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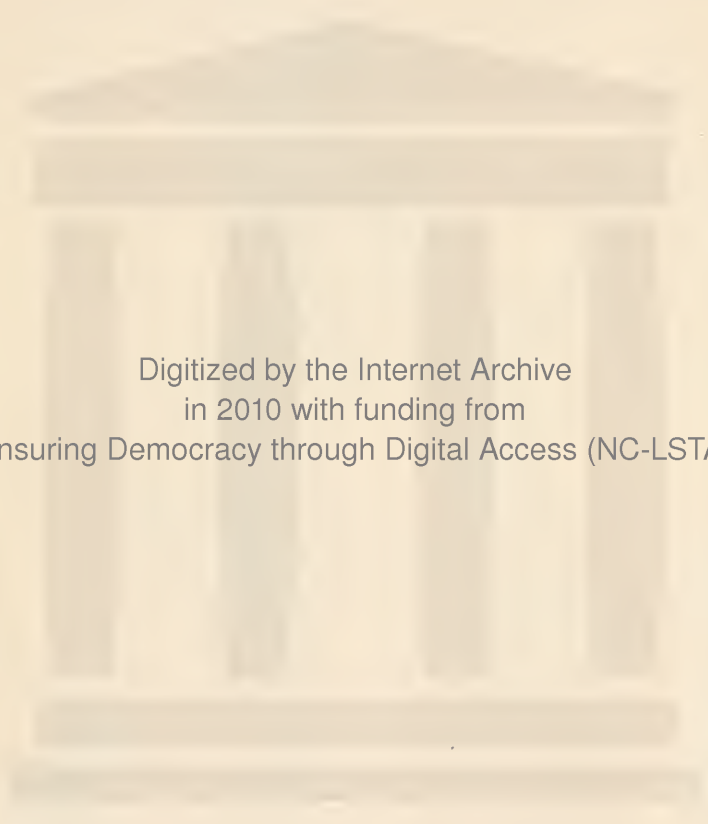
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# ACTS

PASSED BY

THE GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA.

AT THE

Session of 1834-35.

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RALEIGH:

PHILO WHITE, PRINTER TO THE STATE.

.....

1835.



## LAWS OF NORTH CAROLINA,

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

**DAVID L. SWAIN, ESQUIRE, GOVERNOR.**

### CHAPTER I.

An ACT concerning a Convention to amend the Constitution of the State.

WHEREAS, the General Assembly of North Carolina have reason to believe that a large portion, if not a majority, of the free men of the State, are anxious to amend the Constitution thereof, in certain particulars, hereinafter specified; and whereas, while the General Assembly disclaim all right and power in themselves to alter the fundamental law, they consider it their duty to adopt measures for ascertaining the will of their constituents, and to provide the means for carrying that will into effect, when ascertained; 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 Court of Pleas and Quarter Sessions of each and every county in the State, at the first term that shall be held after the first day of January, eighteen hundred and thirty five, shall appoint two inspectors to superintend the polls to be opened at each and every election precinct in said counties, for ascertaining, by ballot, the will of the free men of North Carolina, relative to the meeting of a State Convention. And if any court or courts should fail to make such appointments, or if any inspector, so appointed, shall fail to act, it shall be the duty of the sheriff, or the person acting as his deputy on such occasion, with the advice of one justice of the peace; or, if none present, with the advice of three freeholders, to appoint an inspector, or inspectors, in the place of him or them who failed to act, which inspectors, when duly sworn by some justice of the peace, or freeholder, to perform the duties of the place with fidelity, shall have the same authority as if appointed by the court.

Co. courts to appoint inspectors to superintend the polls; and in case of failure, the sh'lf to appoint the inspectors, &c

*II. Be it further enacted,* That it shall be the duty of the sheriffs of the respective counties in this State, to open polls at the several election precincts in said counties, on Wednesday and Thursday the 1st and 2d of April next, when and where all persons qualified by the Constitution to vote for members of the House of Commons, may vote for, or against, a State Convention; those who wish a convention, voting with a printed or written ticket, "Convention," and those who do not want a convention, voting in the same way "No Convention," or "Against Convention."

When polls shall be op'd, and who may vote.

*III. Be it further enacted,* That it shall be the duty of the sheriffs to make duplicate statements of their polls in their respective counties, sworn to before the clerk of the county court, one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State, at Raleigh, immediately after the election.

Sh'fs to make statements of their polls.

*IV. Be it further enacted,* That it shall be the duty of the Governor, as soon as he shall have received the returns of the Sheriffs, to compare the No.

Gov'r to compare the No.



of votes and the presence of the Secretary of State, Public Treasurer and Comptroller, to compare the number of votes for and against a convention; and if it shall appear that a majority of the votes polled are in favor of it, he shall forthwith publish a proclamation of the fact in such of the newspapers as he may think proper; and shall issue a writ of election to every sheriff of the State, requiring him to open polls for the election of delegates in the convention, at the same places, and under the same rules, as prescribed for holding other State elections, and at such time as the Governor may designate.

Who shall hold polls for election of delegates to the convention. *V. Be it further enacted,* That the same persons who were appointed to hold the polls in taking the vote on convention, shall hold them for the election of delegates; provided, that if any of such inspectors shall fail to attend or act, the sheriffs and their deputies shall supply their places in the manner herein before pointed out.

Compensation to sheriffs, and penalty. *VI. Be it further enacted,* That the several county courts shall allow the sheriffs the same compensation for holding said elections, that they usually allow for holding other State elections. And if any sheriff or other officer appointed to hold said elections, shall fail to comply with the requisitions of this act, he shall be liable to a fine of one thousand dollars, recoverable before any competent jurisdiction, to the use of the county whose officer he is; and it shall be the duty of the county solicitors to prosecute such suits.

Who shall vote, & who shall be eligible to a seat in convention. *VII. Be it further enacted,* That all persons qualified to vote for members of the House of Commons, under the present constitution, shall be entitled to vote for members to said convention; and all free white men, of the age of twenty one years, who shall have been resident in the State one year previous to, and shall continue to be so resident at the time of the election, shall be eligible to a seat in said convention: *Provided,* he possess the freehold required of a member of the House of Commons under the present constitution.

Each coy. to elect 2 delegates. *VIII. Be it further enacted.* That each county in this State shall be entitled to elect two delegates to said Convention, and no more.

Gov'r to fill vacancies. When delegates to meet. *IX. Be it further enacted,* That if any vacancy shall occur in any county delegation, by death or otherwise, the Governor shall forthwith issue a writ to supply the vacancy. And the delegates shall convene in or near the city of Raleigh, on the first Thursday in June next; and provided that a quorum does not attend on that day the delegates may adjourn from day to day until a quorum is present; and a majority of delegates elected shall constitute a quorum to do business.

Oath to be taken by delegates. *X. Be it further enacted,* That no delegate elect shall be permitted to take his seat in convention until he shall have taken and subscribed the following oath or affirmation: I, A. B. do solemnly swear (or affirm, as the case may be,) that I will not, either directly, or indirectly, evade, or disregard the duties enjoined, or the limits fixed to this convention by the people of North Carolina, as set forth in the act of the General Assembly, passed in 1834, entitled "an act concerning a Convention to amend the Constitution of the State of North Carolina," which act was ratified by the people; so help me God.

Pay of members, &c. *XI. Be it further enacted,* That the Public Treasurer be, and he is hereby authorized to pay, upon the warrant of the Governor, such sums of money as may be necessary for the contingent charges of the convention; and also, to pay each member of the convention one dollar and fifty cents per day, during his attendance thereon, and five cents for every mile he may travel to and from the convention.

XII. *Be it further enacted,* That it shall be the duty of the Gov-  
ernor, immediately after the ratification of this act, to transmit a copy Gov. to trans-  
mit this act to  
each county court clerk in the State, and to cause it to be publish-  
clerks, &c.  
ed until the meeting of the convention, in the newspapers of the State.

XIII. *Be it further enacted,* That the following propositions shall  
be submitted to the people for their assent or dissent to the same;  
the former of which shall be understood as expressed by the votes  
for "Convention," and the latter by the votes "No Convention", or  
"Against Convention," at the time and in the mode herein before  
provided, to wit: 1. That the said Convention, when a quorum of  
the delegates who shall be elected are assembled, shall frame and  
devise amendments to the Constitution of this State, so as to reduce Propositions  
to be submit-  
ted to the peo-  
ple.  
the number of members in the Senate to not less than 34, nor more  
than 50, to be elected by districts; which districts shall be laid off  
at convenient and prescribed periods by counties, in proportion to  
the public taxes paid into the Treasury of the State by the citizens  
thereof: *Provided,* That no county shall be divided in the formation  
of a Senatorial District. And where there are one or more counties  
having an excess of taxation above the ratio required to form a Sena-  
torial District, adjoining a county or counties deficient in such ratio,  
the excess or excesses aforesaid shall be added to the taxation of the  
county or counties deficient; and if, with such addition, the county  
or counties receiving it shall have the requisite ratio, such county  
and counties each shall constitute a Senatorial District. 2. That the  
said Convention shall frame and devise a further amendment to the  
said Constitution, whereby to reduce the number of members in the  
House of Commons to not less than 90, nor more than 120, exclusive  
of borough members, which the convention shall have the discretion to  
exclude in whole or in part, and the residue to be elected by counties  
or districts, or both, according to their federal population; viz.  
according to their respective numbers, which shall be determined by  
adding to the whole number of free persons, including those bound to  
service for a term of years, and excluding Indians not taxed, three-  
fifths of all other persons, and the enumeration to be made at conve-  
nient and prescribed periods; but each county shall have at least  
one member in the House of Commons, although it may not contain  
the requisite ratio of population. 3. That the said Convention shall  
also frame and devise amendments to said Constitution, whereby it  
shall be made necessary for persons voting for a Senator, and persons  
eligible to the Senate, to possess the same residence and freehold  
qualification respectively in the Senatorial District, as is now required  
in the county: *Provided,* That they shall not, in any manner, dis-  
qualify any of the free white men of this State from voting for mem-  
bers in the House of Commons who are qualified to vote under the  
existing constitution of this State. 4. That said Convention may  
also consider of, and in their discretion propose the following other  
amendments to the said Constitution, or any of them, to wit: so as  
1st. to abrogate or restrict the right of free negroes or mulattoes to  
vote for members of the Senate or House of Commons; 2. to dis-  
qualify members of the Assembly and officers of the State, or those  
who hold places of trust under the authority of this State, from being  
or continuing such while they hold any other office or appointment  
under the government of this State, or of the United States, or any  
other government whatsoever; 3. to provide that capitation tax on  
slaves and free white polls shall be equal throughout the State; 4. to

provide for some mode of appointing and removing from office military officers and justices of the peace, different from that which is now practised; 5. to compel the members of the General Assembly to vote *viva voce* in the election of officers whose appointment is conferred on that body; 6. to amend the 32d article of the Constitution of the State; 7. to provide for supplying vacancies in the General Assembly of this State, when such vacancies occur by resignation or death, or otherwise, before the meeting of the General Assembly; 8. to provide for biennial meetings instead of annual meetings of the General Assembly; and if they shall determine on biennial sessions, then they may alter the Constitution in such parts of it as require the annual election of members of Assembly and officers of State, and the triennial election of Secretary of State, and provide for their election every two years; 9. to provide for the election of Governor of the State, by the qualified voters for the members of the House of Commons, and to prescribe the term for which the Governor shall be elected, and the number of terms during which he shall be eligible. And the said Convention shall adopt ordinances for carrying into effect the amendments which shall be made, and shall submit such amendments to the determination of all the qualified voters of the State; but they shall not alter any other article of the Constitution or Bill of Rights, nor propose any amendments to the same, except those which are herein before enumerated.

