of the town of Kinston, in the county of Lenoir may, on the first Saturday in February next, and annually thereafter, elect five commissioners, who shall hold and possess a freehold within the limits of said town, twelve months next before and at the day of such election, who when so elected, and shall have qualified as hereinafter prescribed, shall be able and capable of exercising all the powers, privileges and immunities, that the commissioners named in the before recited act were capable of exercising.

II *Be it further enacted,* That the commissioners when so appointed shall have power to appoint a magistrate of police, and such other officers as may be necessary for the better regulation and government of said town.

III. *Be it further enacted,* That the commissioners and magistrate of police, before entering upon their respective duties, shall take the following oath before some justice of the peace for said county, to wit: I, A. B. do solemnly swear that I will to the best of my skill and ability discharge the duties of commissioner, or magistrate of police (as the case may be,) for the town of Kinston without favour, affection or partiality: so help me God.

IV. *Be it further enacted,* That the commissioners aforesaid or any three of them are hereby authorised to lay off and set apart, not exceeding a half acre of the commons of said town, if they deem it necessary, for the use and purpose of a burying ground: *Provided,* The lot so laid off shall not interfere with any lands belonging to said town heretofore appropriated to other purposes, nor with any of the improvements of said town.

V. *Be it further enacted,* That three of the commissioners aforesaid shall constitute a quorum for the transaction of business.

CHAPTER CXIX.

An act to establish a town on the lands of John D. Amis in the county of Northampton at the termination of the Petersburg rail road on the Roanoke river.

Whereas by an agreement made and entered into by the president and directors of the Petersburg Rail Road Company, and John D. Amis, two hundred acres of land has been laid off into squares, lots, streets and allies, at the termination of the Petersburg rail road on Roanoke river, for a town to be called Blakely in honor to the memory of the late lamented Johnson Blakeley, the adopted son of North Carolina: Therefore

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the town laid off on the lands of the said John D. Amis at the termination of the said rail road on Roanoke river, be, and the same is hereby established, and confirmed by the name of Blakely.

II. *Be it further enacted,* That the plan, plot and diagram, of the said town of Blakely, as located and laid off as aforesaid, shall be recorded in the office of the County Court Clerk of the county of Northampton, and the original filed in said office at the expense of said rail road company and John D. Amis, the fee for recording shall be apportioned and allowed by the County Court or by contract with said clerk.

III. *Be it further enacted*, That William B. Lockhart, William H. Gray, Roderick B. Gary, William D. Amis and Littleton C. Richards be, and they are hereby appointed commissioners of said town of Blakely; and they and their successors, a majority being present, shall have power to make and adopt such rules and regulations for the government of said town, as they may deem just and proper, not inconsistent with the laws and constitution of the State.

IV. *Be it further enacted*. That in case of any vacancy by death, resignation or removal of any one or more of said commissioners, the others shall have full power and authority to fill said vacancy or vacancies; and the person or persons so appointed, shall have and possess as full power and authority as if appointed by this act.

CHAPTER CXX.

An act for the better regulation of the town of Jameston, in Martin county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That Philip D. Seymour, Crossby S. Gardner, Starkey Gardner, Edmond S. Moore and S. W. Smithwick, be, and they are hereby appointed commissioners of the town of Jameston, in Martin county, and as such are hereby declared to be a body corporate and politic, and may sue and be sued, plead and be impleaded; appoint a secretary to their board, levy and collect taxes on the lots and improvements and taxable polls in said town, for defraying the expenses incident to the police thereof; and may make and enforce, by warrant before any justice of the peace of said county, such ordinances as they may deem proper for the preservation of the health, and for the general welfare of said town, not inconsistent with the constitution or general laws of the State.

II. *Be it further enacted*, That any three of said commissioners shall suffice to form a quorum for the transaction of business; and as often as any vacancy shall happen in said board of commissioners, by death, removal, or refusal to act, of any one of said body, the remaining commissioners shall have power, and it is hereby made their duty to select some other citizen of said town to fill such vacancy, who shall possess all the powers possessed by the above named commissioners.

III. *Be it further enacted*, That every commissioner, acting as such under this act, shall, before he enters on the duties of his office, take an oath before some justice of the peace of said county, that he will well and truly execute the office of commissioner of said town, and endeavor to promote the general welfare thereof, so long as he remains in said office; and the first meeting of the commissioners appointed by this act, shall be within the month of May next, and thence forward there shall be a meeting once in every three months.

IV. *Be it further enacted*, That anything in any other law coming within the meaning and purview of this act, shall be, and the same is hereby repealed.

CHAPTER CXXI.

An act appointing commissioners to build a Bridge across South 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 Thomas Craige Joseph Haynes, Caswell Harben, William Hawkins, Samuel Lemby, Christian Brinkle and W. B. Wood or any three of them be, and they are hereby

appointed commissioners for receiving subscription to the amount of five thousand dollars, for the purpose of building a bridge over the South Yadkin River, at or near the place where the old bridge over said river stood; and that the said commissioners, or a majority of them, shall prepare books and cause them to be opened at Salisbury, Mocksville and Fulton, under the direction of themselves, or such other persons as they may think proper to appoint; to be opened on or before the first day of June next, and to remain open six weeks, unless the stock is sooner subscribed for.

II. *Be it further enacted*, That when it shall appear that the amount of two thousand dollars is subscribed, the stockholders, their heirs or assigns, shall assemble in General Meeting; and when they do so assemble, a majority being present, they are declared to be an incorporated company, by and under the name of the South Yadkin Bridge Company, and under that name may sue and be sued, plead and be impleaded, defend and be defended, have perpetual succession and a common seal.

III. *Be it further enacted*, That a majority of stockholders being present at said meeting, are empowered and required to elect a President and four Directors to remain in office one year, or until the next meeting of the stockholders, which shall be annually; and any proprietor of stock may vote either by himself or by directing his proxy in writing.

IV. *Be it further enacted*, That if two thousand dollars in stock be not subscribed by the time aforesaid, that the time shall be extended to the first day of December next, that if there should be a larger amount of stock subscribed than four thousand dollars, the commissioners shall have power and authority to begin and strike off a share from the largest subscription first, and continue to strike off from all the subscriptions a share each if necessary, above one or more shares, until the same shall be reduced to the capital aforesaid.

V. *Be it further enacted*, That the said capital sum shall be divided into shares of one hundred dollars each, and no person shall subscribe for less than one share; the shares to be paid for at such times and places, and by such instalments as the President and Directors of said Company may direct, they first advertising the sum to be paid on each instalment in some newspaper, in the town of Salisbury, for at least twenty days; and if any person or persons holding a share or shares in said Company, and 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 at public sale such share or shares as such person or persons may hold in said Company, by giving ten days public notice thereof; and if the share or shares thus exposed at sale, does not sell for a sum sufficient to pay the instalment or instalments due thereon, the sum deficient may be recovered from the owner or owners of the stock; and the books of the Company shall be good evidence of such sale.

VI. *Be it further enacted*, That the President and Directors shall have full power and authority to commence work on said bridge, or to enter into contract for the building any part thereof, whenever the said sum of two thousand dollars shall have been subscribed as aforesaid, and to make and establish all rules and regulations for the proper management of the affairs of said company, as they may in their discretion think expedient.

VII. *Be it further enacted*, That the president and directors shall have full

power and authority to commence work on said bridge, or to enter into contract for the building any part thereof: whenever the said sum of two thousand dollars shall have been subscribed as aforesaid, and to make and establish all such rules and regulations for the proper management of the affairs of said company, as they may in their discretion think expedient.

VIII. *Be it further enacted*, That the president and directors shall have full power and authority to erect a gate or gates across said bridge, to demand and receive the following rates of toll, from all persons, animals and carriages, passing over said bridge; for a four wheeled carriage of pleasure, thirty seven and a half cents; for a two wheeled ditto, twenty five cents; for a wagon, thirty seven and a half cents; for a cart, eighteen and three fourth cents; man and horse, six and a quarter cents; for a single man or horse, five cents; for horned cattle, each two cents; for all sheep and hogs, one cent each, and no more.

IX. *Be it further enacted*, That this act shall be in force for and during the term of thirty years: *Provided*, The company hereby created, shall commence the building the said bridge in two years, and finish the same in four years, from and after the passing of said act and not after.

CHAPTER CXXII.

An act to alter the time of holding the election in the town and borough of Salisbury.

Be 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 election for a member of the House of Commons in the General Assembly of this State for the town and borough of Salisbury, shall be holden on the day preceding the election for a member of the Senate and members of the House of Commons for the county of Rowan, in each and every year, under the same rules, regulations and restrictions in other respects, as now govern said elections.

CHAPTER CXXIII.

An act for the better regulation of hands working on public roads in the counties of Anson and Cumberland.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all hands that are or may hereafter be appointed by order of the County Courts of Anson or Cumberland to work on such public road or roads as are now, or shall hereafter be used in transportation of the United States mail stage, shall be, and are hereby exempt from working on or assisting in clearing out other or new roads in said counties; any law, usage or custom to the contrary notwithstanding.

CHAPTER CXXIV.

An act to empower the County Court of Nash to borrow money for the purpose of defraying the expense of building a fire-proof Court House.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions to be held for the county of Nash, a majority of the acting justices being present, shall have the power, if they deem the same expedient, to borrow a sum of money, not exceeding four thousand dollars, for the purpose of defraying the expenses which may occur in building a fire-proof Court House in said county.

CHAPTER CXXV.

An act to amend the laws relative to the County Courts of Iredell.

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions for the county of Iredell, at their May term in each and every year, a majority of the acting justices being present, are hereby authorised to select from the body of said justices three persons instead of five, as by law now required to hold and preside in said courts.

II. *Be it further enacted,* That if any of the said three persons do not attend, seven or more justices shall be competent to select any others to supply the vacancy thereby occasioned; and the said three justices constituting a special court, shall possess the same powers, be governed by the same rules and receive the same compensation, as are now prescribed in the case of the appointment of five justices to hold such court.

III. *Be it further enacted,* That the said Court of Pleas and Quarter Sessions, a majority of the justices being present, may at their discretion, and at such terms preceding as may be expedient, order jurors to be summoned to the May and November terms, in the same manner as to the other terms of said court.

IV. *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 CXXVI.

An act to amend an act passed in the year one thousand eight hundred add twenty nine, entitled an act to provide for the compensation of the jurors of the counties of Beaufort, Onslow, Hyde, Anson 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 no tax shall be levied or collected upon proceedings at law in the county of Onslow, under the provisions of the above recited act, upon any action of debt where the general issue is not pleaded; or upon any case in which either from the nature of the proceedings, or from a compromise, award or settlement, or from any other cause, it is not necessary actually to empanel a jury upon the case.

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

CHAPTER CXXVII.

An act to alter the time of holding one of the terms 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 the term of the Courts of Pleas and Quarter Sessions heretofore held for the county of Buncombe, on the third Monday after the fourth Monday in September, shall hereafter be held on the fourth Monday of August, and continue for the term of one week, (Sunday excepted,) as now prescribed by law.

II. *Be it further enacted,* That the justices of the peace, at the court immediately preceding the time of holding the court provided for in this act, shall be authorised and required to draw a jury to attend said court, in like manner as is now prescribed by law; and the clerk of said court shall issue lists to the sheriff, who shall summon said jurors in the manner now required by law.

II. *Be it further enacted*, That all original and mesne process may be made returnable to the term of the court provided to be held by this act.

CHAPTER CXXVIII.

An act to extend the provisions of an act, passed at the last session of the General Assembly, entitled 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, to the county of Wake.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions contained in the before recited act be, and they are hereby extended to the county of Wake, to all intents and purposes, as fully as if the said act had been specially made in relation to the burning of the register's office of Wake county.

CHAPTER CXXIX.

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

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of the Court of Pleas and Quarter Sessions, for the county of Halifax, may, and they are hereby authorised at the first term of said court after the first day of February next, or any succeeding court, and at the first term of said court every year thereafter, or any succeeding court, to elect from among themselves, five fit persons to hold the said courts of said county, three of whom shall be a competent number to hold the said courts, and discharge the duties thereof.

II. *And be it further enacted*, That the five persons so elected, or a majority of them, shall be competent to do, and perform any business, matter, or thing, which by the present laws seven justices are authorised to perform; and they shall in all cases be governed by the same rules, regulations and restrictions as govern other County Courts in this State; and the said justices so elected, shall be entitled to receive, each, a sum not exceeding two dollars per day, and a sum not exceeding dollars for every thirty miles travelling to and from the courts, which sum or compensation shall be fixed on by the majority of the justices of said county, for their services during the time they are employed in the discharge of their duties in said court, which shall be paid by the county trustee or other officer authorised to pay the same, upon the certificate of the clerk of the said court, shewing how many days any such justice, so to be elected, as by this act required, shall have holden the said court.

III. *And be it further enacted*, That the justices of the Court of Pleas and Quarter Sessions aforesaid, shall annually lay a tax, if necessary, sufficient to defray the expenses accruing by the reason of the provisions of this act, which tax shall be levied, collected, and accounted for, by the sheriff of said county, in the same manner and under the same penalties as other county taxes are, by existing laws of this State, any law, usage or custom to the contrary notwithstanding.

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

CHAPTER CXXX.

An act to repeal the provisions of an act, passed at the last session of the General Assembly, chapter one hundred and sixty-four, 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 above recited act be, and the same is hereby repealed.

CHAPTER CXXXI.

An act to fix the time of granting orders for altering or turning roads, and for laying off new ones, in the county of Richmond.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future all petitions and applications for altering or turning any road already established, or for laying off any new road in the county of Richmond, shall be heard and determined at the January term of the County Court of said county, and at no other term: Provided, that no less than seven justices of the peace be present in court when such petition shall be heard and order granted.

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: Provided, however, That nothing in this act contained shall be construed as repealing the existing law requiring petitions for altering roads or for laying off new ones to be filed at the preceding term of the County Court, and advertising the same before such petition shall be granted.*

CHAPTER CXXXII.

An act to regulate the Court of Pleas and Quarter Sessions of the counties of Washington 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 the justices of the peace of the counties of Washington and Hyde, at the first term of the Court of Pleas and Quarter Sessions, held after the first day of February next, a majority of the acting justices being present, they shall proceed to elect out of their own body, five persons to hold the Court of Pleas and Quarter Sessions in said counties, who shall exercise their appointment for one year and no longer, unless re-elected; and the said justices annually at the Courts of Pleas and Quarter Sessions held in February, shall make the like appointment in the manner and form aforesaid, any law to the contrary notwithstanding.