**XIV.** *Be it further enacted,* That if a majority of voters at the election first directed to be held by this act, shall be found for "Convention," it shall be considered and understood that the people by their vote as aforesaid, have conferred on the delegates to said Convention, the power and authority to make alterations and amendments in the existing constitution of the State, in the particulars herein enumerated, or any of them, but in no others.

**XV.** *Be it further enacted,* That the said Convention, after having adopted amendments to the Constitution, in any or all of said particulars, shall prescribe some mode for the ratification of the same by the people or their representatives; and shall prescribe all necessary ordinances and regulations for the purpose of giving full operation and effect to the Constitution as altered and amended.

**XVI.** *Be it further enacted,* That the Convention shall provide in what manner amendments shall in future be made to the Constitution of the State.

Read three times, and ratified in General Assembly, 6th January, 1835.

## CHAPTER II.

An ACT supplemental to an Act, passed at the present session, entitled "An act concerning a Convention, to amend the Constitution of the State of North Carolina".

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the following propositions shall be submitted to the people for their assent or dissent, in the same manner, and under the same forms, regulations and restrictions, as were prescribed and adopted in an act passed at the present session, entitled an act "concerning a Convention to amend the Constitution of the State of North-Carolina." that the said Convention may, in their discretion, devise and propose the following amendments to the said Constitution, or any of them, so as, 1. To provide that the Attorney



## CONVENTION.

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General shall be elected for a term of years. 2. To provide a tribunal whereby the Judges of the supreme and superior courts, and other officers of the State, may be impeached and tried for corruption and malpractices in office. 3. To provide that upon conviction of any Justice of the Peace of any infamous crime, or of corruption and malpractice in office, his commission shall be vacated, and said Justice rendered forever disqualified from holding such appointment. 4. To provide for the removal of any of the Judges of the Supreme or Superior Courts, in consequence of mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the Legislature. 5. To provide that the salaries of the Judges shall not be diminished during their continuance in office. 6. To provide against unnecessary private legislation. 7. To provide that no Judge of the Supreme or Superior Courts, shall, whilst retaining his judicial office, be eligible to any other except to the Supreme Court Bench.

II. *And be it further enacted*, That should the people decide in favor of a call of a Convention, as is provided for in the before referred to act, the said Convention is hereby authorized and empowered to consider of, and, in their discretion, propose the above additional amendments to the said Constitution, or any of them.

Convention to make the prescribed amendments.

Read three times, and ratified in General Assembly, 9th January, 1835.

## CHAPTER III.

An ACT concerning the publication of the Acts, relative to a Convention, and payment thereof by the Governor.

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

That the Governor be, and he is hereby authorized and directed to draw upon the Public Treasurer in favor of the publishers of newspapers who may publish the acts of this session, relative to calling a Convention, as by said acts directed, for the sum of ten dollars each, and no more, any thing in the provisions of the said acts to the contrary notwithstanding.

Gov't to draw on Treasurer in favour of publishers of newspapers.

II. *Be it further enacted*, That the Governor shall, and he is hereby directed to cause to be printed four hundred copies of said acts for each county, to be transmitted to their respective members, now composing this General Assembly; to render said acts public and understood by the people of the State; and that he be authorized to draw upon the Public Treasurer for the expenses of the same.

Printing and distribution of the acts relative to convention.

## CHAPTER IV.

An ACT prescribing in what manner copies of administration or returns of property of deceased persons, in another State, shall be read in evidence.

*Be 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 an administration on the goods and chattels of any person deceased, being an inhabitant in another State, has been granted, or a return or inventory of the estate has been made, a copy of the record of administration, or of letters of the same, and a copy of the inventory, or return of the effects of the deceased, after the same has been granted or made, agreeably to the laws of the State where the same has been done, being properly certified either according to the act of Congress, passed in May, one thousand seven hundred and

Prescribes the manner in which they shall be read in evidence.

ninety, or by the proper officer of the said State; and the further testimonial of the Governor or Commander in Chief, that the person certifying is the proper officer, or duly authorized by law, shall be allowed to be read as evidence in the courts of this State, and shall be admitted in the same manner, as a copy from any of the clerks' offices in this State.

### CHAPTER V.

An ACT to amend an act, entitled "An act to establish a Bank in the State of North Carolina," passed at the last Session of the General Assembly.

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

Bank may deal in promissory notes, made payable at any of its agencies.

That it shall and may be lawful for the corporation created and established by the above recited act, to deal in promissory notes, expressed on the face of them to be negotiable and payable at any Agency of the Bank of the State of North Carolina, which now is, or hereafter may be established in conformity with the provisions of said act, in like manner, as in promissory notes expressed on their face to be negotiable at the said Bank, or some of its branches.

Bank shall receive public money in deposit.

II. *Be it further enacted,* That the said corporation shall at all times receive in deposit at their principal Bank, or any of the branches or agencies thereof, as much of the public money as the Treasurer of the State shall offer to deposit in said Bank to his credit: *Provided,* That it shall not be obligatory upon the Treasurer, or upon the State, to make deposits in said Bank.

Proviso.

Repealing clause.

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.

When to be in force.

IV. *Be it further enacted,* That this act shall take effect, and be in force, immediately after the stockholders of the said Bank, in general meeting, agree thereto, and signify their assent to its provisions by writing, duly authenticated and deposited in the office of the Secretary of State of this State.

### CHAPTER VI.

An ACT to amend the Charter of the Bank of Cape Fear.

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

Stockholders residing in any one of the U. States, may vote.

That the stockholders in the Bank of Cape Fear, who reside in any one of the United States, who shall be a citizen thereof, shall have power and right to vote for themselves, or by proxy, at all meetings of the stockholders of said bank, in the same manner and under the like rules and regulations which are or may be prescribed, concerning the stockholders, who reside in this State.

Repealing clause.

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

Bank shall receive public Money in deposit.

III. *Be it further enacted,* That the said corporation shall at all times receive in deposit, at their principal Bank, or any of the branches or agencies thereof, as much of the public money as the Treasurer of the State shall offer to deposit in said Bank to his credit: *Provided, however,* That it shall not be obligatory upon the Treasurer, or upon the State, to make deposits in said Bank.

Proviso.

When to be in force.

IV. *Be it further enacted,* That this act shall take effect, and be in force, immediately after the stockholders of the said Bank in gen-



eral meeting agree thereto, and signify their assent to its provisions by writing, duly authenticated, and deposited in the office of the Secretary of State of this State.

## CHAPTER VII.

An ACT to establish the Merchants' Bank of 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 a Bank shall be established in the town of Newbern, the capital stock of which shall not exceed three hundred thousand dollars, divided into shares of one hundred dollars each; and that for the purpose of receiving subscriptions for the said stock, books shall be opened on the second Monday of February, in the year of our Lord one thousand eight hundred and thirty five, and remain open for the space of sixty days, at the following places, and under the superintendence of the following persons, or a majority of them, viz: At Newbern, under the superintendence of John Snead, John Washington, Samuel Simpson, William Hollister, John Burgwyn, John W. Guion, Isaac Taylor, Bennet Flanner, Amos Wade, Michael H. Lente, Samuel Oliver, George S. Attmore, James C. Stephenson, Charles Slover, Hardy B. Lane, and William C. Hunter. At Washington, in Beaufort county, under the superintendence of John Myers, Eli Hoyt, Abner P. Neale, Nathaniel J. Oliver, and Thomas H. Blount. At Bath, under the superintendence of Joseph Bonner, John Y. Bonner, and Jesse B. Lucas. At Caswell, under the superintendence of John C. Washington, Reuben Knox, Nathan G. Blount and Watson Wilcox. At Waynesborough, under the superintendence of Richard Washington, Arnold Borden and John Wright. At Trenton, under the superintendence of William Huggins, James Harrison, Hardy Bryan and Charles Garock. At Beaufort, under the superintendence of James W. Bryan, Jacksonioks Piggot, John F. Jones and Benjamin Lecrofte. At Swansborough under the superintendence of William P. Ferrand, Daniel L. Russel and Basil Hawkins. At Snowhill, under the superintendence of Benjamin S. Edwards, William Williams, Clerk, and Charles Harper.

II. *Be it further enacted,* That one fourth of each share shall be paid in gold or silver, or their equivalent, to the Commissioners above named, at the time of subscribing; that another fourth shall be paid in gold or silver, or their equivalent, to the directors, chosen in the manner hereafter described, within sixty days after the Bank shall have commenced business, and the remainder shall be paid as aforesaid, within nine months after the commencement of its operations; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of six per centum per annum, and his stock shall be forfeited, and may be sold by the Bank, and the proceeds applied to the payment of the said deficient instalment, with the interest thereon, and the balance, if any, paid over to said subscriber: *Provided,* That no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, or their equivalent.

III. *Be it further enacted,* That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars is actually paid to the Commissioners, the subscribers to the said Bank, 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

Capital stock

Books to be opened for subscription.

How subscriptions shall be paid.

Incorporating subscribers.

of the "President and Directors of the Merchants' Bank of Newbern," and shall so continue until the first day of January, one thousand eight hundred and fifty-five; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation; and for the making whereof, general meetings of the stockholders may be called in the manner hereafter specified, and generally to do and execute all acts, matters and things which a corporation and body politic in law, may or can lawfully execute or do, subject to the rules, regulations, restrictions and provisions, hereafter prescribed and declared.

Subscribers  
to meet and  
appoint di-  
rectors.

IV. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said Bank, and the required instalments paid to the Commissioners who keep the books, notice thereof shall be given in the Gazettes published at Newbern, and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called. If at this meeting those or their agents who have a majority of votes according to the rules hereafter described be present; if not, another meeting shall be called, they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the Commissioners, and immediately pursue the usual means to put the Bank in operation. The said directors shall remain in office until the first Monday in December, one thousand eight hundred and thirty-five, (1835,) or until their successors shall be appointed; and on the first Monday in December in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Newbern for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

Annual meet-  
ings of stock-  
holders.

When Bank  
may go into  
operation.

V. *Be it further enacted*, That the Bank may go into operation whenever one hundred thousand dollars shall have been paid in, and that no dividends on the profits of the Bank shall be declared by the President and Directors until the whole amount of the capital stock subscribed shall be realized to the Bank in gold or silver, or its equivalent.

Fundamen-  
tal articles.  
A majority of  
stockholders  
required at  
all meetings.  
How to vote.

VI. *Be it further enacted*, That the following rules, regulations and provisions, shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes be present; and every act shall require the sanction of a majority of the votes which may be present; every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting, which shall not have been holden three calender months previous to the day of voting. Stockholders may vote at elections and general meetings by proxy



the proxy himself being a stockholder. None but a stockholder, who is a citizen of the State, shall be eligible as a director; and the directors, when appointed, shall choose one of their number, (which shall always be seven,) to be President of said Bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president or directors shall be granted at the pleasure of the stockholders. Not less than five directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may by writing nominate any other director to supply his place. A number of stockholders not less than ten, who together shall be the owners of one hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting. The directors shall annually elect a cashier and such other officers as may be necessary to perform the business of bank. These officers shall be required to give bonds, with two or more securities, in sums not less than ten thousand dollars, with a condition for good behaviour and faithful discharge of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in courts of justice against said bank; and on entering on the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the Clerk of the County Court of Craven County, viz: "I, A. B. do solemnly swear, (or affirm, as the case may be,) to keep a just and true record, without alterations in, or erasures of, the transactions of the Board of Directors of the Merchants' Bank of Newbern, in a book to be kept by me for that purpose." In all cases in addition to the usual personal security, the stock of directors shall be considered as a pledge for the repayment of the money which they may borrow, whether as principal or surety. The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments, as shall be requisite for the convenient transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. The said corporation shall neither directly or indirectly trade in any thing except bills of exchange, promissory notes and bonds, expressing on the face of them to be negotiable and payable at said bank, gold or silver bullion, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or of goods which shall be the produce of its lands, mint certificates, the public debts of the United States, stock of the present Bank of the United States, such other Bank as may be hereafter established by a law of the United States; provided the investment in such stock shall not exceed one half of the capital stock of this Bank. Neither shall the said corporation take more than at the rate of six per centum per annum for or upon its loans and discounts; which interest shall be taken in advance at the time of discount. The total amount of the debts which the said corporation shall at any time owe, shall not exceed twice the amount of the stock actually paid in over and above

Qualificat'ns  
of directors,  
election of  
president, &c

Cashier and  
other officers  
to be elected,  
& shall give  
bond.

Duty of the  
cashier, &c.

Restriction in  
holding pro-  
perty.

In what the  
Bank shall  
trade.

Rate of per  
ct. on loans.

Limit of b'nk  
debt.

Pedalty.

How to fill vacancies.

Statement to be furnished Treasurer.

How bills or notes shall be assignable.

No note to be issued under \$ dollars, &c.

Stockholders liable to creditors.

Books may be kept open.

the sum then actually deposited in the bank for safe keeping, if this or any other enactment herein contained be violated; the directors knowingly and willingly assenting to such violation, shall be deemed to have committed a misdemeanor, and upon conviction in the superior court, shall be fined or imprisoned, or both, at the discretion of the court. If a vacancy in the directory shall occur, by death, resignation or otherwise, the remaining directors shall fill such vacancy, until the succeeding meeting of the stockholder-. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf, by the laws and ordinances of the same. The officer at the head of the Treasury department of the State shall be furnished once in six months with a statement of the amount of capital stock of said corporation, and of the debts due to the same, of the moneys deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except of the directors. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees; and so as absolutely to transfer and vest the property therein in each 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, and bills or notes, which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in the like manner and with the like force and effect, as upon any private person or persons, that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

VII. *Be it further enacted*, That no note shall be issued by the said bank under the denomination of five dollars, and if any person or persons holding any note or notes of said bank, shall present the same for payment and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said bank shall pay the same; any law to the contrary notwithstanding; and the holder of the notes of the said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors, who may have consented to issue more than twice the capital stock paid in: *Provided*, that the bank be not able to pay the amount.

VIII. *And be it further enacted*, That in case of an insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay, the individual stockholders shall be liable to creditors in sums double the amounts of stock by them respectively held in said corporation.

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

X. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation, shall embezzle any of the funds <sup>Penalty for</sup> belonging to the said bank, with intent to defraud said corporation, <sup>counterfeit</sup> or make false entries upon the books of said bank, with intent to defraud said corporation, or any other person whatsoever said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine, <sup>or forgery.</sup> at the discretion of the court, and imprisonment not exceeding five years.

XI. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making forging or counterfeiting, any bill or note in imitation of, or purporting to be a bill or note issued by order of the President and Directors of the Merchants bank of Newbern, or any order or check upon said bank or corporation, or any cashier thereof, or shall falsely alter or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the said corporation, or any order or check on said bank, or any cashier thereof, or shall pass or receive with intent to pass, utter or publish as true any false, forged or counterfeited bill or note purporting to be a bill or note issued by order of the said corporation, or any false forged or counterfeited order or check upon the said bank or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass or receive with intent to pass or attempt to pass, utter or publish as true, any falsely altered bill or note, issued by order of the said bank, or any falsely altered order or check on said Bank, or any cashier thereof, knowing the same to be falsely altered with intention to defraud the said corporation, or any other body politic, or person or persons, every such person shall be deemed guilty of felony and being thereof convicted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

XII. *Be it further enacted*, That the President or cashier of the said bank shall annually pay into the treasury of the State, twenty-five cents on each share of said capital stock which may have been subscribed for and paid in; and the first payment of said tax, shall be made twelve months after the said bank shall have commenced operations. <sup>Tax on stock.</sup>

XIII. *Be it further enacted*, That the directors of said bank may declare semi-annually dividends of the profits thereof; and if at any time more than the real profits be divided, the directors assenting thereto, shall be responsible in their private capacities to creditors who have claims against the said institution. <sup>Semi-annual dividends.</sup>

XIV *Be it further enacted*, That the president of this bank shall in the first week in December, in each and every year, transmit to the General Assembly, a full statement of the condition of the bank; exhibiting the amount of capital notes in circulation; debt due to other banks, and to what banks; deposits, and all other particulars necessary to explain the debit side of the account; also specie on hand; notes of other banks; other funds specially enumerated; debts due from other banks, and what banks; bills of exchange; debt on bonds and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, not however using any person's name in either case, and amount of real estate. <sup>Annual statement to be made to the Legislature.</sup>



**XV.** *Be it further enacted,* That if any president, director, cashier, clerk or other officer of the aforesaid bank, shall knowingly and willingly and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the Treasury of the State, to the Legislature, to the Board of Directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders, to receive the same, such president, director, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor in the Superior Courts, and upon conviction shall be fined at the discretion of the court and imprisoned not exceeding one year.

**XVI.** *Be it further enacted,* That whenever the Legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful by joint resolution, to direct the Attorney General with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias* returnable before the Judges of the Supreme Court of the State, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited; subject to the same proceedings as are now prescribed by law, as in cases of other corporations.

**XVII.** *Be it further enacted,* That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than three hundred thousand dollars, shall be subscribed by individuals, or bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions, according to a scale by them, to be established for that purpose, to the aforesaid sum of three hundred thousand dollars: *Provided,* that no subscription of two shares, or under, shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

## CHAPTER VII. ★

And ACT to amend an act, vesting 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; passed in the year one thousand eight hundred and thirty 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 at the election of members of the General Assembly within this State, in one thousand eight hundred and thirty seven, and at the same elections every four years thereafter, a poll shall be opened for the election of a clerk of the County Court, and a clerk of the Superior Court in each county, under the same rules and regulations which are prescribed by the act of one thousand eight hundred and thirty two; entitled an act vesting 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.

**II.** *Be it further enacted,* That whenever a clerk of the Superior Court shall resign, or his office shall be in any other manner, vacated after his qualification and before the expiration of his term, the Judge of the Superior Court, who may be assigned to ride the circuit in which said vacancy has occurred, shall fill the vacancy for the unexpired portion of his term, and whenever a clerk of the County Court shall resign, or his office is vacated after his qualification and before the expiration of his term, the justices of the next County Court, (a majority being present) shall fill the said vacancy

for the unexpired portion of said term; but the person so appointed clerk of the Superior Court, or clerk of the County Court, shall give bonds as now required by law.

III. *Be it further enacted*, That the clerks of the County Court, shall not be allowed to resign after their qualification to any other person or authority, but to the County Court of his county, and the clerks of the Superior Court shall not be allowed to resign after their qualification, to any other person or authority, but to the judge of said court, sitting in court, or to the judge assigned to ride the next circuit in which the county is situate of which he is clerk. Clerks shall not resign except to their respective courts.

IV. *Be it further enacted*, That the clerks who may be elected under the provisions of this act, shall give bonds, and be qualified in all respects as provided by the act of one thousand eight hundred and thirty two, aforesaid, and the other laws of this State. Clerks to give bond, &c.