II. *Be it further enacted, That the justices of the peace so elected shall, at each term of said courts, select from their number three persons, who shall hold said court, and receive each one as a compensation for his services, to be paid by the county trustee, on the certificate of the clerk, the sum of one dollar for each and every day they sit in court: Provided, That nothing in this act be so construed as to prevent the remaining two from sitting in and holding courts, if they see proper so to do, in like manner with the three so selected, they doing the same without compensation.*

III. *Be it further enacted, That the said justices so elected, shall be competent to transact the business of law arising in said courts, according to the usages and authorities now observed in the courts of this State, and shall*

also have power to do and perform any business, matter, or thing which by existing laws require to be done by seven justices.

IV. *Be it further enacted*, That more than two of the justices, so elected, failing to attend, or shall die, remove or resign, the remaining number shall supply the vacancy thus happening, who shall be entitled to receive the same pay as aforesaid; and all acts and clauses of acts coming within the meaning and purview of this act are hereby repealed.

CHAPTER CXXXIII.

An act for altering the time of electing the county trustee for 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 justices of the County Court of Orange county shall and may at the February sessions, one thousand eight hundred and thirty-three, of said court, a majority of said justices being present, elect a county trustee for said county, under the same rules and regulations as are now prescribed by law; and that the said county trustee when elected, shall give such bond as is now required by law of the county trustee of the said county, for the discharge of the duties of his office, from May term, Anno Domini one thousand eight hundred and thirty-three of the said court, until February term, one thousand eight hundred and thirty-four of said court.

II. *Be it further enacted by the authority aforesaid*, That the justices of the County Court aforesaid, a majority being present, shall and may, at February term of said court, in each and every year, after the year one thousand eight hundred and thirty-three, elect a county trustee for the term of one year, under the same rules, regulations and restrictions as are now by law required to be observed in electing said officer for the county aforesaid; any law to the contrary notwithstanding.

CHAPTER CXXXIV.

An act amending the patrol laws, so far as relates to the counties of Camden, Pasquotank, Chowan and Gates.

Whereas by the existing laws now in force, the patrols in said counties are not compensated for their services: 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 justices of the peace of the Court of Pleas and Quarter Sessions for said counties, a majority of said justices being present, shall have power and authority if they deem it necessary, to levy a tax not exceeding twenty five cents on each black poll in said counties, for the better compensation of the patrols in said counties, which said taxes shall be collected by the sheriff as other taxes are, and by him paid over to the county trustees, subject to the orders of said courts.

II. *Be it further enacted*, That it shall not be lawful for said courts, or any patrol committee to appoint any person a patroller who is not a slave owner, except in case of insurrection or rebellion.

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.

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

CHAPTER CXXXV.

An act to abolish the offices of the county trustee and treasurer of public buildings the county of Chatham.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the offices of county trustee and treasurer of public buildings in the county of Chatham, be, and the same are hereby abolished, and the Court of Pleas and Quarter Sessions in the county aforesaid are hereby empowered to make such allowance to the sheriff for his ex-officio services as they may deem reasonable.

II. Be it further enacted, That this act shall be in force from and after the tenth day of May next.

CHAPTER CXXXVI.

An act to repeal part of an act passed A. D. one thousand eight hundred and thirty, entitled an act to appoint commissioners to superintend the building 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 so much of an act of the General Assembly of North Carolina, passed in the year one thousand eight hundred and thirty, entitled an act to appoint commissioners to superintend the building of a Court House in the county of Burke, and to prescribe the manner in which the sheriff shall pay over the tax laid for building the same in said county, as limits the contract for building said Court House, to the sum of eight thousand dollars, be, and the same is hereby repealed.

II. And be it further enacted, That a sum not exceeding twelve thousand dollars, be, and the same is hereby authorised according to the provisions of said act to be applied to building of said Court House.

CHAPTER CXXXVII.

An act to regulate the collection of State witness' tickets, so far as respects the county of Guilford.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That where the County Court may pass upon and allow the cost of a State witness' ticket, the acting chairman of the court endorsing on the ticket, allowed by the court, shall be sufficient for the witness to draw his pay, and shall be a sufficient voucher for the sheriff or trustee, as the case may be, in settling his county taxes.

CHAPTER CXXXVIII.

An act to vest in the County Courts of Macon, Burke and Rutherford counties, power to appoint places of public sale, in said 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 County Courts of Macon, Burke and Rutherford counties, shall have full power and authority to appoint the time when, and the places where, public sales of property under execution shall be sold in said counties, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to affect the laws now in force in said counties, in regard to the sale of lands and slaves.*

II. Be it further enacted, That this law shall have effect from the passage thereof.

CHAPTER CXXXIX.

An act to repeal in part an act of the General Assembly passed in the year one thousand eight hundred and twenty six, entitled an act to repeal an act of the General Assembly, passed in the year one thousand eight hundred and twenty, entitled an act directing the County Court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act.

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

CHAPTER CXL.

An act to repeal an act, passed in the year one thousand eight hundred and twenty-eight, entitled an act repealing the several acts establishing and regulating the Special Courts of Burke county.

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

CHAPTER CXLI.

An act to amend the law respecting the appointment of sheriffs, so far as relates to the county of Surry.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the county of Surry shall continue in office until November term one thousand eight hundred and thirty-four.

II. *Be it further enacted, That each and every sheriff hereafter elected for the county aforesaid, shall give bond and security as now prescribed by law, and enter upon the duties of his office at November term, any law to the contrary notwithstanding.*

CHAPTER CXLII.

An act to amend an act, entitled an act to app int one additional place of sale in Hyde county, passed in the year one thousand eight hundred and thirty one.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all sales under execution herealter made under the aforesaid act, shall be on the following days and no other, any thing in any other law to the contrary notwithstanding, that is to say, on the last Saturday in each and every month, except those months in which the courts of the said county are held; and in the said court months, the sale day at the place mentioned in the said act, shall be the Saturday next before the commencement of the said courts.

And this act shall be in force from and after the ratification thereof.

CHAPTER CXLIII.

An act more effectually to provide for the payment of jurors in the county of Anson.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the jurors of the original venire who shall serve either in the county or Superior Courts of the county of Anson, after the first day of January, one thousand eight hundred and thirty four, shall receive for their services the sum of sixty cents per day, and two cents per mile in travelling to and from court, to be raised and paid in the following manner, namely: it shall be the duty of the justices holding the Court of Pleas and Quarter Sessions in April next, and

annually thereafter, at the time they lay their county and parish tax, to lay an additional tax for the purpose aforesaid, not exceeding the sum of ten cents on each poll, and the like sum on every three hundred dollars worth of land and town property, which tax shall be collected by the sheriff as other taxes, and paid over by him to the County Trustee on or before the first day of January in each and every year.

II. *And be it further enacted*, That it shall be the duty of the County Trustee to pay the moneys, which may come into his hands as aforesaid, over to each juror, on the clerk's certificate setting forth the term of service and mileage, or so much thereof as shall be sufficient according to the provisions of this act, and for this purpose, it is hereby made his duty to attend at the court-house in the town of Wadesborough the latter end of each court week.

III. *Be it further enacted*, That the moneys which may be raised by a tax on suits, which shall be instituted in any of the courts in said county after the first day of January, one thousand eight hundred and thirty-four, agreeable to the provisions of an act passed at the session of the General Assembly of one thousand thousand eight hundred and twenty-nine, chapter fifty-five, entitled an act to provide for the compensation of jurors of the counties of Beaufort, Onslow, Hyde, Anson, Columbus and Duplin, shall thereafter be paid by the clerks of the courts annually into the hands of the County Trustee to be applied by him, as other public moneys, any thing contained in said act to the contrary notwithstanding.

CHAPTER CXLIV.

An act to regulate the Courts of Pleas and Quarter Sessions of Duplin county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the justices of the Court of Pleas and Quarter Sessions for Duplin county, at the first term of the said Court, that shall be held after the first day of February next, and at the first term of the said court after the first day of February in each and every year thereafter, a majority of the acting justices being present, to elect from among themselves five discreet persons to hold the said courts of the said county, any three of whom, when so elected shall be competent to hold said court, and to discharge the ordinary business thereof.

II. *Be it further enacted*, That the five justices thus elected shall be competent to do and perform all and singular the duties and things which by the now existing laws, seven justices would be capable of doing; and that the special court, when thus elected, shall be subject to the same rules and regulations as the other County Courts in this State.

III. *Be it further enacted*, That each of the justices thus elected shall be entitled to receive the sum of two dollars for each and every day they may be employed in holding said courts to be paid by the county trustee, on the certificate of the clerk out of the funds of said county.

CHAPTER CXLV.

An act providing compensation for jurors in the county of Cabarrus.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first Court of Pleas and Quarter Sessions, which shall be held in the county of Cabarrus 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 three; all jurors of the original pannel, whether on the grand or petit jury, who shall be summoned to attend the County or Superior Courts for said county shall, upon proving their attendance before the clerks of the same, receive for their service the sum of sixty cents for each and every day they shall have attended said courts, and one dollar for every thirty miles travelling to and from the same; and upon presenting the certificates of their attendance, obtained aforesaid, to the county trustee of said county, it shall be his duty to pay the amount thereof, for which he shall be credited in the settlement of his public accounts.

II. *Be it further enacted*, That it shall be the duty of the County Court, a majority of the justices of said county being present, 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 are.

III. *And be it further enacted*, That the clerks of the said courts for every certificate of attendance given as aforesaid, shall be entitled to receive from every juror swearing to the same, ten cents.

CHAPTER CLXVI.

An act to abolish the office of treasurer of public buildings so far as relates to the county of Bladen and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the office of the treasurer of public buildings shall be abolished, so far as relates to the county of Bladen.

II. *And be it further enacted*, That at the next Court of Pleas and Quarter Sessions held for the county of Bladen, and annually thereafter, a majority of the acting justices being present, they may appoint four or more persons as commissioners to contract with any person or persons to build or repair any of the public buildings belonging to said county, the commissioners first taking bond with sufficient security from the contractor or contractors for the faithful performance of the work, and when it is done a majority of them shall determine whether it has been done according to contract.

III. *And be it further enacted*, That the said commissioners shall select one of their number to superintend the work and see that it is done according to contract, and for such services the court may give such compensation as they may believe an equivalent.

IV. *And be it further enacted*, That the sheriff shall retain in his hand all the moneys now or that may be collected for building or repairing the Court House or Jail of said county, subject nevertheless to the order of the court.

CHAPTER CLXVII

An act to repeal the third section of an act passed in the year eighteen hundred and twenty five, Chapter twelve hundred and seventy two, entitled an act to direct the manner in which licences shall hereafter be issued to retailers of spirituous liquors, so far as regards the counties of New Hanover and Richmond.

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

third section of said act as requires persons applying for licences to retail spirituous liquors to pay to the sheriff the sum of four dollars, be, and the same is hereby repealed, as far as regards the counties of New Hanover and Richmond.

II. *Be it further enacted*, That from and after the first day of March next, the party applying for licences as aforesaid in the counties of New Hanover and Richmond, shall immediately on obtaining a certificate thereof from the clerk, deliver the same to the sheriff, and pay into his hands the sum of twenty five dollars, and receive therefor a licence, signed by the comptroller and countersigned by the sheriff, as directed in the first section of the before recited act; that the sum of four dollars shall be paid by the sheriff as heretofore, and the balance of said twenty five dollars shall be appropriated to the use of said counties of New Hanover and Richmond, for the purpose of defraying the costs of prosecutions in the County and Superior Courts of said counties, in insolvent cases, or whenever the State fails in said prosecutions.

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 CLXVIII.

An act to amend an act passed in the year one thousand eight hundred and twenty seven, entitled an act to keep open the Tuckaseagy and Tennessee rivers 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 from and after the first day of March next, any person or persons who may fell timber in, or otherwise obstruct the channel of Tennessee river in the county of Macon, he, she or they so offending shall forfeit and pay for every such offence the sum of ten dollars to be recovered before any justice of the peace for said county: *Provided, however*, That nothing herein contained shall be so construed as to prevent owners of land, from erecting mills or other machinery propelled by water, and who shall leave one third part of the channel of said river open and free for the passage of fish: *And provided further*, That no person shall incur the penalty herein prescribed, who may fell timber in said river in clearing his, her, or their land: *Provided*, he, she, or they shall remove the same within twenty days.

II. *And be it further enacted*, That William Carpenter and Henry Dryman, be, and they are hereby appointed commissioners whose duty it shall be to view the river once in every twelve months and oftener if necessary to see that one third part of the channel of said river be kept open, and to prosecute all persons offending against the provisions of this act.

III. *And be it further enacted*, That all fines and forfeitures incurred by this act shall be paid one half to the commissioners as a compensation for their services, and the other half to the Wardens for the use of the poor of said county.

CHAPTER CXLIX.

An act to re mark and renew the dividing line between Richmond and Robeson 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 Charles Patterson,

Esq. John Carmichael, Esq. and Doctor John Malloy on the part of Richmond county, and Daniel McPhaul, Esq. Colonel Samuel Watson and James McLean, Esq. on the part of Robeson county be, and they are hereby appointed commissioners to re-mark and renew the dividing line between the counties of Richmond and Robeson, beginning at Campbell's, formerly Overstreet's bridge, and on the west bank of Lumber river, or at any other place where the present dividing line is known, and running thence with the present and existing line to the termination thereof in the South Carolina State line, and along the said line the said commissioners shall mark trees and other objects calculated to perpetuate said boundary line, keeping as near the old marked line as possible.

II. *Be it further enacted* That the said commissioners respectively shall select some suitable person from each of the aforesaid counties as surveyors, whose duty it shall be to ascertain the course and bearing of said line, and two fair drawings or plots of the same to make, marking such notable objects or stations on such line as they and the commissioners may deem necessary; and the said surveyors and commissioners shall sign the said plots, one of which shall be deposited in the County Court Clerk's office of Richmond and the other in that of Robeson county.

III. *And be it further enacted*, that the said surveyors and commissioners shall be allowed by their respective County Courts a sum not exceeding two dollars per day while actually engaged in running and marking said line: *Provided*, That the plots herein specified to be made shall be presented to, and filed in the County Courts which shall be held in each of the said counties respectively after the first day of August next.

IV. *And be it further enacted*, That should the aforesaid commissioners or any of them neglect or refuse to act, then and in that case the County Courts of Richmond and Robeson shall respectively appoint them to supply such deficiency.

CHAPTER CL.

An act to regulate the Courts of Pleas and Quarter Sessions of Davidson county.

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

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

III. *And be it further enacted*, That any of the justices so elected, failing to attend, or shall die, move or resign, the remaining two shall supply the

vacancy thus happening, who shall be entitled to receive the same pay as if resaid; and all acts and clauses of acts coming within the meaning and purview of this act are hereby repealed.

CHAPTER CLI.

An act to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches in the counties of Lenoir and Wayne.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any person or persons shall hereafter obstruct the run of Bear creek, or either fork of said creek, both of which are called Bear creek, or of Little Marsh run, which empties into the East branch of bear creek, by felling timber therein, or otherwise, or shall cause the same to be done, at any point above the bridge at Bear creek meeting house in the county of Lenoir, they shall be guilty of a misdemeanor and liable to indictment in the County or Superior Court, in the counties of Lenoir or Wayne, as the case may be, and upon conviction shall be fined, at the discretion of the court, not exceeding fifty dollars for each offence: *Provided,* That nothing in this act shall be so construed as to prevent the owners of land on said creeks, from building water fences thereon; and that this act shall not extend to cases where, in clearing and improving land, timber is felled into the run of said creeks, if such timber be removed within five days.

II. *Be it further enacted,* That if any slave or slaves shall be guilty of obstructing the run of said creeks without the order of his or her owner, they shall upon conviction before two magistrates of the county in which the offence is committed, be sentenced by said magistrates to receive not exceeding thirty nine lashes, and the owner of the slave or slaves so convicted, shall be liable for the costs of the prosecution.

CHAPTER CLII.

An act to alter the time for the sheriff to make his settlement with the Court of Pleas and Quarter Sessions of the county of Wilkes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the sheriff of said county to make his settlements at the first court that shall happen after the first day of January, in each and every year; instead of November term as heretofore, any law or usage to the contrary notwithstanding.

CHAPTER CLIII.

An act to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter the justices of the Court of Pleas and Quarter Sessions for the county of Mecklenburg, shall hold their elections for all county officers by them appointed, and renew all bonds of such officers according to the existing laws of the State, on the first court that shall happen in said county after the first day of August in each and every year, under the same rules and regulations as are now prescribed for the appointment, and taking the bonds of such officers.

II. *Be it further enacted,* That the bonds of such county officers as may be required to be renewed at May term next, shall be renewed for three

months only, and the same renewed at August term for the same time, conditions and penalties as are now prescribed by law.

III. *Be it further enacted*, That all officers aforesaid, whose term of office shall expire at May term next, may continue therein until August term thereafter, by giving such bond and security for the faithful discharge of the duties of their said offices, as the law now requires.

CHAPTER CLIV.

An act to appoint additional Trustees of Rush Academy, in the county of Hyde.

Whereas, nearly all the Trustees of the said Academy are dead, or have removed away, by which only William Selby, senior, and William Swindle now remain in the county of Hyde, and who, by the provisions of law, have no power to appoint others; 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 Marcus Swindle, Hardy Swindle, William Swindle, (of the fourth) William Waison, Daniel Shaw, Peter T. Golett and Benjamin Gaskill, be, and they are hereby appointed additional Trustees of the Rush Academy of the county of Hyde; who together with the aforesaid remaining trustees, are hereby vested with all the powers and authorities, which by the act of the General Assembly, establishing the said Academy, belong to the trustees thereof, with full power and authority in the trustees to supply all vacancies, which may happen by death, resignation or otherwise.

CHAPTER CLV.

An act concerning the town of Rockford in Surry county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the corporate limits of Rockford in the county of Surry, be extended one quarter of a mile from the Court House in said town, any thing in any other law to the contrary notwithstanding.

CHAPTER CLVI.

An act to repeal an act passed at the last Session of the General Assembly, chapter one hundred and twenty two, entitled an act to authorise the County Court of Guilford to appoint overseers and hands to clear 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 the before recited act be, and the same is hereby repealed.

CHAPTER CLVII.

An act to authorise the commissioners of the town of Fayetteville, to borrow two hundred thousand dollars to be invested in Cape Fear and Yadkin Rail Road Company and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Fayetteville, be, and they are hereby authorised and empowered to borrow a sum, not exceeding two hundred thousand dollars, at a rate of interest not greater than six per centum per annum, redeemable at a period not less than twenty years.

II. *And be it further enacted*, That the said commissioners are authorised

and empowered to invest the said sum in the capital stock of the Cape Fear and Yadkin Rail Road Company; and the whole or any part of the stock by them subscribed for and taken, they may pledge as a security for the payment of said loan: *Provided*, That any sum obtained by the said Police, under any authority hereby given, shall be invested in the stock of the Cape Fear and Yadkin Rail Road Company, and shall be applied in no other way whatever.

III. *And be it further enacted*, That the election of commissioners and magistrates of police for the town of Fayetteville, shall hereafter be held at the town Hall in market square of said town, instead of the Court House as heretofore, under the same rules and regulations as are now prescribed by law.

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

CHAPTER CLVIII.

An act to extend the provisions of an act passed A. D. eighteen hundred and thirty, entitled an act to repeal an act passed in the year eighteen hundred and twenty-three, entitled an act concerning the public lands in the county of Haywood, so far as respects buildings on said lands.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the provisions of the before recited act, be extended so far as to permit the cultivation of one acre of land contiguous to any building on the four hundred acres of land laid off by the commissioners for the town of Franklin in the county of Macon: *Provided*, That this act shall not extend to any indictments now pending in the courts of said county.

CHAPTER CLIX.

An act to repeal in part an act passed in the year one thousand eight hundred and twenty-seven, Chapter eighty eight, entitled an act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act as relates to the first named commissioner on the part of the county of Bladen, be, and the same is hereby repealed.

II. *And be it further enacted*, That Samuel B. Andres be, and he is hereby appointed commissioner on the part of Bladen, and is vested with all the powers and authorities that the above named commissioner was vested with.

CHAPTER CLX.

An act, exempting Powels Point and Poplar Branch companies of militia in Currituck county from attending regimental musters at the Court House therein.

Whereas the great distance the two companies of militia above stated are from the Court House, makes it very inconvenient to attend the regimental musters at said Court House; 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 two companies of militia, viz: Powels Point and Poplar Branch, in Currituck county, be, and the same are hereby exempted from attending regimental musters at the Court House in said county, and that the two said companies be con-

pelled to hold a Battalion muster once in every year, under the direction of the colonel of said county within the limits of the two companies, and that the said companies for any failure to do duty at such battalion muster shall be liable to all such fines and penalties as they would be subject to, if they were obliged to attend said regimental muster.

II. *And be it further enacted*, That it shall be the duty of the Colonel to order said battalion musters and attend and review them and to receive and make returns in the same manner as if they were compelled to attend said regimental muster; any law, usage or custom to the contrary notwithstanding.

CHAPTER CLXI.

An act to exempt the Militia residing on Knott's Island from attending at the Court house at Currituck, on General, Regimental or Battalion musters.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the militia residing on Knotts Island shall be exempted from attending general, regimental or battalion musters, at the Court House of Currituck, except in time of insurrection or invasion.

II. *Be it further enacted*, That the Colonel Commandant of Currituck county, shall review the militia on Knotts Island annually, and said militia shall be liable to the military laws in all other respects as they now are.

CHAPTER CLXII.

An act to alter the name of and legitimate Sally Holliday of Martin county.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the name Sally Holliday, daughter of Chrissey Holliday and Henry Williams of the county of Martin, shall be, and the same is hereby altered to that of Sally Williams; and by that name she shall be, and is hereby declared legitimated, and entitled to inherit from her said father Henry Williams, by descent and distribution, as effectually as if she had been born in wedlock, any thing in any other law to the contrary notwithstanding.

CHAPTER CLXIII.

An act to compel the Register of Buncombe county to keep his office in Ashville.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Register of Buncombe County, be, and he is hereby required to hold his office at Ashville.

II. *Be it further enacted*, That for failure to comply with the requisitions of this act, the Register shall forfeit and pay the penalty of fifty dollars to be recovered before any justice of the peace, in the name and to the use of any informer.

III. *Be it further enacted*, That this act shall have effect, from and after the first day of March next.

CHAPTER CLXIV.

An act further to improve the Police 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 the commissioners of said town shall have power to compel the owner of any unfinished

wharf in said town, containing stagnant water and filth, between the months of May and November, to fill up the same with earth or stone, under such weekly penalties as shall suffice to compel the abatement of the nuisance.

II. *Be it further enacted*, That the toll bridge of said town, and the toll house thereon, shall be, and the same are hereby exempt from the payment of any other tax than which by law is payable to the State, on the toll gate thereon, any thing in any ordinance of said town, or in any other law to the contrary notwithstanding.

III. *Be it further enacted*, That aged or infirm persons, ministers of the gospel, justices of the peace, and persons below twenty-one years of age, shall not be drafted into, nor held bound to perform duty in the fire engine-companies of said town, any former law or usage to the contrary notwithstanding.

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

CHAPTER CLXV.

An act re-appointing commissioners for the town of Waynesville in the county of Haywood.

Whereas, the commissioners appointed by an act of Assembly of one thousand eight hundred and eight, chapter one, for the town of Waynesville in Haywood county, have died, removed or otherwise have ceased to be commissioners:

Be it enacted by the General Assembly of the State of North Carolina; and it is hereby enacted by the authority of the same, That James Patton, Nelson G. Howell and Joseph Cathey, be, and they are hereby appointed commissioners to lay off and allot the streets in the town of Waynesville, and that they shall make out a plot of said streets, which plot shall be deposited in the office of the County Court of Haywood county, and the boundaries by said commissioners established shall be deemed the proper boundaries, any law to the contrary notwithstanding.

II. *Be it further enacted*, That besides the powers mentioned in the preceding section the said commissioners shall have the same power and authority vested in the commissioners appointed by the act of one thousand eight hundred and eight.

CHAPTER CLXVI.

An act to alter the name of George W. Williams of Anson county

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, George W. Williams, an illegitimate son of Reeson Ricketts and Nancy Williams of the county of Anson, shall be known and called by the name of George W. Ricketts and by that name may sue and be sued, plead and be impleaded, and receive and take property by descent or distribution.

CHAPTER CLXVII.

An act to alter the name of Eliza Humphrey and to legitimate her.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Eliza Humphrey, an illegitimate daughter of Robert Sandlin of Duplin county, be, and

she is hereby declared to be legitimate, and shall hereafter be known by the name of Eliza Sandlin, and by such name shall sue and be sued, plead and be impleaded, inherit property by descent and distribution, and shall be entitled to inherit the property real or personal of said Robert Sandlin in as full and ample manner as if she had been his legitimate child by lawful wedlock.

CHAPTER CXIII.

An act to provide for the final settlement of Executors and Administrators; also the annual settlement of Guardians in the county of Anson.

[CONTINUED FROM PAGE 71.]

VII. *Be it further enacted*, That no settlement which may be made as herein-before set forth, shall prevent any infant, lunatic or person non compos mentis, or the subsequent guardian or legal representative, from showing that improper charges have been made or improper credits given in the settlement of any account before said auditors, nor shall any such settlement be considered conclusive evidence against such infant, idiot or person non compos mentis, until two years after he or she shall arrive at twenty one years of age, or shall cease to be non compos mentis.

VIII. *Be it further enacted*, That the accounts and vouchers of all guardians shall be given in on oath annually, and after being duly examined and audited by the said board of auditors, shall be carefully filed away in the office of the County Court Clerk subject to the examination and inspection of all parties concerned.

IX. *Be it further enacted*, That the said board of auditors shall be allowed by the said County Court a reasonable compensation which shall not exceed two dollars per day for the time engaged in auditing and settling the accounts of any executor or administrator and a reasonable compensation shall be allowed for auditing and settling guardian accounts at the discretion of the said court, to be paid out of the assets of the estate: *Provided*, That nothing contained in this act shall be so construed as to compel any guardian having the management of any estate which may not exceed two hundred dollars to incur the expense to his ward of making annual settlement under this act.

X. *And be it further enacted*, That it shall be the duty of the auditors appointed by this act, to take an oath in open court that they will well and truly perform the duties of their office to the best of their skill and ability.

Read three times and ratified in General Assembly,
bly, this the 9th day of January, A. D. 1833. }
S

LOUIS D HENRY, S. H. C.
W. D. MOSELEY, S. S.

A true copy.

WM. HILL, Secretary.



RESOLUTIONS,

PASSED IN GENERAL ASSEMBLY OF 1832-33.

Resolved, That the General Assembly of the State of North Carolina doth entertain, and doth unequivocally express a warm attachment to the Constitution of the United States.

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that on its continuance depend the liberty, the peace and the prosperity of these United States.

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on imports for protection, yet, it is believed a large majority of the people think these acts unconstitutional; and they are united in the sentiment, that the existing tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of Nullification as avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States and leads to a dissolution of the Union.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to use all constitutional means in their power, to procure a peaceable adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties.

Resolved further, That a copy of these resolutions, be respectfully communicated by his Excellency the Governor of this State, to the President of the United States, the Governors of the several States, and to our Senators and Representatives in Congress.

Resolved, That the Public Treasurer of the State of North Carolina, be, and he is hereby required to refund to Nathaniel Harrison, William C. Butler, Martin Roberts, John J. Bryant, James W. Doak, Samuel Cain, William R. Hinton, Joseph Medley, Thomas Ward, Isaac Baxter, John Barnett, James R. Reddick, Thomas B. Wright, James H. Wood, Lewis Bond and Leslie Gilliam, Sheriffs of the counties of Buncombe, Burke, Rockingham, Wilkes, Guilford, Bladen, Wake, Anson, Lincoln, Currituck, Person, Gates, Surry, Northampton, Bertie and Granville, or their order two hundred dollars, the amount of the forfeitures by them incurred and paid over under the act of Assembly passed in the year one thousand eight hundred and thirty one, entitled an act to increase the liabilities of Sheriffs and to provide more effectually for the collection of taxes.