### CHAPTER VIII.

An ACT regulating costs in certain cases.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in all cases, where any bond shall be taken and returned under the act passed in the year one thousand eight hundred and twenty-two, entitled an act for the relief of honest debtors, to the Court of Pleas and Quarter Sessions of any county in this State; it shall not be lawful for the clerks of said courts to charge any State tax or Attorney's fee, except in such cases when an issue shall be made up, when and in such case, the party cast, shall pay all costs; any law, usage or custom, to the contrary notwithstanding. Regulates the cost in case of insolvents.

II. *Be it further enacted*, That all officers, having in their possession any bond or bonds, which may be taken by authority of an act passed in the year eighteen hundred and twenty two, entitled an act, for the relief of debtors for debts which may be contracted after the first day of May next, shall be, and they are hereby required to return the same, together with all the papers they may have appertaining to any application for the benefit of said recited act, on or before the second day of the Court of Pleas and Quarter Sessions, to which the same is returnable under the penalty of fifty dollars, to be recovered at the suit and for the benefit of such person or persons as may be aggrieved by such neglect or failure. Officers to return bonds on second day of court.

### CHAPTER IX.

An ACT giving compensation to Sheriffs and Coroners for executing writs of *capias ad satisfaciendum* in certain cases.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That when any sheriff or coroner, shall be compelled by a writ of *capias ad satisfaciendum*, issued from, and returnable to any court of record, beyond such sheriffs or coroners own county; to take and carry the body of the defendant named in the writ of *capias ad satisfaciendum*, to the common jail of the county from whence the said writ of *capias ad satisfaciendum* issued, such sheriff or coroner, so carrying and confining the defendant in such writ of *capias ad satisfaciendum* in said jail; shall be entitled to receive at the rates of three dollars for every thirty miles, in going from his residence to said jail, and returning from thence home. Compensat'n for certain services.

II. *Be it further enacted*, That it shall be the duty of the sheriff, to set forth in his return upon the writ of *capias ad satisfaciendum* Sheriff shall

make a true  
return of the  
distance.

herein before prescribed, the distance from his residence to the jail wherein he may have confined the said defendant; the truth of which return shall be verified by oath or affirmation before the clerk; and the clerk shall tax the fees due the sheriff or coroner, by virtue of this act, and the same shall be paid by the person, bound to pay the other costs.

### CHAPTER XI.

An ACT amending the act of the last session of the General Assembly, entitled "An act to regulate the times of holding the Superior Courts in the sixth judicial circuit."

Preamble.

Whereas, by the provisions of an act at the last session of the General Assembly, entitled an act to regulate the times of holding the Superior Courts, in the sixth judicial circuit, the county of Mecklenburg is allowed two weeks for the term of the Superior Court; and no provision is made for the salary of the judge, for the second week.

Judge allowed  
certificate  
for holding  
court the 2d  
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 the judge holding the court for the second week in the county of Mecklenburg, as provided for in the before recited act, shall be entitled to his certificate for the salary for such second week, in the same manner as is now allowed by law, for holding the terms of the several Superior Courts in this State.

### CHAPTER XII.

An ACT regulating the times of holding the Superior Courts in the counties of Rutherford, Lincoln and Iredell.

Fixes the  
time for hold-  
ing sd. courts

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Superior Courts of the counties of Rutherford, Lincoln and Iredell in the sixth judicial circuit, shall be held at the following times, viz: Rutherford on the fifth Monday after the fourth Monday in March and September, Lincoln on the sixth Monday after the fourth Monday in March and September, Iredell on the seventh Monday after the fourth Monday in March and September.

Process re-  
turnable to  
the same.

II. *Be it further enacted,* That all process pending in, or returnable to said courts, shall be made returnable to the same, as directed to be held by this act.

When to be  
in force.

III. *Be it further enacted,* That this act shall be in force, from and after the fourth day of July next.

Repealing  
clause.

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 XIII.

An ACT to enable any two of the judges of the Supreme Court to hold the same.

Two Judges  
may hold  
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 any one of the judges of the Supreme Court, is disabled from attending from sickness or other inevitable cause, two of the judges of the said court shall and may hold the said court, hear and determine causes, and possess and exercise every other authority, which by law may appertain to the said court as fully to all intents and purposes, as if all the judges of the said court were present.

When to be  
in force.

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



## CHAPTER XIV.

An ACT to provide for the holding of a Superior Court in the County of Yancy.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* Judges required to hold said courts as provided by act of Assembly.  
That the Judges of the Superior Courts of Law and Equity for the State of North Carolina be, and they are hereby required, to hold superior courts in and for the county of Yancy, at the times appointed in an act passed at the last session of the General Assembly, entitled "An act to regulate the times of holding the superior courts in the sixth judicial circuit." And that said superior courts for the county of Yancy aforesaid, be, and the same is hereby invested with all the powers and jurisdiction exercised and enjoyed by all other superior courts in all other counties of this State.

II. *Be it further enacted,* That all causes, civil and criminal, arising in the county of Yancy, of which, by the laws of this State, the superior courts have jurisdiction, and all appeals from the County Court of Yancy, may and shall come within the jurisdiction of the said Superior Courts of Yancy. Jurisdiction of the court.

## CHAPTER XV.

An ACT concerning Divorces.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* Courts of Equity may have jurisdiction in granting divorces.  
That from and after the passage of this act, the Courts of Equity in this State shall and may have concurrent jurisdiction with the Superior Courts of Law, in granting divorces either from bed and board, or the bonds of matrimony, according to the rules, regulations and restrictions, which now govern the Courts of Law in allowing divorces; and the Judges of the said Courts of Law and Equity shall have power to issue writs of sequestration, and such other process, as the nature of the case may render necessary, conformably to the rules of law, and the course of equity proceeding; any law, usage or custom to the contrary notwithstanding.

## CHAPTER XVI.

An ACT vesting the power to authorize the erection of Gates across public roads, in the several County Courts.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* County courts may authorize the erection of gates.  
That hereafter the several Courts of Pleas and Quarter Sessions in this State, a majority of the Justices in the county being present, shall have full power to authorize, in the manner herein prescribed, the erection of gates across public roads in their respective counties.

II. *Be it further enacted,* That any person or persons desirous to erect a gate across a public road, may file his petition in the Court of Pleas and Quarter Sessions of the county where such road lies; whereupon the Court shall order that publication shall be made until the next succeeding Court, at the Court House in some public place, that application has been made to the Court, to erect a gate across a public road, describing the place and the name of the petitioner; and that all persons interested in the convenient travelling or transportation on said road, have leave to appear and defend, demur, and plead to said petition; and if at the next succeeding Court it shall satisfactorily appear that such publication has been made as afore-

How to proceed in courts

## LANDS—LOTTERIES.

said, and not otherwise, the said Court may in their discretion, a majority of the Justices being present, authorize the petitioner, at his or her cost, to erect a gate as prayed for.

Gates subject  
to taxes.

III. *Be it further enacted*, That all gates erected under the authority of this act, shall be subject to the same taxes as are now imposed by law on gates across public roads.

Appeals may  
be taken.

IV. *Be it further enacted*, That the petitioner, the party defendant or defendants to said petition, shall have the right to appeal from the order of the Court of Pleas and Quarter Sessions, under the same rules and regulations that now govern appeals to the Superior Courts, in cases of petition.

## CHAPTER XVII.

An ACT to quiet the Titles to certain Lands in this State.

Preamble-

Whereas, many of the citizens of this State, on making entries of land, near the county lines where they reside, either for the want of a proper knowledge of the land laws of the State, or not knowing the county lines, have frequently made entries, and extended their surveys on such entries into other counties than those where they were made, and obtained grants on the same: And whereas, doubts have existed with respect to the validity of the titles to lands situated as aforesaid, so far as they extend in other counties than those where the entries were made: For remedy whereof,

Grants made  
valid.

*Be 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 grants issued on entries made for lands, situated as aforesaid, where the money has been paid into the Public Treasury, shall be good and valid against any entries which may be hereafter made, or grants issued thereon; any law, usage, or custom to the contrary notwithstanding.

## CHAPTER XVIII.

An ACT to give further time for paying in Entry money.

Extends the  
time to 15th  
Dec. 1835.

*Be 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 eighteen hundred and thirty one, and eighteen hundred and thirty two, and have had the same surveyed, and who have sent on, or may send on their plot and certificate to the Secretary, and failed to pay in the entry money, to have until the fifteenth day of December next for paying in the same. *Provided*, that nothing in this act contained, shall be so construed as to interfere with any other person who has made entries before the passage of this act.

Proviso.

Repealing  
clause.

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

## CHAPTER XIX.

An ACT prohibiting Lotteries

Prohibits lot-  
teries of every  
description.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That if any person shall open, set on foot, carry on, promote, make, or draw, publicly or privately, any Lottery, by whatever name, style or title, the same may be denominated or known; or if any person shall by such ways and means, expose, or set to sale any house or houses, lands, or real estate, or any goods or chattels, cash, or writ-



ten evidences of debt, or certificates of claims, or any thing or things of value whatever; every person, so offending, shall on conviction thereof, be fined in any sum not exceeding two thousand dollars, or be imprisoned not exceeding six months, or both, at the discretion of the Court.

II. *Be it further enacted*, That if any person or persons shall vend, sell, barter, or dispose of, any lottery ticket or tickets, order or orders, for any number or shares in any lottery, or shall in any wise be concerned in such lottery, by acting as Agent in this State, for, or on behalf of any such lottery, to be drawn or paid either out of or within this State; every person shall upon conviction thereof be fined in any sum not exceeding two thousand dollars, or be imprisoned not exceeding six months, or both, at the discretion of the Court: *Provided*, that nothing in this act contained shall be so construed, as to prevent the drawing of any lottery authorised by the laws of this State, or the sale of any tickets in such lottery, so authorised to be drawn.

Penalty for selling tickets.

Proviso.

III. *And be it further enacted*, That this act shall not be in force, until from and after the first day of April next.

When to be in force.

#### CHAPTER XX.

An ACT amendatory of the Act of eighteen hundred and thirty-three, concerning the injury done by the erection of Mills.

*Be 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 the damage assessed by the Jury, under the provisions of said act, do not amount to five dollars, the petitioner or petitioners, shall not recover more cost than damage; any law to the contrary notwithstanding.

Cost shall not exceed damages when not over \$5.

#### CHAPTER XXI.

An ACT concerning the Wardens of the poor.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That whenever, by the act of one thousand seven hundred and seventy seven, Chapter one hundred and seventeen, Section seventeenth, on complaint made, a pauper is removed from one county to the county in which he or she was legally last settled; it shall and may be lawful for the Wardens of the poor to pay the charges of such removal, and such fees to the persons conveying the said pauper, as are fair and equitable; and the county wherein he or she was last legally settled, shall repay all charges and expenses incurred in such removal, under the same penalties and liabilities for refusal as are prescribed in the said act, for refusing to repay the charges and expenses of maintenance and care of sick and disabled paupers, to be recovered as therein directed.

In case of removal, how charges shall be paid.

#### CHAPTER XXII.

An ACT for turning or altering roads in certain cases.

WHEREAS, by the existing laws, persons through whose farms or lands public roads pass, cannot turn or in any way alter the same, but by petition, and the intervention of a Jury, although the public convenience may be thereby greatly promoted, and the interest of no other person affected, which method to many is so expensive, as to be burdensome: For remedy whereof,

Preamble.

How persons shall proceed in turning a public road.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be lawful for any person through whose farm or land a public road passes, or may hereafter pass, to turn or alter the same, by laying off the road as he proposes; so, however, as not to interfere with land of any other person or persons, and put it in good and proper condition, as a public highway; but, before he shall close up, or in any way obstruct the former road, he shall apply to a Justice of the Peace, whose duty it shall be to summon two disinterested freeholders to attend on the premises, on a given day; who, after taking an oath to that effect, shall, together with himself, view and examine the road as proposed to be altered or turned, and report its condition, and such facts connected with the case, as may be necessary to determine whether it be proper that such alteration should be made, to the next Court of Pleas and Quarter Sessions, to be held for the County; and upon consideration, the court may sanction the proposed alteration, or refuse it: *Provided always*, that the overseer of the road shall have five days notice of the time and place of the meeting of the justice and freeholders, any thing to the contrary notwithstanding.

## CHAPTER XXIII.

An ACT to repeal the second section of an act, passed in the year eighteen hundred and thirty two, making additional compensation to the Secretary of State, for certain services therein named.

Repeals the 2nd section only.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the second section of an act, passed in the year eighteen hundred and thirty-two, entitled an act making compensation to the Secretary of State, for services required of him, by an act of the General Assembly of eighteen hundred and twenty seven, Chapter twenty-third, and for other purposes, be and the same is hereby repealed: *Provided nevertheless*, that nothing in this act contained, shall be so construed as to repeal the first section of the before recited act, and the ten cents therein allowed to the Secretary, shall be paid by the applicant.

## CHAPTER XXIV.

An ACT authorizing the Governor to procure a new Great Seal for the use of the State.

Preamble.

Whereas, the great seal of this State, which has been used since the first day of March one thousand seven hundred and ninety-three, has become so much worn as to render it necessary to obtain a new one.

Gov'r authorized to procure a new Great Seal.

*Be 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 shall be, and he is hereby authorised to procure a new great seal for this State, which shall bear suitable devices; and that such new great seal, when so procured, shall be used to attest and authenticate all grants, commissions, proclamations, and other public acts, to which such attestation and authentication may be necessary.

## CHAPTER XXV.

An ACT appointing Commissioners for rebuilding the Capitol.

Appoints five comm'rs.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That Duncan Cameron, B. Daniel, S. F. Patterson, Charles Manly

and Alfred Jones, be and they are hereby appointed Commissioners for superintending the erection of the Capitol on Union Square, in the city of Raleigh, to employ workmen to execute the said work, and the Treasurer shall pay the amount appropriated for that purpose from time to time, upon the warrant of said commissioners or a majority of them.

II. *Be it further enacted*, That if any of the said commissioners shall refuse to act, or resign, the Governor of the State shall be, and he is hereby authorized to fill the vacancy thereby created. Gov'r to fill vacancies.

### CHAPTER XXVI.

An ACT to make an Appropriation for completing 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 a sum not exceeding seventy five thousand dollars, be and the same is hereby appropriated, for completing the Capitol now erecting on Union square, in the city of Raleigh, and that the warrants drawn from time to time by the Commissioners already appointed or hereafter to be appointed or a majority of them, shall be sufficient authority to the public Treasurer for the payment of the same. Appropriated \$75,000.

### CHAPTER XXVII.

An ACT authorizing the several County courts to appoint one or more Surveyors in their districts, for each County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the several County courts in this State, (a majority of the acting justices being present) may, in their discretion, appoint one or more surveyors for each county: *Provided nevertheless*, they shall not have authority to appoint more than two surveyors for any one county. Co'ty Courts may appoint surveyors.

II. *Be it further enacted* That the surveyor, to be appointed under this act shall be elected and qualified and subject to the same rules, regulations and restrictions, and enjoy the same rights and privileges, as the surveyors already in existence are. How to be elected, &c.

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. Repealing clause.

### CHAPTER XXVIII.

An ACT to repeal an Act passed at the last General Assembly, entitled an Act to create one additional wreck district, in the County of Hyde, and for other purposes. Repealing clause.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all laws and clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed. Co'ty court may appoint wreck masters.

II. *And be it further enacted*, That the Court of Pleas and Quarter Sessions, of the county of Hyde, shall be authorized and empowered to appoint as many wreck masters for said county, as may make application therefor, upon their first entering into bond, with good and sufficient security, as is already in that case made and provided.





# PRIVATE ACTS.

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## CHAPTER XXIX.

An ACT to incorporate Washington Academy, in the town of Washington in Beaufort county, and appoint 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 commissioners of the town of Washington for the time being, and their successors in office, shall be, and are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the Trustees of the Washington Academy, and by that name shall have perpetual succession and a common seal; and that they, the said Trustees, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels and choses in action that shall be given them for the said Washington Academy, and the same apply according to the will of the donors, and by gift, purchase, and devise, to take, have, hold, possess and enjoy, and retain to them and their successors forever, any lands, tenements, and hereditaments of what kind soever, in special trust and confidence; that the same and the profits thereof, shall be applied to and for the use of said Washington Academy.

II. *Be it further enacted,* That the said Trustees, or a majority of them and their successors in office, forever shall be able and capable in law, to sue and be sued, plead and be impleaded in all courts whatsoever, either in law or equity; and in general, they shall and may do all such other acts and things, as are usually done by bodies corporate, for the purpose of effecting the objects of this act.

III. *Be it further enacted,* That the said trustees and their successors, or a majority of them, may from time to time, make such bye laws and regulations for their own government and that of the Washington Academy, and the preservation of order and good morals therein, as are usually made in such Seminaries: *Provided,* the same are not inconsistent with the laws and constitution of the State.

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.

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## CHAPTER XXX.

An ACT to establish Germanton 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 George Brookes, Wm. H. Lyon, Matthew R. Moore, Joseph W. Winston, Augustin H. Shepperd, Anthony Bitting, Isaac S. Gibson, William Cox, John Pepper, Constantine L. Banner, George C. Jones, John L. Bitting, Reuben D. Golding, Salathiel Stone, Hampton Bynum, and John Hill, be and they are hereby declared to be a body politic and corporate, known and distinguished by the name and style of the trustees of Germanton Academy; and by that name and style shall have perpetual succession; and they, or a majority of them or their successors, shall be able and capable in law and equity, to take, demand, receive and possess money, goods, and chattels, lands, and tenements for the use of said Academy, and apply the same according to the will of the donor.

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

III. *And be it further enacted,* That whenever any of the aforesaid trustees shall die, remove out of Stokes county, resign, or by any other means become inca-

pable of performing their duties as trustees of said institution, a majority of those remaining, shall elect some fit and suitable person or persons, in his or their stead, who shall have the same powers as their predecessors.

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

#### CHAPTER XXXI.

An ACT to establish Hannah Moore Academy in the county of Duplin, and 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 Alexander McIner, James Dekson, James K. Hill, James Pearsall, Joseph T. Rhodes, William L. Hill, Stephen Miller, Harold Blackmore, George E. Houston, Thomas Hill, Harper Williams, Richard Miller, John Oliver, James M. Larkins, Jeremiah Pearsall, Edward D. Hill, and William D. Pearsall, be and they are hereby incorporated by the name and style of the trustees of Hannah Moore Academy; and by that name shall be able and capable in law, to sue and be sued, plead and be impleaded, acquire by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of the Academy; and enjoy all other powers, privileges and immunities, incident to bodies corporate of the like nature.

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

#### CHAPTER XXXII.

An ACT to establish the Sulphur Spring Academy in the county of Buncombe, 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 Moore, John Hawkins, Reuben Draver, George W. Jones, George Candler, be and they are hereby constituted a body politic, by the name and style of the trustees of the Sulphur Spring Academy; and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal; and in general shall have, exercise and enjoy all such rights, powers and privileges, as are usually exercised and enjoyed by the trustees of any incorporated Academy in this State.

11. *Be it further enacted*, That on the death, refusal to act, or removal out of the county of any one of the trustees, the remaining trustees shall have power to fill the vacancy thereby occasioned.

#### CHAPTER XXXIII.

An ACT to incorporate Poplar Grove Academy, in the county of Iredell, and to appoint the Trustees thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That George F. Davidson, Wm. Emerson, James Sloan, Rufus Reid, William C. Moore, James K. Nealy and William Knox, be and they are hereby incorporated by the name and style of the trustees of Poplar Grove Academy; and by that name shall be able and capable in law, to sue and be sued, plead and be impleaded; acquire by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of the Academy, and enjoy all other powers, privileges and immunities incident to bodies corporate of the like nature.

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



## CHAPTER XXXIV.

An ACT to incorporate the Trustees of Rockfish Academy, in the county of New Hanover.  
*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Robert Tate, Edward Wigford, and Daniel Alderman, be and they are hereby constituted a body politic and corporate, by the name and style of the trustees of Rockfish 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 county of any one of the trustees, the remaining trustee or trustees, shall have power to fill the vacancies thereby created.

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

## CHAPTER XXXV.

An ACT to incorporate Spring Vale Academy, in the county of Sampson, and to appoint the Trustees thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Everett Carr, James Faison, Lewis F. Williams, James Moore, senior, William Fryer, Lewis Moore, Curtis Thompson, William Faison, Charles Stephens, Jonathan W. Mosely, Edward C. Gavin, John T. Molton, William Kirby, Thomas J. Faison and Dickson Sloan, be and they are hereby incorporated by the name and style of the trustees of Spring Vale Academy; and by that name shall be able and capable in law, to sue and be sued, plead and be impleaded; acquire by purchase, gift or otherwise, to them and their successors, estate real and personal, for the use of the Academy; and enjoy all other powers, privileges and immunities, incident to bodies corporate of the like nature.