Be it further resolved, That Stephen Owen, John Black and William Crawford, sheriffs of the counties of Beaufort, Cumberland and Richmond, be released from the amount of a judgment of two hundred dollars, rendered against them at the fall term of Wake Superior Court, in one thousand eight hundred and thirty two, for their failure to comply with the act of one thousand eight hundred and thirty one, entitled, an act to increase the liabilities of Sheriffs, and to provide more effectually for the collection of taxes; provided the costs for which judgments were rendered in said cases, against the said Sheriffs of Beaufort, Cumberland and Richmond be respectively and duly paid by said Sheriffs; and the said Sheriffs be allowed their mileage as provided for by law on the settlement of their accounts.

Resolved, That the Public Treasurer refund to Horace D. Bridges, Sheriff of Chatham, the sum of two hundred dollars, the same being the amount of a fine, which he incurred and paid into the Treasury under the act of one thousand eight hundred and thirty one, increasing the liability of Sheriffs.

And be it further resolved, That the Public Treasurer refund to the said Horace D. Bridges the further sum of eighteen dollars and seventy four cents which he paid into the Treasury, there having been a mistake in adding the lists of one thousand eight hundred and thirty, and the County Court of Chatham having allowed him certain remittances and indulgencies, the whole of which amounts to said sum of eighteen dollars and seventy four cents.

Resolved, That the Public Treasurer, refund to James Long, Sheriff of Perquimans County or his agent two hundred dollars, the amount of his forfeiture for his non compliance with the act of the General Assembly, passed in the year one thousand eight hundred and thirty-one, entitled "an act more effectually to enforce the collection of taxes," and that the Public Treasurer be allowed the same in the settlement of his public accounts.

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 money in the Treasury not otherwise appropriated, and that he be allowed the same in the settlement of his public accounts.

Resolved, That the Public Treasurer be directed to permit Joseph Welch of the county of Macon, to file bonds with two or more sufficient securities in discharge of a judgment obtained against him by the State, in the County Court of Haywood, on bonds given for Cherokee lands within the limits of the speculation of Holderman and Esselman.

Resolved, That the Public Treasurer pay to each of the door-keepers of both houses the sum of twelve dollars and a half extra allowance, and they be compelled to pay out of the same, the hands necessarily employed by them to bring wood and water to the State-house during the present session.

Resolved, That the Treasurer be directed to refund to Benjamin Kelby or his agent Jas. Welborn, the sum of ten dollars and eighty-five cents, it being the sum overpaid by the said Benjamin Kelby, for thirty-three acres of land, for which he shall be credited on the settlement of his public accounts.

Resolved, That the Public Treasurer be instructed to pay to Watson Wilcox, Executor of Walter Davenport, late sheriff of Lenoir county, the sum of eleven dollars, the amount of expenses for making a return for his testator.

Resolved, That the Public Treasurer refund to Fielding Slater, sheriff of Rowan county, the sum of forty-one dollars, that sum being the amount of two hundred and five polls, with which said sheriff was overcharged in making his settlement with the Public Treasurer in the year one thousand eight hundred and thirty.

Resolved by this General Assembly, That Joseph Gales, Commissioner for collecting the old journals and laws to supply the place of those destroyed in the late Capitol, be allowed for his expenses and services in carrying into effect the resolutions of the last General Assembly on this subject, over and above the sum of fifty dollars, received by warrant from Governor Stokes, one hundred and seventy-five dollars and thirty cents.

Whereas, Robert Stinson, of Chatham County, paid the purchase money into the Treasury in the year one thousand seven hundred and ninety-nine, for two hundred acres of land, for which he has not obtained any grant or grants, and the time limited for obtaining a grant or grants for the same, having elapsed:

Resolved, That the Secretary of State issue to the said Robert Stinson, a grant for or on his warrant and survey now prepared, for two hundred acres of land, being the same paid for as aforesaid, which entry or warrant now presented is number seven hundred and eighteen.

Resolved, That the Secretary of State be authorised to issue a grant to William Keath, for six hundred and forty acres of land lying on the south west of Lion Swamp in New-Hanover county agreeably to the Treasurer's receipt number two hundred and sixty seven dated the nineteenth November one thousand eight hundred and thirteen, and in conformity with the accompanying plot of the surveyor made on the fourth of February one thousand eight hundred and thirty-six.

Whereas Ephraim Christopher of Haywood county has paid the purchase money to the State, for fifty acres of land in said county, on entry number six hundred and seventeen, when it was his wish to have paid on his entry number seven hundred and three for the same quantity of acres, the entry taker having made a mistake in giving the certificate of entry, on which the payment was made;

Be it therefore resolved, That the Secretary of State issue a grant to Ephraim Christopher for fifty acres of land in Haywood county, on his entry number seven hundred and three, made on the twenty eighth of December one thousand eight hundred and thirty, filing the Comptrollers certificate for the payment of the purchase money on entry number six hundred and seventeen with warrant; number seven hundred and three, noting on said certificate that a grant has issued in consequence of that payment on entry and warrant number seven hundred and three.

Resolved, That the Public Treasurer be directed to refund unto John Robbins, of Randolph county, five dollars, that sum having been by him paid into the Treasurer's office upon the Entry Maker's certificate and land warrant from said county, number one thousand seven hundred and forty-two, and for which no vacant land could be found wherewith to satisfy said warrant; and that he be allowed the same in the settlement of his public accounts.

Resolved, That the Public Treasurer pay Richard Roberts ten dollars and ninety cents, 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 this General Assembly, That the Treasurer of the State be directed to pay unto Abdell Darnell, of Wilkes county, or to his agent, John Saintclair, the sum of five dollars, paid by him into the Treasury of North Carolina, for the purchase money for fifty acres of land, number of entry three thousand three hundred and eighty-three, which said land was afterwards granted by the State to Vincent Reed; and that the Treasurer be allowed for the same in the settlement of his public accounts.

Resolved, by the General Assembly of North Carolina, That the account of J. Gales & Son, amounting to twenty-five dollars, for furnishing the State Library with the North American Review for five years past, be allowed, and that the Public Treasurer pay the same.

Resolved, That the Public Treasurer pay John Lamsden the sum of twenty-one dollars, being the allowance for his mileage and three days service as doorkeeper of the House of Commons during the present Session.

Resolved, As the most safe and advisable place of deposit, that the small fund now belonging to the sisters of James N. Forsyth, be deposited in the Public Treasury, and there safely kept until those entitled to the same, by the Resolution of the last session, shall claim and ask for it; and it is hereby made the duty of the Public Treasurer to call on the late Governor Stokes for the certificates of bank stock belonging to said fund, mentioned in his late message to this General Assembly, and take a transfer of said stock to the State of North Carolina; and also to receive of said Governor all the money now in his hands belonging to the said fund, as also any which may remain in the State Bank unpaid over, and safely keep the said fund until it shall be called for as aforesaid: And the Public Treasurer is hereby requested to ascertain the place of residence of those entitled to said fund, and inform them of the existence of the fund.

Whereas by the several acts of Assembly prescribing the mode of surveying and selling the lands lately acquired by treaty of the Cherokee Indians, it was made the duty of the principal surveyor to make three connected plats, one of which to be transmitted to the office of his Excellency the Governor, one other to the office of the Secretary of State, and the third to be placed in the office of the clerk of the County Court of Haywood; and whereas, since the erection of that territory into a separate and distinct county, it is found necessary for the convenience of the citizens and others that the map now in the clerk's office of the county of Haywood be removed and placed in the clerk's office of the county of Macon:

Resolved, therefore, That the clerk of the county court of Haywood be, and he is hereby directed, on application made to him, to deliver the same into the hands of the clerk of the county court of the county of Macon.

Resolved, That the Public Treasurer be instructed to refund to Daniel Harris of Montgomery county or his agent, eight dollars and fifty cents, he having paid the purchase money, for one hundred acres of land as appears by the Treasurers receipt but received a grant for twelve acres only, and that the Treasurer be allowed the same in the settlement of his public accounts.

Resolved, That Joshua Williamson, Sheriff of Columbus county, be released from the amount of a judgment of two hundred dollars rendered against him at the fall term of the Superior Court, one thousand eight hundred and thirty-two in Wake county, for his failure to comply with the act of one thousand eight hundred and thirty-one, entitled an act

to increase the liabilities of Sheriffs, and to provide more effectually for the collection of taxes, provided the cost for which judgment was rendered in said case be duly paid by the said petitioner.

Resolved, That William Ellison, Clerk of the County Court of Beaufort, be released from the amount of a judgment of one thousand dollars, rendered against him at the fall term of the Superior Court of Wake, one thousand eight hundred and thirty-two, for his failure to comply with an act passed in the year one thousand eight hundred and six, entitled an act more effectually to compel the clerks of courts, the clerks and masters in Equity; and the Sheriffs in this State to make the returns required of them by law, and duly to settle and balance their public accounts.

Resolved, That the Attorney General be directed to commence suit against such of the stockholders of the different navigation and turnpike companies in this State, who have withheld their proportionate dividends for the purpose of recovering the proportion of the money advanced, and that he report to the next Legislature; provided he entertains the belief that a recovery can be effected.

Resolved, That the Public Treasurer, be, and he is hereby authorised and directed to subscribe for the use of the State for as many shares of the capital stock of the Bank of North Carolina, chartered at the present session, as all the money in the Public Treasury, or subject to the order of the Treasurer, to whatever fund the same may belong, (not immediately needed for the public use) will pay for, as soon as the said Bank goes into operation.

Resolved, That Charles Baldwin, Clerk of the County Court of Columbus, be released from the amount of a judgment of one thousand dollars rendered against him at the fall term of the Superior Court, one thousand eight hundred and thirty-two, for the county of Wake, for his failure to comply with an act passed in the year one thousand eight hundred and six, entitled, an act more effectually to compel the clerks of courts, the clerks and Masters in equity, and the Sheriffs in this State, to make the returns required of them by law, and duly to settle and balance their public accounts.

Resolved, That the Comptroller credit William S. Moon, Public Treasurer, with the sum of sixteen thousand five hundred and forty seven dollars, and ten and three fourth cents, that being the amount of treasury notes burnt by the Committee of Finance up to the twenty-eighth November, one thousand eight hundred and thirty-two.

Resolved, That Mastin D. Crawford, Clerk of the Court of Pleas and Quarter Sessions for the county of Richmond, be, and he is hereby absolved from a judgment of one thousand dollars rendered against him at the last fall term of Wake Superior Court, one thousand eight hundred and thirty-two, in favour of the State of North Carolina, by his, the said Mastin D. Crawford paying the cost and charges of said suit.

Resolved, That the Committee of Finance be authorised and instructed to burn such treasury notes as are now, or shall be in the office of the Public Treasurer by the fifteenth of December next, and report the amount to this Legislature.

Whereas it would add generally to the security of the public buildings on Union Square, to have the engine belonging to the City of Raleigh placed in a convenient situation thereon:

Be it resolved, That the commissioners of the City of Raleigh, be permitted to place their engine house on one of the outlines of Union Square, where it may be convenient in case of fire.

Whereas, Daniel Graham, of the county of Cumberland, did, in the month of December, one thousand eight hundred and sixteen, pay into the treasury of this State, the purchase money for seventy-five acres of land lying in said county, upon an entry number two thousand one hundred and thirty-two, as per Treasurer's certificate, number eight hundred and twenty-four, but failed to return the survey as by law directed:

Resolved, That the Secretary of State be authorised to issue to the said Daniel Graham a grant for the said seventy-five acres of land, as soon as the said Graham shall file in the proper office the survey thereof.

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Resolved, That the Secretary of State issue to Jonathan Williams of Rutherford county, a grant for thirty eight acres of land in said county, entered by him the fifteenth day of July eighteen hundred and thirty, and surveyed by virtue of a warrant number six hundred and ninety three, upon payment of purchase money for the same.

Whereas Frederick and Elias Liverman paid the purchase money into the Treasurer's office for two hundred acres of land in Tyrrell county, November the one thousand eight hundred and thirty one, on warrant number one thousand and sixty three, and obtained a grant for one hundred and fifty acres only; Therefore

Resolved, That the Public Treasurer refund the said Frederick and Elias Liverman the purchase money for fifty acres of land so paid for, for which they failed to obtain a grant.

Resolved, That the Public Treasurer pay Joseph Welch the sum of forty one dollars, the amount of costs expended by him in defending his title to land acquired by purchase from the State.

Resolved, That the Governor, be, and he is hereby authorised and instructed to take such steps in relation to the contract with Ball Hughes, for the restoration of the Statue of Washington, as he may deem advisable.

Resolved by the General Assembly of North Carolina, That the Board of Internal Improvement be authorised to cause to be made the necessary examination of the Neuse river from Smithfield to some point near Raleigh, with the view of ascertaining, whether the navigation of said river may not be extended to such point; and in case the said navigation can be effected for such sum as the said Board shall deem reasonable, that they notify the Neuse navigation Company thereof: *Provided* That the expense of said examination be paid by said navigation Company.

Resolved, That the Secretary of State be directed to issue to Charity Webb of Wilkes County, a grant for ninety one acres of land agreeable to warrant number four thousand three hundred and three, and entered the seventeenth day of November one thousand eight hundred and thirty-one, warrant issued the twentieth day of May one thousand eight hundred and thirty two, and agreeable to a plan and certificate accompanying said warrant.

Be it resolved, That the Adjutant General, be directed not to commence any proceedings to enforce any forfeitures against those delinquents referred to in his report made to the present Legislature.

Resolved unanimously by the Senate and House of Commons of the General Assembly of the State of North Carolina. That it is with feelings of profound regret they have received the intelligence of the death of Charles Carroll of Carrollton—the last of that band of patriots and sages who proclaimed the independence of the United States, and pledged for its support their lives, their fortunes, and their sacred honour: and that this General Assembly, with the people whom they represent cherish a deep veneration for the virtues, the services, and the character of the deceased, and sympathise with his family, his friends, and his country, in the bereavement which all have sustained.

Resolved further, That a copy of the above resolution be transmitted by his excellency the Governor of North Carolina, to the representatives of the deceased for his family.