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

## CHAPTER XXXVI.

An ACT to incorporate Mallard Creek Classical School, 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 A. Alexander, Sias Hunter, Edward Wier, William M. Ginnis, and John Cannon, be, and they are hereby incorporated by the name and style of the Mallard Creek Classical School; and by that name shall be capable in law to sue and be sued, plead and be impleaded; acquire by purchase, gift or otherwise, to them and their successors, estate, real and personal, for the use and benefit of Mallard Creek Classical School; and to enjoy all other powers, privileges and immunities incident to bodies corporate of the like nature.

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

## CHAPTER XXXVII.

An ACT to incorporate the Fayetteville Mechanics' Benevolent Society.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Fayetteville Mechanics' Benevolent Society, is hereby created a body corporate and politic; and by that name, may

sue and be sued, plead and be impleaded; answer and be answered, in any Court of Record in this State; hold and enjoy property; have and use a common seal, and have succession, and pass ordinances and bye-laws for the government of the Society, not incompatible with the Constitution of this State, and the laws thereof.

II. *Be it further enacted*, That the affairs of said Society, shall be managed by a Board of Managers, appointed by a majority of the members thereof, at such time, and such manner, as a majority of the members aforesaid, shall and may deem advisable.

III. *Be it further enacted*, That said Society shall exist and exercise its corporate functions for twenty years, and no longer.

#### CHAPTER XXXVIII.

An ACT to incorporate the Mountain Island Gold Mining Company 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 there shall be established in the county of Mecklenburg, a gold mining company, by the name and style of "the Mountain Island Gold Mining Company," with a capital that shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each; and that John H. Bissell, C. Smedburg, David F. Caldwell, and James Huie, and such persons as they shall associate with them, are hereby appointed commissioners, and are authorized, at such times and places as they may deem expedient, after ten days' public advertisement of the same, to open books for the purpose of receiving subscriptions for shares of stock in said company.

II. *Be it further enacted*, That when the sum of twenty five thousand dollars shall have been subscribed, the subscribers, their successors or assigns, are hereby declared to be incorporated by the name and style of "the Mountain Island Gold Mining Company," and shall continue to exist as such for twenty five years; and as such may sue and be sued, plead and be impleaded; and shall have power to make all bye-laws and regulations, not inconsistent with the laws of this State, which may be necessary for the well ordering and conducting of the affairs of said company; and possess and enjoy all the privileges and rights of a corporation or body politic: *Provided* the business of the said company shall be confined to the purposes of mining only.

III. *Be it further enacted*, That the said commissioners are hereby authorized to receive in payment of stock subscribed, any mining property, at such valuation as they may deem just and reasonable; and it is hereby further declared that the stock of said company shall be held and deemed personal property.

IV. *Be it further enacted*, That the stockholders shall annually, in said county, elect a president and three directors from their own body, who shall appoint the other officers of said company, and make rules and regulations for the management of the affairs of said company; and in all general meetings of the stockholders, who may appear by proxy, the stockholders shall vote in proportion to the shares of stock they may respectively own.

V. *Be it further enacted*, That any legal process against said corporation may be served on the president thereof, or in case of his absence from the State, service of the same on any director, or if there be no director in the State, then service on any stockholder shall be sufficient; and the property of said corporation shall be liable to the satisfaction of the debts of said corporation, by execution, attachment, or other legal or equitable process.

#### CHAPTER XXXIX.

An ACT to incorporate the Burke county Gold Mining Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Gold Mining Company shall be established in the State aforesaid, by the name and style of the "Burke



County Gold Mining Company", with a capital of two hundred thousand dollars, in shares of one hundred dollars each; and that Kemp P. Willis, Oscar Willis, and all those who now are, or who shall hereafter become their associates, are hereby authorized to open books at Concord, Salisbury, and such other places as they may direct, for the purpose of receiving subscribers for shares in said Company, having advertised such intention in some newspaper of this State, and such other papers as they may deem necessary, for twenty days, and to keep said books open for ten days, with power to re-open the same in like manner, if the amount of capital shall not be subscribed.

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

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

IV. *Be it further enacted*, That when the sum of twenty thousand dollars shall be subscribed in manner aforesaid, the subscribers, their successors and assigns, shall be, and they are hereby incorporated into a company, by the name and style of the "Burke County Gold Mining Company," and by that name may sue and be sued, plead and be impleaded before any court or justice of the peace, and shall so continue for the term of twenty-five years from the ratification of this act; and shall be capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatever kind, nature or quality; and the same to sell, grant, demise, alien and dispose of; and shall possess all the rights and privileges of a corporation, or body-politic in law; and also make, have and use a common seal, and the same to break, alter, or renew, at their pleasure; and may make and ordain all such bye-laws and regulations not inconsistent with the laws and constitution of this State, as shall be necessary for the well ordering and conducting the affairs of said company.

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

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

VII. *Be it further enacted*, That the stockholders of said company shall meet once in each and every year, at some convenient place in the county of Burke, either in person or by proxy; and at such general meeting, if a majority of the stock subscribed shall be represented, the said stockholders may proceed to elect their officers, fix their salaries, take bonds from the officers for the faithful per-

formance of their duty, make all necessary bye-laws, rules and regulations, for the government of said corporation; and shall have power to do all other acts necessary to be done to carry into effect the objects of this act.

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

IX. *Be it further enacted*, That the said corporation shall apply their capital to mining only; and its powers and privileges are granted and to be exercised for the purpose of mining only, and for no other purpose.

X. *Be it further enacted*, That the full amount of every subscription shall be paid in at the time of subscribing, or shall be secured by bond or note of the subscriber, signed by himself and two good securities, neither of whom shall be a corporator.

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

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

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

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

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

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

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

#### CHAPTER XL.

An ACT to grant to the Mecklenburg Gold Mining Company an amended charter.

Whereas an act of Assembly was passed in the year one thousand eight hundred and thirty one, entitled "an act to incorporate the Mecklenburg Gold Mining Company," under the provisions of which the said corporation has been regularly instituted, and is now in legal operation and existence; and whereas



some of the provisions of said charter are found to be inconvenient, and their repeal has become necessary to the accomplishment of the objects contemplated by the said act :

*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* so soon as the president of the said corporation shall notify the Governor, in writing under the seal of the said corporation, of the willingness of the Mecklenburg Gold Mining Company to accept the charter now intended to be granted to the same, then this act shall constitute the charter or fundamental law of said corporation; and all the provisions of the before recited act, passed in one thousand eight hundred and thirty one, entitled "an act to incorporate the Mecklenburg Gold Mining Company," shall from thenceforth cease and become null and void.

II. *Be it further enacted, That* the stockholders in said company, together with such others as may become hereafter associated with them, in such manner as may be determined by the said corporation, shall be, and are hereby declared to be incorporated into a company, by the name and style of "the Mecklenburg Gold Mining Company;" and by that name may sue and be sued, plead and be impleaded, have perpetual succession and a common seal; and shall be capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors and assigns, lands, rents, tenements and hereditaments, goods, chattels and effects; and may make all such bye-laws, for the government of said corporation, as may be necessary, and may not violate the laws and constitution of this State and the United States: *Provided, nevertheless, That* the capital of said corporation shall at no period exceed five hundred thousand dollars, which shall be employed exclusively in mining purposes: *and provided further, that* it shall and may be lawful for the Legislature of this State, at any period after the expiration of the term of twenty five years from the passage of this act, to repeal all the privileges hereby granted.

III. *Be it further enacted, That* the stockholders of said company shall meet annually, at some convenient place in the county of Mecklenburg, either in person or by proxy; and at each general meeting, if a majority of the stock be represented, the said stockholders may proceed to elect their officers, fix their salaries, and shall have power to do all other acts necessary to be done to carry into effect the object of this act.

IV. *Be it further enacted, That* the capital stock of said company shall be divided into shares of one hundred dollars each; and at all general meetings of the corporation, each stockholder shall be entitled to one vote for each share of stock by him owned.

V. *Be it further enacted, That* the stockholders in said corporation, who together own or represent one third of the stock, may at any time call a general meeting of the stockholders, which meeting may remove any officer of the company, or do any other act which might be lawfully done at an annual meeting of the stockholders.

VI. *Be it further enacted, That* if at any general meeting, a majority of the stock shall not be represented, then the officers of said corporation shall continue in office until a meeting representing a majority of the shares shall be held.

VII. *Be it further enacted, That* all legal process against the corporation shall be served upon the president, unless he be absent from the State, in which case it may be served upon a director; or if no director can be found, then upon any stockholder in said corporation.

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

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

#### CHAPTER XLI.

An ACT to incorporate the North Carolina Gold Mining Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a Gold Mining Company shall be established in the county of Mecklenburg, in the State aforesaid, by the name and style of the "North Carolina Gold Mining Company," with a capital of not less than one hundred thousand dollars, nor more than one hundred and fifty thousand dollars, to be divided into one thousand shares of one hundred dollars each, or fifteen hundred shares of one hundred dollars each, as the case may be.

II. *Be it further enacted*, That Edward N. Gregory, James N. Hyde, Concklin Bush, Joseph Curtis, J. L. Meffert, P. B. Gregory, and John Harrass shall be the first directors of said company; and that they and their successors and assigns, shall be, and they are hereby declared to be incorporated into a Company, by the name and style of the "North Carolina Gold Mining Company;" and by that name, may sue, and be sued; implead and be impleaded, before any court or justice of the peace, and shall so continue for the term of thirty years from the ratification of this act; and shall be capable in law to have, purchase, receive, possess, enjoy and retain, to them, and their successors, lands, tenements, hereditaments, goods, chattels, and effects of whatsoever kind, nature and quality; and the same to sell, grant, demise, alien or dispose of: And shall possess all the rights and privileges of a corporation, or a body politic in law; and also, may make, have and use a common seal; and the same break, alter and renew at their pleasure; and may make and ordain all such by laws, rules and regulations, not inconsistent with the Constitution and laws of the State, as shall be necessary for the well ordering and conducting the affairs of the company.

III. *Be it further enacted*, That within sixty days after the ratification of this act, it shall be lawful for the directors of said Company, to subscribe for the whole amount of the before mentioned capital; and when they have paid twenty five thousand dollars, certificates of stock shall be issued, specifying the amount that has been paid on each share; and the directors of said company, may require the balance of said capital to be paid from time to time, in such instalments as they may deem necessary for the purpose of prosecuting the business of the company. And whenever instalments are paid, new certificates of stock shall be issued, specifying the whole amount paid on each share; and any person failing to pay the instalments called for, after thirty days notice shall have been given, in one or more of the News papers, published in the aforesaid county, shall forfeit to the other stockholders all dividends that may be declared from time to time, until the instalments are paid.

IV. *Be it further enacted*, That when the aforesaid sum of twenty-five thousand dollars shall have been paid, it shall be lawful for the said corporation to commence business.

V. *Be it further enacted*, That the beforementioned directors shall as soon as may be after the passing of this act, and the directors hereafter to be chosen at every annual election, as soon as may be after such election, proceed to choose one of their number as President, who shall preside until the next annual election; and in case of death, resignation or inability to serve, of the president or

any director, such vacancy or vacancies may be filled by the board of directors; and the said president and directors shall hold their offices until others are regularly chosen in their places.

VI. Be it further enacted, That the stockholders of said company, shall meet once in each and every year, at some convenient place in the county of Mecklenburg, as a majority of the directors shall appoint; of which, public notice shall be given in one or more of the news papers printed in the aforesaid county of Mecklenburg, and at least ten days previous to such meeting, which shall be held on the second Monday in November; commencing in the year of our Lord, eighteen hundred and thirty-five, and then elect by ballot, by a plurality of stockholders present, allowing one vote for each share, and the stockholders not there may vote by proxy, seven directors to fill the places of those who were elected, or have served the year previous.

VII. Be it further enacted, That the president and directors of said company may elect suitable officers and fix their salaries, to assist in managing the concerns of said company; and to take bonds from them for the faithful performance of their duty while in office, and make all necessary by-laws, rules and regulations for the government of said company; and shall have power to do all other acts necessary to be done, to carry into effect the objects of this act.

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

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

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

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

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

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

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

## CHAPTER XLII.

An ACT to incorporate the Pioneer Mills Gold Mining Company, 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 a Gold Mining Company shall be established in the county of Cabarrus, State of North-Carolina,*



by the name and style of the "Pioneer Mills Gold Mining Company," with a capital of one hundred and fifty thousand dollars, in shares of one hundred dollars each, and that Washington Morrison, John M. Morrison, and Samuel McKee, and all those who now are, or shall hereafter become their associates, are hereby appointed commissioners, and are authorized, at such times and places as they may deem expedient, after ten days public advertisement of the same, to open books for the purpose of receiving subscriptions for shares of stock in said Company.

II. Be it further enacted, That when the sum of twenty-five thousand dollars shall have been subscribed, the subscribers, their successors and assigns, are hereby declared to be incorporated by the name and style of the "Pioneer Mills Gold Mining Company," and shall so continue to be for twenty-five years; and as such, may sue and be sued, plead and impleaded, and shall have power to make all bye laws and regulations not inconsistent with the laws of the State, which may be necessary to the well ordering and conducting of the affairs of the said Company, and possess and enjoy all the privileges and rights of a corporation or body-politic: Provided, That the business of the said Company shall be confined to the purposes of mining only.

III. Be it further enacted, That the said commissioners are hereby authorized to receive in payment of stock subscribed, any mining property, at such valuation as they may deem just and reasonable; and it is hereby further declared, that the stock of said Company shall be held and deemed personal property.

IV. Be it further enacted, That the stockholders shall annually, in said county, elect a president and three directors from their own body, who shall appoint the other officers of said Company, and make rules and regulations for the management of the affairs of said Company, and in all general meetings of the stockholders, who may appear by proxy, the stockholders shall vote in proportion to the shares of stock they may respectively own.

V. Be it further enacted, That any legal process against said corporation, may be served on the president thereof; or, in case of his absence from the State, a piece of it on a director; or if there be no director in the State, then service on any stockholder shall be sufficient; and the property of said corporation shall be liable to the satisfaction of the debts of said corporation, by execution, attachment, or other equitable process.

### CHAPTER XLIII.

An ACT to amend an Act passed in the year eighteen hundred and thirty three, entitled an Act to incorporate the Franklin Gold Mining Company, 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 so much of the Act before recited as provides for opening books for subscription to said stock, be and the same

be repealed; and that William Davidson, James N. Hyde, Grey Richards, and

be hereby authorized, John Delafield, Henry T. Valmadge, John Stearns, Silas

es T. Tallman, John

Billwell, William Barrowe, George C. Howe, Joseph Curtis, John L. Moffit,

Leonard M. Davis, the heirs at law of Jonathan Willmouth, deceased, and the heirs at law of George Richards, deceased, be and they are hereby authorized and empowered, to have, possess, enjoy and exercise, all the rights, powers and privileges, of said act of incorporation, as if they had subscribed for the stock, under the act providing for subscription.

II. Be it further enacted, That the persons aforesaid, are hereby authorized to commence business, under the capital by them actually expended in the purchase of their lands, mines, fixtures and improvements, with the privileges of increasing the same to one hundred and twenty-five thousand dollars.

III. Be it further enacted, That thirty days previous notice being given, in the newspaper printed in Charlotte, before the election of Directors, shall be deemed

legal notice for the stockholders to appear in person or by proxy, as provided for in the said act.

#### CHAPTER XLIV.

An ACT to incorporate the Juvenile Library Society of Providence.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the members of a Society lately established in the county of Mecklenburg, for the purpose of promoting learning and science, be, and they are hereby incorporated, and made a body politic and corporate, by the name and style of the Juvenile Library Society of Providence; and by that name may sue and be sued, plead and be impleaded, have succession, and a common seal, and acquire books, pamphlets and papers, or other property necessary for the use of the library.

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

#### CHAPTER XLV.

An ACT to incorporate Wake Forest Lodge number ninety-seven in Wake county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the master wardens and members who now are, or may hereafter be attached to Wake Forest Lodge, number ninety-seven, in the county of Wake, be, and they are hereby constituted and declared to be a body corporate and politic, by the name of Wake Forest Lodge, number ninety-seven; and by that name shall have perpetual succession and a common seal; and may sue and be sued, plead and be impleaded; acquire and hold, sell and transfer property real or personal, and pass such rules, regulations and bye-laws for their own government, as may not be inconsistent with the constitution and laws of this State.

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

#### CHAPTER XLVI.

An ACT to incorporate the Northampton Manufacturing Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a joint stock company, be, and is hereby incorporated by the name and style of the Northampton Manufacturing Company; to be located at Boon's Mills in said county, for the purpose exclusively, of manufacturing cotton yarns, cotton cloths, oil from cotton seed, ginning cotton, and for operating other mills and machinery useful to the public; and by the name and style aforesaid, may sue and be sued, plead and be impleaded, contract and be contracted with, may have and use a common seal, and alter the same at pleasure; and may hold real estate, not exceeding one hundred acres of land in the said county; and personal property for the purpose of conducting their manufacturing business aforesaid, with power to make bye-laws and regulations; and the same to alter and amend at pleasure, for the well ordering and conducting the concerns of the said corporation, not inconsistent with the constitution and laws of the United States, or of this State.

II. *Be it further enacted,* That the capital stock of said Company, shall consist of not less than two thousand, nor more than four thousand shares, of one hundred dollars each; subject, however, to the proviso herein contained—and for the purpose of disposing of said shares, books of subscription shall be opened at Boon's mills, on the first Monday in March next, under the direction of Colin W. Burnes, Augustus Moore, Simmons Barnes, John H. Patterson, Richard H. Weaver, Nathaniel T. Williams, and John Southall, or any three or more of

them, and at such other place or places, and at such times thereafter, as they, or a majority of them, may think proper, not less than ten days previous notice of opening and re-opening said books, having been given in some newspaper published in this State: *Provided*, That if said Company shall at any time, after they have completed the works hereby contemplated, think proper to increase their capital stock for the purpose of extending their operations of manufacturing, they are hereby authorized to open books for that purpose, so that the whole capital stock shall not exceed one hundred thousand dollars; which increased capital shall, in all respects, be subject to the same rules, regulations and restrictions, as the original stock hereby created.

And whereas Jabez Smith is the owner of the mills aforesaid, called Boon's mills, and has now in operation thereat, an oil mill, cotton gin, saw and grist mills, and other valuable buildings and improvements, of the estimated value of ten thousand dollars, and is willing to exchange the same for stock in the corporation hereby created:

III. *Be it further enacted*, That the said Jabez Smith shall have the privilege and option of subscribing on the opening of the books of said Company, at the first meeting of the Commissioners, or at any future meeting thereafter, for such number of shares of the stock of said Company, as may be equivalent to the value of the said mills, buildings, and land attached thereto, to be fixed and agreed upon by and between him and the other stockholders; and whenever the said Jabez Smith shall have duly transferred and conveyed to the said Company, the said lands, mills and buildings, the same shall be received and taken in full payment of the number of shares so taken by him, in consideration thereof, and shall thereafter be, and constitute a part of the capital stock of said Company, subject to be governed and disposed of in like manner as other stock and property of the said Company.

IV. *Be it further enacted*, That for the purpose of managing the concerns of said Company, there shall be held a meeting of the stockholders, as soon as fifteen thousand dollars shall have been subscribed; at which meeting there shall be chosen five Directors, who shall be stockholders; and at each annual meeting thereafter, to be held on the first Saturday in May, the like number of Directors, with the like qualifications; in which said elections, and in all other meetings, the stockholders shall be entitled to one vote, for every share held by them respectively, as far as five shares; and one vote for every five shares above five; and may vote in person or by proxy, in such manner as may be, from time to time, prescribed in general meeting; the said Directors, or a majority of them, may choose a President; and in his absence, a President pro tempore; they shall have power to call special meetings of the stockholders; and in case a majority of shares shall not be represented, in any such special meetings, they shall have power to transact the business for which such special meeting was called, or adjourn the said intended meeting to a future day; they shall have power to supply vacancies in their own body; to appoint such officers, clerks, superintendents and managers, as the stockholders in general meeting shall authorize; to take bonds with sufficient security for the good conduct, fidelity and attention of such officers, clerks, superintendents and managers, and to do, and perform all other acts and things, touching the affairs of the Company, not otherwise specially provided for.