Resolved, That the Treasurer, Secretary and Comptroller be appointed to examine the furniture of the Government House, and sell so much of the same as is unfit for use.

Resolved, That the Governor appoint some suitable individual to take care of the Government House and furniture, and that he receive for his services a proper Compensation to be allowed by the Governor, by his order on the Treasury.

Whereas several of the States of this confederacy have complimented the State of North Carolina with maps of their respective States: and whereas John McIlac of Fayetteville, has lately completed a neat and elegant map of this State.

Be it therefore resolved by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same. That his Excellency the Governor be, and he is hereby authorised and requested as soon as convenient to procure at a reasonable price, a similar

cient number of copies of the map of this State (as executed by John McRae,) and transmit one copy of the same to the district of Columbia, to each of the States of this confederacy, and to each of the Territories or Districts now under the government of the Congress of the United States.

Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer be authorised to make such disposition of the suits now pending against the sureties of the late Public Treasurer as the counsel employed on behalf of the State shall advise.

It appearing by a letter from Colonel Isaac T. Avery, of Burke county, to J. Gales, the Commissioner for collecting the old Journals and Laws, that he is willing to present to the Legislature of the State such old English Law books, contained in the Library of his father, as may be deemed valuable for the foundation of a new State Library.

Resolved That the thanks of this Legislature be presented to Colonel Isaac T. Avery for his proposed generous donations, and that his Excellency Governor Swain, either by himself or some legal friend, receive from the Library of the late Waigh still Avery, such English Law authorities or other books as Colonel Avery may be willing to present to the State for the purpose above mentioned.

Resolved. That the Public Treasurer pay James Graham the sum of fifty dollars, for professional services rendered by him to the State.

Resolved, That Isaac Alexander, clerk of the county Court of Pleas and Quarter Sessions for the county of Mecklenburg be, and he is hereby released and discharged from the payment of a judgment obtained by the State against him in the Superior Court of Wake at the last term of said court, for failing to make and convey to the Comptroller on or before the first day of October last, a certificate of the names of the sheriff of Mecklenburg and his securities, as required upon the act of one thousand eight hundred and six, by the payment by the said Alexander of the costs of said judgment.

Resolved That the Comptroller credit William S. Munn, Esq. Public Treasurer, with the sum of two thousand one hundred and thirty-four dollars twenty-eight and a fourth cents, treasury notes counted and burnt since the twenty-eighth of November last.

Resolved by the Senate and House of Commons in General Assembly. That the commissioners appointed to contract for the re-building of the Capitol of this State, or a majority of them, be authorised to sell such part of the rubbish of the former building as may not be necessary to be used in the new building.

Resolved, That the Public Treasurer be authorised to refund to Samuel W. W. Vick, sheriff of Nash county, the sum of three dollars and twenty cents, for insolvents for the year one thousand eight hundred and thirty, and that he be allowed the same in the settlement of his public accounts.

Whereas the bank of Newbern paid a tax to the State of one per centum per annum; for the years one thousand eight hundred and twenty-eight, twenty-nine, thirty, and thirty-one, on all the shares held in that institution by the President and Directors of the Literary Fund; and whereas, a tax is only payable by the charter of said Bank of Newbern on such shares as are not owned by the State in said company; and the said Bank now insists that the shares of stock held by the President and Directors of the Literary fund, are in fact and truth owned by the State, refuses to pay the tax for one thousand eight hundred and thirty-two, and claims to have the sums improperly paid as aforesaid for the years one thousand eight hundred and twenty-eight, twenty-nine, thirty and thirty-one refunded to it; and whereas a case has been made up to procure a decision of these questions, and is now pending in the Supreme Court of the State; and whereas the President and Directors of the Literary fund hold stock in the Bank of Cape Fear precisely under the same circumstances, and the tax has been paid by the said Bank of Cape Fear, for one thousand eight hundred and twenty-eight, twenty-nine, thirty, thirty-one and thirty-two, and the said Bank contends that the said tax has been improperly claimed for the State by the Public Treasurer, but was unwilling to assume the attitude of defence, and litigate the questions, and is willing to let its claims abide the decision of the question now pending in the Supreme

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Court against the Bank of Newbern; and whereas these matters appear in the report of the Public Treasurer made to the General Assembly at the present session; and are thereby submitted to the consideration of the Legislature; be it therefore

Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer be authorised and required to settle these conflicting claims with the Bank of Cape Fear, upon the same principles and under the same rules that he may settle with the Bank of Newbern under the contemplated decision of Supreme Court; and if under said decision and in pursuance of this resolution it should be necessary or proper to refund any sum or sums so paid as aforesaid by the Bank of Cape Fear, that he be allowed the same in settlement of his accounts as Public Treasurer.

Resolved, by the General Assembly of the State of North Carolina, That the Secretary of State, be, and he is hereby required to issue a grant to Mary Edwards, Joseph Brittain, Amelia Edwards, Philip Brittain, Kesiah Pace, Benjamin S. Brittain Nancy Stewart, Comfort Bell, William Brittain, Susan M. Wilson, James Brittain, Lorenza Dow Brittain, Hqratio N. Brittain and Delila Brittain heirs at law of James Brittain Deceased, upon an entry made in the county of Buncombe number one thousand two hundred and seventy-four, upon producing the receipt of the Treasurer to James Brittain deceased, dated December the second, one thousand eight hundred and twenty three, number two hundred and ninety-two, the warrant and survey hereinafter provided to be made.

Be it further resolved, That the entry taker for the county of Buncombe, shall, and he is hereby required and authorised to issue a warrant to the surveyor for said county commanding him in manner now prescribed by law; to make survey of said entry number one thousand two hundred and seventy-four.

Be it further resolved, That this resolution shall not be construed to affect any rights acquired by other individuals.

Resolved, That the Secretary, Comptroller and Treasurer, be directed to employ some fit person to repair the roof of the Government House, to be paid on the completion of said work by the Treasurer out of any money in the Treasury, for which he shall be allowed in the settlement of his public accounts; that the Governor of the State be requested to inform Mr. Thomas Bragg, that it is necessary for him to complete the work on the office of Secretary of State agreeably to his contract.

Resolved further, That should the said Thomas Bragg refuse to perform said work, then in that event, the Secretary, Treasurer and Comptroller shall have said work completed; the expense thereof to be paid out of any money in the Treasury not otherwise appropriated, and the Governor is hereby authorised to direct a suit to be instituted against said Thomas Bragg for refusing to comply with the terms of his contract.

Resolved, That the Treasurer and Attorney General, be instructed to take the necessary proceedings for the purpose of ascertaining by a decision of the supreme court, whether the Cape Fear and Newbern Banks in paying the tax required by law out of the profits of said Banks, before dividends are declared, have acted in pursuance of the proper construction of that part of their charters, which enacts that a tax of one per cent. shall be levied upon all the Stockholders &c.; and whether the proper construction of their charters does not require that dividends should be first declared, and that the tax should then be retained out of the dividends of the individual stockholders, so that the tax may be paid by the individual stockholders and not by the Bank.



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TREASURER'S REPORT.

TREASURY DEPARTMENT, 19th Nov. 1832.

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:

I. OF THE PUBLIC OR UNAPPROPRIATED REVENUE AND EXPENDITURES.

The balance of cash remaining in the Public Treasury on the 1st day of Nov. 1830, was \$69 750 84

The receipts during the ensuing fiscal year, ending on the 31st day of October, 1831, amounted to 95,73 10

165,483 94

The disbursements during the same period, (including a transfer of \$29,074 96 from the *Public* to the *Literary* Fund,) amounted to 132,460 95

Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer to the first day of November, 1831, as reported to the General Assembly of that year, and for which he is charged in the books of this office, to be 33,022 99

The receipts at the Treasury from all sources of unappropriated revenue, during the last fiscal year, that is, from the 31st Oct. 1831, to the 1st Nov. 1832, amounted to ninety-five thousand five hundred dollars and forty-three cents, (95,500 43,) viz:

Cash received of the Sheriffs for Public tax, being the ordinary revenue of 1831, payable into the Treasury on the 1st Oct. 1832, and not otherwise appropriated, \$66,905 73

Ditto fines imposed for failing to comply with the act of 1831, 3,600 00

Ditto on account of additional returns of taxes, (see statement marked A.) 696 19

Ditto State Bank of North-Carolina, for dividends on 2764 shares of stock, at 2 per ct. for the half year ending in December, 1831, 5,528 00

Ditto ditto for the half year ending in June, 1832, 5,528 00

Ditto Bank of Cape Fear, in full for the tax of one per cent. on their capital stock, (3073 shares,) for the year 1832, payable 1st Oct. 3,073 00

Ditto Bank of Newbern, on account of the tax of one per cent. on their capital stock, payable 1st Oct. 1832, this sum received in part, 4,570 00

Ditto Buncombe Turnpike Company for dividends on the stock owned by the State in said Company, 125 00

Ditto the Executor of Mrs. E. E. A. Haywood, for rent of public lots in the city of Raleigh, rent of 1831, 10 00

Ditto on bonds for sales of lands and negroes belonging to the late John Haywood, Esq. (statement B) principal, \$3,303 67

Ditto ditto interest, 733 44

4,087 11

Cash received of Charles Manly, Esq. amount of first bond given for the purchase of the Machine tract of land, principal,	409 00	
Ditto ditto interest,	18 40	
	<u>427 40</u>	
		94,500 48

Which, with the balance stated above, show an aggregate amount of	127,523 42
The disbursements at the Treasury for the same period, that is, from the 31st Oct. 1831, to the 1st Nov. 1832, for which vouchers have been delivered to the Comptroller, and by him allowed, amount to	119,598 68½
Which, deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable, to the 1st November, 1832, to be	<u>7,924 73½</u>

The disbursements for the year, as stated above and deducted, consist of the following items, viz:

General Assembly,	\$40,379 49
Judiciary,	24,603 45
Executive Department,	2,500 00
Treasury Department,	2,000 00
Department of State,	1,171 00
Comptroller's Department,	1,000 00
Adjutant General's Office,	200 00
Treasury Notes burnt by committee of Finance, session of 1831,	29,811 77
Prisoners,	700 00
Congressional Elections,	22 50
Governor's House,	600 00
Public Printer,	900 00
Stocks of Roanoke Navigation Company,	500 00
State Bank of North-Carolina, interest on the deferred payment for stock,	3,556 24
Bogue Banks,	198 25
Sheriff's for settling Tax,	860 40
Contingencies,	4,9 8 87
Repairs of Statue,	2,800 00
Tuskarora Indians,	3,220 71
	<u>119,598 68</u>

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 statements of the monies 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.

II. OF THE LITERARY FUND.

The balance of Cash remaining in the hands of the Public Treasurer, as Treasurer of this Fund to the 1st of Nov. 1831, as reported to the General Assembly of that year, was, \$75,025 96½

The receipts at the Treasury of money belonging to this Fund, from the 31st day of October, 1831, to the 1st day of Nov. 1832,

amount to thirteen thousand, one hundred and thirty dollars and sixty-five cents and consist of the following sums, viz

Cash received for Entries of Vacated Land,	\$7,898 72	
Ditto for Tax on Sales at Auction, received of sundry Auctioneers,	570 57	
Ditto for Tavern Tax, received of Sheriff,	2,632 00	
Ditto from State Bank of North-Carolina for dividends on 282 shares of Stock (owed by the President and Directors of this Fund) at 2 per cent. for the half year, ending December, 1831,	564 00	
Ditto ditto dividends on the above shares for the half year ending June, 1832,	564 00	
Ditto Roanoke Navigation Company, for dividends on 500 Shares of Stock (appropriated to this Fund) at one and three-quarters per centum, declared November, 1831,	875 00	
Ditto for Tax on Paves held in Richmond county, per act of Assembly of 1830,	26 36	
		13 130 65
Making, when added to the balance above stated, the amount of		88,156 61½
There has been no expenditure from this Fund during the year.		

III. OF THE 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, from the 31st October, 1831, to the 1st November, 1832, (Statement C.) amounted to	\$523 20
Deduct Disbursements (D) during that period, made agreeable to the returns of said Clerks, &c. and for which vouchers have been taken and passed to the Comptroller,	93 49

Showing a balance unexpended of	429 7½
This "unexpended balance" is directed by Act of Assembly of 1825, chapter 1. 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 of November, 1832, of	88,586 32½

IV. OF THE FUND FOR INTERNAL IMPROVEMENT.

Balance on the 31st of October, 1831, as reported to the General Assembly of that year,	\$7,944 19½
The receipts at the Treasury on account of the Fund for Internal Improvement, from the 31st of October, 1831, to the 1st day of November, 1832, amounted to two thousand six hundred and one dollars and thirty six cents. viz	
Cash received from sundry purchasers of Cherokee Lands, appropriated by law to this Fund (Statement E):	
Principal,	\$1,909 38½
Ditto ditto Interest,	691 97½
	2,601 36
	10,545 55

The expenditures for the same period (F) amounted to nine thousand seven hundred thirty-two dollars and fifteen cents, viz.

Appropriation for: Surveys of Rail-Roads,	\$4,476 12
Work on Cape Fear River, being so much paid on the State's subscription for Stock in C. F. N. Company	1,562 49

Tennessee River Turnpike,	2,000 00	
Work on Broad River,	1,500 00	
Money refunded to sundry Cherokee purchasers per		
Rebution,	78 54	
Superintendent Public Works,	100 00	
Secretary Board Internal Improvement,	15 00	
		9,732 15
Which deducted leave a balance at Credit of this Fund to the 1st		
day of Nov. 1832, of		813 40½

Since the Banks of Newbern and Cape Fear have ceased to declare dividends on their Capital Stock, the receipts on the bonds given by the purchasers of Cherokee Lands constitute the only source of revenue belonging to the Fund for Internal Improvement. As it was the *dividend* only, and not the stock itself, that was appropriated to this fund, there can be no expectation of a return of its means to effect much, without the provision of new resources. Under a resolution of the General Assembly of 1829, directing the Public Treasurer "to abstain from collecting any money due upon Cherokee Bonds, given for land lying within the county of Micon, or lying within the county of Haywood, where the same is covered," &c. the collections on these bonds have been in a great degree suspended, and must remain so until the suits against the purchasers now pending in the Federal Court are decided.

The balance of the State's last subscription of \$25,000 for stock in the Cape Fear Navigation Company, is regarded as being first entitled to be discharged from this fund. Should the collections in the course of the winter prove insufficient, after paying that balance, to discharge the debts contracted on account of the Rail-road surveys, ordered by act of the last Legislature, such deficiency will be supplied from any other money in the Treasury belonging to the Public Fund.

RECAPITULATION.

The foregoing statements shew balances of Cash on hand to the		
1st day of November, 1832, as follows, viz.		
Amount as Public Treasurer,		\$7,924 73½
Ditto Treasurer of the Fund for Internal Improvement,		813 10½
Ditto Treasurer of the Literary Fund,		88, 86 3½
		<hr/>
Making an aggregate amount of		\$97,324 46½
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 therefore accountable to the 1st day of November, 1832. That amount is disposed of, (as directed by law,) in the following manner, viz.		
Deposited in the State Bank of North-Carolina, at Raleigh, and remaining at the credit of the Public		
Treasurer, on the 1st day of November, 1832,	\$38,067 27	
Ditto Bank of Newbern ditto	24,714 21	
Ditto Bank of Cape Fear, Fayetteville,	12,100 88	
		<hr/>
		74,882 36
Worn Treasury Notes, Silver Change, &c. deposited in the Vault		
of the Treasury,	22,442 10½	
		<hr/>
		\$97,324 46½

In conformity with the provisions of an Act, passed at the last Session of the General Assembly, entitled "an Act to change the disposition of the money constituting the Agricultural Fund," all the accounts kept in this office, for the purpose of preserving a se-

parate and distinct record of the receipts and disbursements of that fund, were discontinued with the expiration of the last fiscal year. No returns have been received since the passing of the Act; but the accounts were permitted to remain open until the end of the year, in order that certain arrearages due from some of the clerks might be collected, and that the individuals, entitled under former returns, might have as much time as possible to present their claims.

The amount disbursed annually at the Public Treasury, for the purpose of defraying the necessary expenses of the Government exclusive of specific appropriations for works of Internal Improvement, the redemption of Treasury notes, &c. may be stated at an average of about eighty thousand dollars, viz.

Expenses of the Legislature,		\$40,379 49
Ditto	Judiciary,	24,613 45
Ditto	Departments at the seat of Government,	7,271 00
Ditto	Public Printer,	900 00
Ditto	Sheriffs for settling Tax,	866 40
Ditto	Pension List,	760 00
Contingencies, including the average expense of holding Congressional elections, and elections for President and Vice-President of the United States, &c. &c.		5,508 87
		<u>\$80,289 21</u>

The permanent unappropriated revenue of the State, it is conceived, ought to be so regulated, as, in any event, to meet this expenditure. The most captious could hardly find a substantial objection to paying his fair proportion of such a tax as will only defray the necessary expenses of a government, which, while it affords an efficient protection to persons and property, is so modelled, as to operate with a rigid regard to economy. The *ordinary* public revenue of this State has not been adequate for this purpose for many years. The amount annually received of the sheriffs, exclusive of taxes appropriated to specific objects, has, for the last ten years, fluctuated between sixty-three and sixty-eight thousand dollars, showing an annual deficit, in this source of revenue, to meet the current expenses of the government, of twelve to seventeen thousand dollars. This deficiency has been supplied by dividends on bank investments; by the issuing of Treasury notes, at different times ordered by the Legislature, large amounts of which were laid out for bank stock, which again yielded a dividend; by the proceeds of the sale of public lots and lands in the city of Raleigh and its vicinity; and by sums derived from other incidental sources of revenue. All these are, in their nature, fluctuating and temporary, and have, of late, been nearly discontinued. The Bank of Newbern has declared no dividend since the year 1829; the Bank of Cape Fear since the year 1830; and the State Bank continues to divide only two per cent. semi-annually. On the other hand, the

demand at the Public Treasury, for the redemption of Treasury notes, has increased, as the notes have become worn and unfit for circulation; though this demand may not be expected to be so great in any future year as heretofore. These causes, and others, have contributed, and do still, to lessen the balance of cash in the Public Treasury, at the end of each successive year. The balance now on hand, as herein reported, \$7,924 73 $\frac{1}{2}$, it will be seen, is less than the amount of worn Treasury notes put up and arranged for burning (Statement K.) by the sum of eight thousand six hundred and twenty-two dollars and thirty-seven cents, (\$8,602 37.) The Treasury notes cannot be regarded as available funds; and hence, in fact, though apparently otherwise, the Public Fund was deficient on the 1st day of November, by just the amount of excess mentioned above. It is believed this difficulty may be met, in a great degree, if not entirely, by a proper revision and enforcement of the laws regulating the assessment of lands in this State, without resorting to the imposition of new or increased taxes. Such a measure, by preventing the numerous frauds and evasions practised by individuals under the present system of assessing lands for taxation, would, in all probability, increase the revenue to the desired amount; and so give the Legislature a control over the investments of the State, when thrown upon their hands, and enable them, with advantage, to re-invest in works of Internal Improvement;—to make provision for the increase of the Common School Fund; or to direct such other expenditures, as, in the exercise of a wise legislation, may be deemed conducive to the moral or physical improvement of the community. The time will arrive before the expiration of the present session of the General Assembly, when, according to the provisions of the amended charters of 1829, the Banks of this State are permitted to divide portions of their capital. The situation of these institutions warrants the expectation, that large dividends of capital will be made as early as the terms of the charters will permit. Under these circumstances, it is respectfully suggested, whether some legislation on the subject of the future disposition of the money, may not be expedient. The files marked (I.) (L.) and (M.) accompanying this report, are referred to for the necessary data.

In connection with this subject, as it regards the State Bank, it may not be improper to remark, that, of the original subscription of 2,500 shares, the sum of eighty-three thousand nine hundred and six dollars and eleven cents, (\$83,906 11.) has never been paid. By a special provision of the charter of 1811, the State has received dividends on the whole number of shares subscribed, * deducting therefrom a sum equal to four per centum upon such part of the said stock as has not been actually paid for by the State, on the day when the dividend is declared, out of which the retainer is

made." This interest of four per cent. on the deferred balance, has been regularly retained by the Bank from the December dividend. If not otherwise instructed, the dividends of capital on so much of the stock as has not been paid for, will be applied to the discharge of that debt.

The inconvenience resulting from the diversity of currency prevailing in different sections of the State, continues to be much felt in transacting the business of this department.

Frequent drafts on the Literary Fund, to supply the deficiency of the Public Fund, have been made during the past year, and the cash replaced so soon as the receipt of the tax of 1831 afforded the means. The following statement shows the amount which the *Public* stood indebted to the *Literary* Fund, at each monthly settlement after the former became exhausted :

On the 1st of January, 1832, there had been used of the Literary Fund,			\$2 937 20
February,	do.	do.	51,271 6 $\frac{1}{2}$
March,	do.	do.	52,913 25 $\frac{1}{2}$
April,	do.	do.	53,766 0 $\frac{1}{2}$
May,	do.	do.	58,380 11 $\frac{1}{2}$
June,	do.	do.	60,823 9 $\frac{1}{2}$
July,	do.	do.	60,445 3 $\frac{1}{2}$
August,	do.	do.	64,339 88 $\frac{1}{2}$
September,	do.	do.	56 76 66 $\frac{1}{2}$
October,	do.	do.	5,198 42 $\frac{1}{2}$

In the course of the month of October, the balance was entirely discharged. The use which is thus made of the cash belonging to this Fund, excludes the possibility of carrying into effect the design contemplated by the Act of 1825 ; and the President and Directors, instead of investing, or otherwise disposing of it for improvement, as directed by that Act, have been obliged, virtually, to relinquish for a time, their control over it. To suffer thus to go to decay, and to be consumed, means liberally provided and set apart by previous Legislatures for the benefit of an after generation, resembles, in some respects, the conduct of an improvident heir, who wastes in mere indolence, what has been saved by the industry and economy of the ancestor, for the lasting improvement of the inheritance. Were it properly in the line of official duty, the Public Treasurer, as a member of that Board, would here venture a hope, that some provision may be made to enable them to preserve and improve that Fund, for the valuable ends had in view by the Assembly of 1825. The proceeds arising from the profitable investment of the amount of cash now on hand, \$88,586 32 $\frac{1}{2}$, would be sensibly felt in its accumulation.

Under the operation of an Act, passed at the last session of the General Assembly, entitled "an Act to increase the liability of Sheriff's, and to provide more effectually for the collection of taxes," the penalty of two hundred dollars has been imposed on twenty-two

of the Sheriffs. Of these, eighteen paid up the penalty at the time of settlement. Against the others, judgments have been taken in the Superior Court of Wake county. In relation to these fines, the Act precluded the exercise of any discretion on the part of the officer of this Department; and hence they have been rigidly enforced in every instance where they were incurred. It is believed however, from the knowledge possessed here, of the promptness and integrity of these officers generally, and especially of those who readily discharged the penalty, and from other evidence furnished by themselves and by the clerks, that there did not exist, in a single instance, such an attempt at fraud, or even such a degree of negligence, as it was the design of the framers of that law to punish. Many of these delinquencies resulted, no doubt, from the fact that in many counties in the State, the County Court which precedes the settlement here, and at which the return and affidavit mentioned in the Act of Assembly are required to be made, takes place earlier than it is usual, even to commence the collection of the taxes in those counties. In several, the Courts are held during the first and second weeks in the month of July, when a strict compliance with this act might result, were there no other incentive to duty, in the entire loss to the State, of the whole amount of this species of tax. Would not the restraint intended operate with more efficacy, were the Clerk authorized, either by himself, or before one or more Justices of the Peace, to receive the list and affidavit, otherwise than in open Court?

In the last annual report of the Public Treasurer, it was stated that the money due at this office, for the use of the Tuskarora Indians, had been all collected, and remained in the Treasury, subject to the order of that tribe of Indians. They were informed of the terms upon which they might receive it. Since that time, upon their complying with the requisitions contained in the fourth section of the Act of 1828, Chap. 19, entitled "an Act concerning the lands formerly occupied by the Tuskarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river," by executing to the State such a release as is therein directed, the whole amount, \$ 3,220 71 $\frac{1}{4}$, has been paid over to their agent, the Hon. Bates Cooke. His receipt for the money, with an attested power of attorney attached, has been passed to the Comptroller's office as a voucher; and the deed of release, executed by the "Chiefs or Head Men" of the tribe, and authenticated by a high judicial officer, and the Chief Executive of the State of New York, deposited with the Secretary of State, by him recorded, and placed on the proper file in that office.

The balance which remained unpaid of the last subscription of the State, for stock in the Roanoke Navigation Company, and which that Company, for a long time, declined receiving, on the ground

that they were entitled to interest on so much of the subscription as was not promptly paid, has been discharged. A certificate for the whole number of shares, (500 at \$100 each,) subscribed by the State, was thereupon furnished by the Company, which has been recorded by the Secretary of State, and returned to this office, agreeably to the directions of the Act for perpetuating the evidence of stock. A certificate for the stock held by the State in the Plymouth Turnpike Company (100 shares at \$25) has likewise been procured, recorded, and filed in this office.

In the year 1828, the President and Directors of the Literary Fund invested a portion of the cash belonging to that Fund, in stock of the Banks of Newbern and Cape Fear. These Banks continued to pay the tax of one per centum on the shares thus purchased, and held in the name of the President and Directors of the Literary Fund, as on shares "not owned by the State," until the present year. The collection of this tax is now resisted by the President of the Bank of Newbern, and a deduction of that which was paid for the year 1828, '29, '30 and '31, from that which is due for the present year on the other shares not owned by the State, claimed, on the ground that the State is the proprietor of those shares, and that, consequently, the words "not owned, &c." exempt them from the tax. The question was immediately put into a train for adjudication before the proper tribunal, by a motion in the Superior Court of Wake county, for judgment against the Bank, for the whole amount of tax, as heretofore paid. The opinion of the Court sustained the claim of the Bank, and an appeal has been taken to the Supreme Court. Should the decision be ultimately against the State, and should the Legislature approve the suggestion, that the Bank of Cape Fear be dealt by according to such decision, a directory resolution of such purport would be sufficient authority to act accordingly.

The file marked G, accompanying this report, contains a detailed statement of the nett amount of the different branches of the ordinary revenue, and the cash received thereon: also the receipts from other sources not appropriated to particular funds, and payable into the Treasury, from the first of November, 1832, to the first of November, 1833.

The aggregate amount of Treasury Notes issued, the several amounts burnt, and the balance unredeemed and in circulation on the first of November, 1832, are exhibited in statement K. The duration of their return upon this office for redemption, it will be perceived, has been very material.

A statement of the amount of insolvencies allowed by the Comptroller, in settling with each Sheriff, appears in file H.

(I) Shows the number of shares of Bank stock owned by the State, and by the President and Directors of the Literary Fund,

exhibiting also the number on which the dividends have been appropriated to the several funds respectively.

(L) Bank exhibits received at this office since the last Assembly.

(M) A statement of the account of the State of North-Carolina with the State Bank, for the original subscription of 2,500 shares, showing when, and in what, payments were made on this account.

All which is respectfully submitted,

WILLIAM S. MHOON, Public Treasurer.

(A) Statement of cash received in the Treasury from the 31st day of October, 1831, to 1st day of November, 1832, on additional returns of taxes.

Sheriffs.	Counties.	Tax due.	Amount paid.	
			D.	C.
Brice Fowelle	Onslow	1830	203	44
John M. Allen	Montgomery	do	23	71
Fielding Slater	Rowan	do	3	33
Thomas Ward	Lincoln	do	19	58
William C. Clanton	Warren	do	1	52
William C. Butler	Borke	do	52	50
William Carson	Rutherford	do	32	86
Nathaniel Harrison	Boncombe	do	44	62
Henry G. Williams	Franklin	do	13	16
James H. Wood	Northampton	do	27	89
Richard G. Cowper	Hertford	do	13	02
Samuel S. Shepherd	Martin	do	12	99
Henry S. Spencer	Hyde	do	38	29
John Barnett	Person	do	12	02
John M. Allen	Montgomery	do	26	24
George Williamson	Caswell	do	21	95
Leslie Gilliam	Granville	do	26	81
Martin Roberts	Rockingham	do	3	56
Gabriel Holmes	New-Hanover	do	23	70
Samuel Cain	Bladen	do	32	07
William D. Rascoe	Chowan	do		82
Lewis Bond	Bertie	do	16	11
John J. Bryan	Wilkes	do	4	29
Archibald S. Browne	Robeson	do	6	20
William Crawford	Richmond	do	5	72
Thomas K. Morrissey	Sampson	do	8	24
John Parker	Edgecomb	do	17	67
Walter Davenport	Lenoir	1831	3	91
			696 19	

I. WETMORE. Clk T. D.

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(B)

Statement of cash received in the Treasury on the bonds due for the sales of land and negroes, lately the property of John Haywood, deceased, from 31st Oct. 1831, to 1st Nov. 1832.

From whom received.	Bonds pd.	Principal.	Interest.	Total.
		D. C.	D C.	D. C.
John S. & G. W. Haywood	part 3d	300		300
Edward Rigsbee	2d	126 38	94 31	220 69
Dorrell Rogers	3d	55 34	27 76	83 10
John Stuart	3d	133 33	32	165 35
John S. & G. W. Haywood	part 3d	200		200
Mrs. Martha Jones	1st	78 96	38 74	1 7 70
do do	part 2d	150		150
Martin Pickett	3d	1,075	266 2	1,341 26
Alfred M. Haywood	2d	120	29 61	149 61
Abner Pasteur	3d	100	24 17	124 17
Bennet Flanner	3d	96 66	2 99	119 65
Jonathan Haralson	3d	421 33	104 84	526 17
Junius Sneed	2d & 3d	57	15 42	72 42
Martha Jones	part 2d	100		100
James Boyd	3d	66 67	17 54	84 21
John Dunn	3d	89 34	24 06	113 40
Edmund H. Whitfield	3d	133 66	33 74	1 9 40
		3,303 67	733 44	4,037 11

F. WETMORE, CPk. T. D.

Statement of receipts and disbursements at the Public Treasury of North Carolina, on account of the Agricultural Fund, from 31st of October, 1831, to 1st day of November, 1832.

RECEIPTS.

Date.	From whom received.	Official character.	Counties.	Sum.
18 1				D. C.
Nov 21	Charles W. Jacocks	Clerk & Master	Bertie	6 25
"	James Griswold	do do	Wayne	1
"	Samuel Johnson	do do	Franklin	75
22	William Williams	do Co'ty Court	Greene	7 32
"	Jesse Harper	do do do	Randolph	19 38
"	Benj. Elliott deputy	do Sup'r do	Ditto	15 85
"	Benj. E. Cook	do do do	Warren	22 51
"	Far. Martin	do do do	Montgomery	3 66
"	J. B. Martin	do County do	Ditto	4 35
25	Nicholas Washington	do Sup'r do	Wayne	9 50
"	Robert Galloway	do County do	Rockingham	4
28	Thomas Searcy	do Sup'r do	Ditto	40
Dec. 1	Benj. S. King	do County do	Wake	6 80
"	W. R. Lenoir	do Sup'r do	Wilkes	25 86
"	Arch'd McQueen	do do do	Robeson	17 30
8	Carr Darden	Clerk & Master	Hertford	24 50
12	Vandy M'Bee	do County do	Lincoln	7 07
"	Lawson Henderson	do Sup'r do	Ditto	26 24
14	Alex. McDowell	do do do	Bladen	3 80
"	Wm. B. Lockhart	do do do	Northampton	17 02
"	do do deputy	Clerk & Master	Ditto	59 26
20	Philip Hooks	do County do	Wayne	5 52
"	Daniel McDairmid	do do do	Cumberland	14 15
28	Blount Coleman	do Sup'r do	Lenoir	12 58
1832				
Jan. 14	J. M. Hutchinson, former	do do do	Mecklenburg	41 92
17	Andrew Harrison	Clerk & Master	Caswell	136 15
"	James G. Spears former	do Sup'r do	Cabarrus	5 64
"	James Wells	do do do	Chowan	1 90
July 17	Abner B. Bruce	do do do	Orange	22 58
				523 20

I. WETMORE, Clk T. D.

DISBURSEMENTS.

1831			D	C.
Nov.		Cash paid Richard E der	1	38
		do " B. Elliott	1	6
Dec.	10	do " M'Farland, Oakley and others	25	90
	16	do " Commissioners of town of Newbern	16	20
May	1	do " Walter Graham	3	30
	15	do " M. Smith	18	96
June	29	do " George E. Badger	4	
July	2	do " James Holloway and Gideon Robertson	6	84
		do " Bird Eskridge	4	19
Aug.	2	do " James F. Taylor's Administrator	9	
		do " Charles Manly	2	
Sept.	16	do " Executor of Kemp Plummer	4	
Oct.	17	do " Sarah M. Jeter	2	36
		do " Stephen Stephenson		30
			93	49

I. WETMORE, Clk T. D.

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(E)

Statement of cash received in the Treasury on the bonds due on account of sales of Cherokee lands from the 31st of October, 1831, to the 1st November, 1832, belonging to the Fund for Internal Improvement.

Date.	From whom received	Bonds paid.	Principal.	Interest.	Total.
1831					
Nov 24	William Buchanan	full 4th	D. C. 9 84	D. C. 16 78	D. C. 26 62
25	Henry Dryman	part 2d	20 55	18 45	39
	John C. Galloway	full 4th	12 50	3 12	15 62
Dec. 1	John Fergus	3-1 & 4th	65 15	42 76	107 91
2	Joseph Welch	1, 2, 3 & 4	152 25	35 12	187 37
	do do	1st	58 12½	19 43½	77 56
	do do	part 2d	97 64		97 64
	George Lowdermilk	full 2 3, 4	47 46½	15 62½	63 09
	do do	2d & 3d	25 12½	8 89½	34 02
	John Standridge	2d, 3d & 4th	54 37½	28 32½	82 70
	Joseph E. Bell	part 3d	52	3	55
	James Ruddell	full 3d	31 98	24 75	56 73
	George F. Caler	4th	4 07	62	4 69
	Samuel Broadway	2d	13 58	8 49	22 07
	do do	part 3d	17 93		17 93
19	Lincoln Fullam	full 4th	27 59	24 17	51 76
24	David Millsaps	3d	24 75	9 23	33 98
	William Kimzey	3d	38 25	18 88	57 13
	do do	part 4th	16 90	1 97	18 87
	John Bryson, Jr.	full 2d	12 97½	18 52½	31 50
	do do	3d	67 50	28 90	96 40
	do do	4th	67 50	25 24	92 74
	John Watson	4th	9 78	8 59	18 37
	Samuel Sherrell	part 3d	20		20
	Mar. Kimhrough	full 4th	66 16	22 43	88 59
28	Abraham Enloe	1st & 2d	13 43½	12 41½	25 85
Dec. 29	George Lowdermilk	full 4th	12 56½	3 19½	15 76
	James Ruddell	part 4th	20		20
30	David Rogers	full 3d	118 87	48 24	167 11
	do do	part 4th	44 89		44 89
1832					
Jan'y 2	Joseph Welch	2d	18 61	18 82	35 43
7	John Dobson	3d	25		25
	Taviner B. Moore	4th	47 50	8 50	56
13	John Bryson, Jr.	full 3d	24 75½	7 43½	32 19
	Bynum W. Bell	3d & 4th	35 21	12 31	47 52
14	David Rogers	part 4th	65		65
	John Redmond	full 3d		3 23	3 26
	do do	part 4th	6 77		6 77
18	William Underwood	full 1, 2 3	29 25	11 11	40 36
	Ute Sherrell	1st	15 06½	6 72½	21 79
	do do	part 2d	13 21		13 21
	Joseph Welch	full 1st	69 25	37 73	106 98
	do do	part 2d	4 52		4 52
May 15	Joshua Roberts	full 2, 3, 4	233 25	91 74	324 99
	do do	2d, 3d & 4th	98 25	35 64	133 89
17	William Kimzey	4th		13 53	13 58
			1909 38½	691 97½	2601 36

I. WETMORE, Clk T. D.,

Statement of disbursements at the Treasury, made from the Fund for Internal Improvements, from the 1st day of October, 1831, to the 1st day of November, 1832.

1831	D.	C.
January Cash paid Green B. Palmer, for work done on Broad River, per Resolution of General Assembly of 1831.	2,500	
ditto refunded to John Bryson, Jr. per do	14	56
ditto do Jacob Caler, per do do	4	01
Feb'y 2, ditto paid James Wyche, to be expended in the service of the Rail Road Surveys, ordered by General Assembly of 1831,	200	
April 24, ditto paid James McBane, balance due him for work done on Cape Fear River,	62	49
ditto paid Wm. Presswood, ordered by Resolution of General Assembly, 1831,	60	
June 5, ditto paid F. W. Rawle, on account of the Rail Road Surveys,	500	
19, ditto paid Joseph Welch, E. L. Poindexter and Joshua Parsons, proprietors of the Tennessee River Turnpike Road, a loan ordered by an act of General Assembly of 1831,	2000	
25. ditto paid R. H. B. Brazier, for expenses and services on Rail Road Surveys,	76	12
29, ditto paid A. G. Keen, for carrying on the works on Cape Fear River,	500	
July 9, ditto paid F. W. Rawle, on account of Rail Road Surveys,	500	
Aug 13, ditto ditto ditto	400	
Sept. 1, ditto paid Jas. Wyche, Sup't. Pub. Works,	100	
4, ditto paid A. G. Keen, for carrying on the works on Cape Fear River,	1000	
14, ditto paid W. R. Hill, Sec'y. of the Board.	15	
ditto paid F. W. Rawle, on account of Rail Road Surveys,	700	
Oct'r 1, ditto ditto ditto	1600	
26. ditto ditto ditto	700	
	9,732	15

L. WETMORE, Clk T. D.

Statement of the nett amount of the different branches of Revenue, and the cash received thereon, and from other sources not appropriated to other Funds, and payable into the Treasury from the 31st of October, 1831, to the 1st day of November, 1832.

Branches of Revenue of 1831 and from whom cash has been received.	Amount.	Aggregate.	Am't. paid.
	D. C.	D. C.	D. C.
Tax on Land	23,550 12		
Do Town Property	1,278 87		
Do Polls	28,317 08		
Do Stud Horses	1,654 57		
Do Gates	150 40		
Do Stores	8,561 20		
Do Pedlars	2,481 80		
Do Artificial Curiosities	803 70		
Do Natural Curiosities	535 80		
Billiard Tables	470 00		
Do Negro Traders	9 40		
Penalty for failing to settle	400 00		
Penalty for failing to comply with the act of 1831	4,400 00		
		72,712 94	70,505 73
<i>Bank Tax.</i>			
Bank of Newbern	5,275 00		
Bank of Cape Fear	3,073 00		
		8,348 00	7,643 00
<i>Bank Dividends.</i>			
State Bank of North-Carolina	5,528 00		
do do	5,528 00		
		11,056 00	11,056 00
<i>Miscellaneous.</i>			
Additional return on Public Tax	696 19		
Dividend of the Buncombe Turnpike Company	125 00		
Sale of Land and Negroes, viz.			
Principal, \$3,333 67			
Interest, 733 44			
	4,037 11		
Charles Manly Principal, 409 00			
Interest, 18 40			
	427 40		
Land Rent	10 00		
		5,295 70	5,295 70
		157 1	64,945 00 43

I. WETMORE, CLK T. D.

Statement of Insolvents allowed by the Comptroller to the Sheriffs
in their settlement of the taxes of 1831.

Sheriffs.	Counties.	Amount
		D. C.
William C. Battle	Burke	50 00
William Crawford	Richmond	10 40
John W. Taylor	Greene	9 20
John Black	Cumberland	10 80
John J. Bryan	Wilkes	5 60
John Parker	Edgecomb	22 00
William C. Clanton	Warren	15 40
Howell Albritton	Pitt	15 60
William Thompson	Wayne	11 60
Horace D. Bridges	Chatham	28 00
William D. Rascoe	Chowan	3 20
Nathaniel Harrison	Bancombe	60
William Carson	Rutherford	19 00
Salathiel Stone	Stokes	14 20
James H. Wood	Northampton	15 60
James Simmons	Halifax	24 20
William R. Hinton	Wake	24 40
Richard G. Cowper	Herdford	23 80
Joshua A. Pool	Pasquotank	17 20
William Kennedy	Davidson	17 80
James Long	Perquimans	5 80
Henry G. Williams	Franklin	23 40
Thomas J. Pasteur	Craven	42 40
Thomas B. Wright	Surry	29 80
Fielding Slater	Rowan	21 20
James R. Riddick	Gates	12 80
Absalom Fulford	Carteret	19 20
Isaac Baxter	Currituck	16 00
Luke G. Lamb	Camden	19 70
Hiram Caldwell	Iredell	13 40
Thomas Ward	Lincoln	3 60
James W. Doak	Guilford	21 60
		<hr/> 547 30

I. WETMORE, Cpk. T. D.

A Statement showing the aggregate number of shares of Bank Stock owned by the State of North-Carolina, and by the President and Directors of the Literary Fund on the 1st Nov. 1832:

Shares of Stock of the State Bank of North-Carolina, owned by the State and dividends unappropriated,	2,764	
Ditto ditto by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	282	3,046
Ditto Stock of the Bank of Newbern, owned by the State, and dividends unappropriated,	155	
Ditto ditto dividends appropriated to the Fund for Internal Improvement,	1,304	
Ditto ditto dividends appropriated to the Literary Fund,	359	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	111	1,959
Ditto Stock of the Bank of Cape Fear owned by the State, and dividends unappropriated,	10	
Ditto ditto dividends appropriated to the Fund for Internal Improvement,	1,358	
Ditto ditto dividends appropriated to the Literary Fund,	704	
Ditto owned by the President and Directors of the Literary Fund, and purchased with the cash belonging to that Fund,	50	2,122
Aggregate number of Shares,		7,27

W. S. MHOON, Pub. Tr.

19
(K)

Statement of Treasury Notes issued and reported by John Haywood, Esq. former Public Treasurer, to the Comptroller of the State, to have been put in circulation according to the Acts of Assembly of 1814, 1816 and 1823.

Amount issued under the Act of 1814,	\$82,000 00
Ditto 1816,	80 000 00
Ditto 1823,	100 000 00
	<hr/>
	262,000 00

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 32
Ditto ditto	1823,	6,310 1½
Ditto ditto	1824,	5 696 25
Ditto ditto	1825,	12,170 9½
Ditto ditto	1826,	15,392 46
Ditto ditto	1827,	15,523 98
Burnt by Committee of Finance. 1827,		9,303 76
Ditto ditto	1828,	17,781 89
Ditto ditto	1829,	19,971 85½
Ditto ditto	1830,	21,601 61
Ditto ditto	1831,	29,811 77
		<hr/>
		172,002 84

89,997 16

Deduct amount on hand in the Vault of the Treasury, 16,547 10½

Shewing a balance unredeemed and in circulation of 73,450 05½

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An Exhibit shewing the situation of the

		D.	C.
Specie,	\$87,383 59		
Notes of other Banks & bills of exchange,	221,012 54		
Due from other Banks,	463,857 27		
		772,263	40
Bank stock taken for debt,		96,765	00
Due from State of North Carolina,		83,906	11
Due from individuals for Notes discounted,		1,645,506	97
Real Estate,		155,304	40
Internal Bills and Checks,		29,208	72
	Dollars	2,782,954	60

*State of the Bank of Cape Fear,*

	Dolls.
Capital Stock,	514,500
Notes of this Bank in circulation,	326,152
Deposites,	44,848
Dividends unpaid,	2,156
Due to Banks,	7 093
Profit and Loss,	93,679
Do. by transactions in stock of this Bank,	43 027
	Dollars
	1,035,455

State Bank of North-Carolina, May 15th, 1832.

	Dolls. C.
Capital stock,	1,598,775 00
Notes in circulation,	795,369 00
Due to other Banks,	24,567 91
Profits reserved to cover bad debts, losses on real estate, and out of which the present dividend of 2 per cent. is payable	153,391 74
Due to deposits and dividends unpaid,	210,850 95
Dollars	2,782,954 60

State Bank North-Carolina, Raleigh, May 15th, 1832.

CHAS. DEWEY, Cash'r.

To WILLIAM S. MHOON, Esq.

Pub. Treas'r. North-Carolina.



on the 1st of July, 1832.

	Dolls.
Specie and Notes of Bank United States,	39,474
Deposites in Foreign Banks,	234,119
Due by Banks in North-Carolina,	708
Notes of other Banks on hand,	68,828
Real Estate,	75,950
Bills of Exchange,	25,909
Debt,	586,967
Dollars	1,031,455

JOHN HILL, Cash'r.

	D. ls.
Amount of bills receivable,	638.936
" real estate,	28.000
Individual debt or settled,	20.000
Foreign banks and bills of exchange,	55.917
Specie and United States notes,	33.355
Balance, Loss,	191.458
Dollars	967.746

on Saturday, the 30th of June, 1832.

	D. 1.
Capital Stock,	709,400
Due to Deposites,	57,215
Do. Foreign Banks,	650
Do. Dividends,	1,000
Do. Newbern Notes in circulation,	199,481
Dollars	967,746

WM. S. MHOON, Esq. Pub. Treas'r.

SIR, — The above Exhibit of the Affairs of the Bank of Newbern, represents only such debts as are deemed to be good.

With great respect, your obedient servant,

JOHN W. GUION, Cash'r.

Dr. State of N. Carolina in account with State Bank of N. Carolina. Cr.

D. 1811, C.		1811, D. 1811, C.	
1811, Capital Stock, 250,000 00	Oct.	Stock transferred,	60,956 95
		Cash,	1,543 05
		Stock transferred,	13,223 18
		Cash,	10,370 71
		Balance,	163,906 11
	<u>250 000 00</u>		<u>250 940 00</u>
Balance,	163,906 11	1817, July 9, Cash, Treas'y notes,	7,500 00
		Sep. 19, Do do	11,250 00
		Balance,	145,156 11
	<u>163,906 11</u>		<u>163 906 11</u>
Balance,	145,156 11	1818, Feb. 5, Cash, Treas'y notes,	5,343 75
		Mar. 26, Do do	4,031 25
		May 13, Do do	3,300 00
		18, Do do	2,000 00
		June 19, Do do	4,500 00
		Do do	3,562 50
		July 27, Do do	5,400 00
		Do do	4,875 00
		30, Do do	5,343 75
		Aug 19, Do do	997 00
		Do do	1,105 00
		Aug. 26, Do do	2,467 50
		Sept. 10, Do do	3,325 40
		Nov. 4, Do do	1,800 00
		Do do	4,131 40
		Balance,	92,363 96
	<u>145,156 11</u>		<u>145 156 11</u>
Balance,	92,363 96	1819, Mar. 26, Cash, Treas'y notes,	2,170 80
		Do do	400 00
		April 3, Do do	900 00
		May 4, Do do	1,270 00
		June 25, Do do	1,910 00
		July 26, Do do	1,807 00
		Aug. 14, Do do	05
		Balance,	83,906 11
	<u>92,363 96</u>		<u>92,363 96</u>
Balance,	83,906 11		

CHAS. DEWEY, Cash'r.

A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the Nett Amount of that Branch of the Revenue which is received by the Sheriffs, for the year 1851.

County.	Sheriff's Name.	Land Tax.		Town property Tax.		Poll Tax.		Said Horse Tax.		Store Tax.		Furnace Tax, including Lumber Yard.		Pedlar Tax.		Artificial Curiosity Tax.		Musical Curiosity Tax.		Liquor License Tax.		Billiard Table Tax.		Gate Tax.		Fence for filling to settle.		Fence for building to comply with act of 1831.		Amount due by Sheriffs.		Amount paid by Sheriffs.	
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.		
Anson	Joseph Medley	322	46	11	65	484	29	30	08	95	63	18	90	37	60	-	-	-	-	-	-	-	-	4	70	-	200	00	1204	86	1204	86	
Ashe	John Gambill	146	85	7	02	163	57	10	81	55	72	15	64	73	20	-	-	-	-	-	-	-	-	4	70	-	200	00	434	08	434	08	
Brunswick	Asa Russ	143	69	6	71	249	10	4	70	87	60	48	38	-	-	14	10	-	-	-	-	-	-	4	70	-	200	00	509	48	509	48	
Buncombe	Nathaniel Harrison	234	40	29	45	310	76	21	89	100	44	41	56	112	80	-	-	-	-	-	-	-	-	4	70	-	200	00	1214	81	1214	81	
Camden	Stephen Owens	474	62	-	-	473	87	-	-	337	82	63	72	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	1338	51	1038	51	
Carteret	William C. Butler	478	62	-	-	458	91	56	08	183	55	41	56	235	60	-	-	-	-	-	-	-	-	-	-	-	200	00	1594	15	1594	15	
Charlotte	Samuel Cain	250	04	14	59	500	02	16	93	81	50	15	04	-	-	-	-	-	-	-	-	-	-	4	70	-	200	00	683	87	683	87	
Chatham	Lewis Bond	611	19	-	-	719	10	28	20	163	56	33	84	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	1753	69	1753	69	
Clay	Thos. J. Pastern	264	02	103	25	543	58	5	64	620	40	137	84	-	-	28	20	-	-	-	-	-	-	-	-	-	200	00	1510	83	1510	83	
Crawford	Abraham Falford	137	41	25	89	189	94	1	85	32	73	63	73	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	435	00	435	00	
Cumberland	Lease Baxter	107	19	-	-	195	52	4	70	37	72	45	12	18	80	-	-	-	-	-	-	-	-	-	-	-	200	00	607	05	607	05	
Dalmeida	Luke G. Lamb	168	71	-	-	249	29	9	87	60	16	78	96	18	80	-	-	-	-	-	-	-	-	4	70	-	200	00	646	89	646	89	
Dawson	George Williamson	391	79	9	50	610	44	87	89	168	26	32	64	56	40	-	-	-	-	-	-	-	-	-	-	-	200	00	1570	32	1570	32	
DeWitt	Wm. D. Ruscoe	221	05	66	19	388	10	50	20	22	15	61	-	-	-	56	40	14	10	-	-	-	-	-	-	-	200	00	972	46	972	46	
Durham	Horace D. Bridges	455	89	11	09	581	67	80	80	84	57	60	-	18	80	25	-	-	-	-	-	-	-	-	-	-	200	00	1493	99	1493	99	
Edgecombe	John Black	570	17	106	92	555	55	26	79	698	42	71	44	-	-	-	-	-	-	-	-	-	25	50	-	200	00	2068	90	2068	90		
Effingham	Joshua Williamson	92	84	1	04	155	48	15	28	18	80	11	28	18	80	-	-	-	-	-	-	-	-	-	-	-	200	00	511	36	511	36	
Franklin	Wm. H. Archibald	288	72	0	08	588	88	1	57	120	52	18	80	57	60	-	-	-	-	-	-	-	-	4	70	-	200	00	792	77	792	77	
Granville	James K. Hill	519	26	-	-	432	72	15	81	48	88	45	12	73	20	-	-	-	-	-	-	-	-	-	-	-	200	00	979	99	979	99	
Guilford	William Kennedy	459	51	13	64	572	99	67	48	60	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	941	29	941	29	
Halifax	John Parker	839	95	29	49	815	56	83	54	235	19	41	56	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	2044	50	2044	50	
Hampden	Henry G. Williams	596	00	24	85	495	12	29	61	92	12	41	56	18	80	22	-	-	-	-	-	-	-	-	-	-	200	00	1138	16	1138	16	
Hartford	James W. Dask	598	48	32	94	491	06	20	08	180	48	30	08	57	60	-	-	-	-	-	-	-	-	-	-	-	200	00	1614	80	1614	80	
Heard	James R. Riddick	279	38	-	-	546	48	6	58	55	40	18	80	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	931	64	931	64	
Henry	Leslie Gilliam	600	16	24	81	918	38	87	34	201	56	30	08	56	40	-	-	-	-	-	-	-	-	-	-	-	200	00	2090	03	2090	03	
Highland	John W. Taylor	242	55	9	31	500	80	18	53	43	25	53	84	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	654	57	654	57	
Irwin	James Simmons	812	95	-	-	910	50	80	84	173	56	69	76	18	80	28	-	-	-	-	-	-	-	-	-	-	200	00	2112	20	2112	20	
Jackson	Richard G. Cowper	341	71	22	73	867	93	18	80	205	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	1025	73	1025	73	
Jefferson	Henry S. Spencer	122	75	-	-	9	04	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	434	71	434	71	
Lincoln	Nelson G. Howell	404	61	-	-	480	73	13	63	17	50	13	60	58	20	-	-	-	-	-	-	-	-	-	-	-	200	00	1146	81	1146	81	
Madison	Hiram Caldwell	223	55	5	82	191	76	9	40	25	20	18	80	18	80	25	-	-	-	-	-	-	-	-	-	-	200	00	538	53	538	53	
Macon	William Higgins	412	98	7	8	486	73	24	91	50	70	30	08	37	60	-	-	-	-	-	-	-	-	-	-	-	200	00	1056	19	1056	19	
Manassas	Allen S. Billenger	755	84	9	15	739	96	37	64	178	60	71	44	169	39	-	-	-	-	-	-	-	-	-	-	-	200	00	2255	39	2255	39	
Marshall	Thomas Ward	918	95	9	08	59	48	28	17	53	59	48	28	17	53	-	-	-	-	-	-	-	-	-	-	-	200	00	715	12	715	12	
Meigs	Water Davidson	181	96	5	01	230	11	2	63	29	20	22	60	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	400	00	400	00	
Montgomery	Dan'l McNeill	106	50	4	27	135	65	11	75	43	21	26	56	40	25	-	-	-	-	-	-	-	-	-	-	-	200	00	1715	12	1715	12	
Morgan	Binom W. Bell	850	19	0	08	829	54	12	23	110	92	35	84	18	80	25	-	-	-	-	-	-	-	-	-	-	200	00	2407	31	2407	31	
Northampton	John Sloan	694	80	44	32	857	00	50	50	220	00	69	10	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	940	17	940	17	
Onondaga	Sam'l S. Shepherd	225	74	-	-	402	91	40	42	892	66	163	44	56	40	-	-	-	-	-	-	-	-	-	-	-	200	00	940	17	940	17	
Orleans	Gabriel Hanes	349	88	104	88	602	56	51	46	112	80	25	56	73	20	-	-	-	-	-	-	-	-	-	-	-	200	00	2066	86	2066	86	
Oswego	Sam'l W. W. Vick	315	51	-	-	413	79	40	12	112	80	25	56	73	20	-	-	-	-	-	-	-	-	-	-	-	200	00	940	17	940	17	
Pamlico	James H. Wood	785	58	4	17	769	67	87	42	107	16	41	56	37	60	-	-	-	-	-	-	-	-	-	-	-	200	00	2294	39	2294	39	
Pasquotank	Rice Foxworth	244	70	1	15	503	63	11	28	20	18	80	73	20	24	-	-	-	-	-	-	-	-	-	-	-	200	00	729	94	729	94	
Perquimans	Thos. D. Watts	755	28	35	48	880	25	130	79	553	69	67	68	18	80	-	-	-	-	-	-	-	-	-	-	-	200	00	3691	50	3691	50	
Piedmont	John Barnett	264	08	-	-	437	40	22	26	28	64	73	60	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	1092	28	1092	28	
Pike	Joshua A. Pool	223	99	23	51	546	86	19	27	603	68	112	80	18	80	-	-	-	-	-	-	-	-	-	-	-	200	00	1778	64	1778	64	
Polk	Howell Albrighton	553	67	15	11	578	48	22	50	94	00	52	64	18	80	-	-	-	-	-	-	-	-	-	-	-	200	00	1017	98	1017	98	
Putnam	James Long	248	63	10	11	387	10	81	61	129	73	26	32	14	10	-	-	-	-	-	-	-	-	-	-	-	200	00	1735	58	1735	58	
Randolph	George Hower	635	02	-	-	384	64	38	54	137	92	18	80	-	-	-	-	-	-	-	-	-	-	-	-	-	200	00	957	24	957	24	
Richmond	William Roberts	712	74	7	6	820	16	73	42	186	45	7	52	37	60	-	-	-	-	-	-	-	-	-	-	-	200	00	1396	98	1396	98	
Rockingham	Marion Roberts	563	79	-	-	490	12	16	45	139	12	56	40	57																			