V. *Be it further enacted*, That the stock of said Company shall be deemed personal estate, and may be transferred in such way as the President and Directors shall from time to time direct.

VI. *Be it further enacted*, That if any subscriber shall fail to pay the amount subscribed by him, at the time prescribed by the President and Directors, it shall be lawful for the Company to recover the amount so due, by action of debt, before any jurisdiction having cognizance within this State.



VI. *Be it further enacted*, That if there shall be no election of Directors at any annual meeting, as herein before prescribed, the Directors then in office, shall continue until the next annual meeting, or until an election by the stockholders in general meeting, at which time the major part of the stock shall be represented.

VIII. *Be it further enacted*, That this act shall be in force from and after the passing thereof, and continue in force for and during the term of fifty years, unless the corporation hereby created, shall, by unanimous consent, be dissolved; in which case, all the property, machinery and effects shall be subject to the payment of any debt or debts, which may be owing by the Company, and all debts due and owing to the said Company, may be sued for and recovered, the dissolution thereof to the contrary notwithstanding.

#### CHAPTER XLVII.

An ACT to incorporate the Iredell Manufacturing 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 Theophilus Falls, George F. Davidson, Joseph Caldwell, Joseph M. Bogle, John M. Young, Thomas A. Allison, James Campbell, Samuel King, Joseph Davidson and Joseph Chambers, their assigns and successors, be, and they are hereby incorporated into a body corporate and politic, under the name and style of the Iredell Manufacturing Company for the purpose of manufacturing cotton, wool and flax; and by that name and style, may sue and be sued, contract and be contracted with, have perpetual succession and a common seat; and hold real and personal estate, with power to make all necessary rules, regulations and bye-laws for the management of the concerns of the company, not inconsistent with the laws of this State.

II. *Be it further enacted*, That the capital stock of said company, shall be, not less than ten thousand dollars, nor more than seventy five thousand dollars; to be raised by subscription in shares of one hundred dollars each, for which purpose, books of subscription shall be opened under the direction of Theophilus Fall, George F. Davidson, Joseph Caldwell, Joseph M. Bogle, John M. Young, Thomas A. Allison, James Campbell, Samuel King, Joseph Davidson and Joseph Chambers, at Statesville and at such other places in the State, as may by them be deemed advisable; and the said commissioners or any three of them, may proceed to organize the said company as soon as the first named sum of ten thousand dollars shall have been subscribed for; with leave to the company to extend the capital stock, thereof, at any time thereafter: *Provided*, the same shall not exceed the sum of seventy five thousand dollars,

III. *Be it further enacted*, That there shall be an annual meeting of the stockholders, at such time and place as they may from time to time appoint, for managing the general affairs of said company; three persons being stockholders, shall be annually chosen directors, who may appoint a president, and in his absence a president pro tempore; and shall have power to call special meetings of the stockholders to supply vacancies in their own body, and do all other acts and things touching the affairs of the company not otherwise specially provided for.

IV. *Be it further enacted*, That in any election of directors and in all other meetings, each stockholder shall be entitled to one vote for every share held by him; and may vote in person or by proxy in such manner as may be from time to time prescribed in general meeting.

V. *Be it further enacted*, That the stock of said company shall be deemed and taken as personal estate, and may be transferred in such manner as the directors of the company shall from time to time direct.

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

VII. *Be it further enacted*, That this act shall expire at the end of fifty years from the date of the ratification thereof.

#### CHAPTER XLVIII.

An ACT to incorporate the Martin County Grays 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 the volunteer company in the county of Martin, commanded by Captain Edward Hammons, be, and the same is hereby incorporated and made a body politic and corporate by the name and style of the Martin county 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 now recovered in this State; and appropriated to the use and benefit of the said company for military purposes.

#### CHAPTER XLIX.

An ACT to incorporate the Northampton 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 volunteer company in the county of Northampton, be, and the same is hereby incorporated and made a body politic and corporate by the name and style of the Northampton Blues; and by that name and style shall have succession and be able and capable in law to sue and be sued, plead and be impleaded in any court of this State, and shall have power to make bye-laws, rules and regulations for the government of said company, not inconsistent with the constitution and laws of the State; 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 L.

An ACT to incorporate the Chatham Guards.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the company of dragoons in the county of Chatham, is hereby incorporated under the name of the Chatham Guards.

II. *Be it further enacted*, That the Chatham Guards, shall have power to adopt such bye-laws for the government of the company, not inconsistent with the laws of the State and of the United States, as they or a majority of them may deem proper; and all fines, penalties and forfeitures, incurred in pursuance of such bye-laws, shall be recovered in the same manner, as militia fines are now recovered in this State, and when so recovered, shall be applied to the use and benefit of the company, for militia purposes.

#### CHAPTER LI.

An ACT to incorporate the Lincolnton Light Infantry Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a volunteer company in the town of Lincolnton, commanded by Captain John H. Harry, be, and the same is hereby incorporated, and made a body corporate and politic, by the name and style of the "Lincolnton Light Infantry Company;" and by that name and style, 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 the same, not inconsistent with the Constitution and laws 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 of said company, for military purposes.

#### CHAPTER LII.

An ACT to incorporate a company of Light Artillery, in the town of Wilmington.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, a volunteer company in the town of Wilmington, commanded by captain P. W. Fanning, be, and the same is hereby incorporated, under the name of the "Wilmington Independent Light Artillery."

II *Be it further enacted.* That the Wilmington Independent Light Artillery, shall have power to adopt such bye-laws for the government of said Company, not inconsistent with the laws of this State and of the United States, as they or a majority of them may deem proper; and all fines, penalties and forfeitures, incurred in pursuance of such bye-laws, shall be recovered in the same manner as militia fines are now recovered in this State; and when so recovered, shall be applied to the use and benefit of the company, for militia purposes; and the said company shall have the right and authority to elect their own officers.

#### CHAPTER LIII.

An ACT supplementary to the act, entitled an act to incorporate the Cape Fear, Yadkin and Pedee Rail Road Company.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the directors of said company, shall regulate the rates of toll and other charges for transportation, and shall be entitled to ask, receive and demand the same, not exceeding the following rates, that is to say: four cents the mile for toll the ton on property, goods, wares or merchandise: the freight of which, is usually charged by the package, bulk or ton, and eight cents a mile the ton of two thousand pounds for transportation, and six cents a mile for each passenger, until the nett profits arising from the charges for transportation, shall amount to a sum equal to the capital stock expended, with six per centum per annum thereon, from the time the money was advanced, or otherwise raised by the company, until paid back in nett profits to the stockholders; but when the nett profits so received back by the stockholders, shall be equal to the capital expended as aforesaid, with six per centum per annum interest thereon, then the charges for transportation, shall be so regulated by said corporation, as shall not exceed seven per centum upon the whole capital stock, including charges for keeping up said road in repair, and all other expenses whatever, attending the operations of the same: *Provided always,* that the foregoing rates shall not be applicable to the transportation and delivery of property, goods, wares or merchandise, from and to the river landing within the limits of the town of Fayetteville: *And provided further,* that the price charged by said corporation, for the transportation and delivery within Fayetteville, shall not exceed two-thirds of the price of the present rates, established by an ordinance of the police of Fayetteville, regulating the rates of drayage and wagonage.

II. *Be it further enacted,* That when any person or persons shall be convicted before a justice of the peace, under the ninth section of said act of incorporation, the person or persons so convicted, shall have the right of appeal to the next county court of the county in which such offence shall have been committed, the party appealing entering into bond for the same, with such security as is, and may be established by law, in cases of appeals from before a justice of the peace, any law, usage or custom to the contrary notwithstanding.



## CHAPTER LIV.

An ACT to incorporate the Albemarle Rail Road Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That it shall be lawful to open books in the town of Edenton, under the direction of James C. Johnston, Wm. Righton, Joseph B. Skinner, Job Parker, Mathias E. Sawyer, John Cox, John M. Jones, and Joseph N. Hoskins, or any five of them: At Hertford, under the direction of Myles Elliott, James Long, John Wood, Thomas Clark, and Thomas F. Jones, or any three of them: At Gatesville, under the direction of Henry Guilham, Jephtha Faulks, Timothy Walton, Joseph Gordon, and John C. Gordon, 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 Edenton, or any five of them, shall designate and appoint for the purpose of receiving subscriptions to the amount of two hundred thousand dollars, to be divided into shares of one hundred dollars each, to constitute a joint capital stock for the purpose of making a rail road from the town of Edenton, in this State, to intersect the Portsmouth and Roanoke rail road at such point as may be deemed most expedient.

The time and places for receiving subscriptions as above, shall be advertised in such manner as the commissioners in the town of Edenton may direct; and the books for receiving the same, shall be kept open for one hundred days; and should it appear, at the expiration of one hundred days, that more than the requisite sum shall have been subscribed for upon the books, it shall be the duty of the commissioners at Edenton, or any five of them, to reduce the number of shares subscribed for by each individual, or body corporate, in fair and equal proportions, until the whole number of shares be reduced to two thousand: *Provided*, That no reduction shall be made upon subscriptions not exceeding five shares; but should the whole amount of stock not be subscribed for within one hundred days, then the books may be kept open until the whole amount of shares shall have been subscribed: *Provided, however*, That as soon as one thousand shares shall have been subscribed, the subscribers are hereby authorized to close the books; and they, the subscribers, their heirs, executors, administrators, or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of the "Albemarle Rail Road Company;" and in that name, may sue and be sued, plead and be impleaded; shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic, in law or equity, and may make such bye-laws, rules and regulations, not inconsistent with the laws of this State, or the United States, as they may deem necessary for the well ordering and conducting the affairs of said company.

II. *Be it further enacted*, That upon every share subscribed, there shall be paid, at the time of subscribing, by the person subscribing, the sum of five dollars, to the commissioners authorized to receive the subscriptions; and the residue thereof shall be paid in such instalments, and at such times, as the president and directors of said company may require. The said commissioners, and all persons holding money paid on subscriptions of stock, shall forthwith, after the election of president and directors for said company, pay over all money in their hands, belonging to the company; and upon failure thereof, the president and directors may recover the amount due from them, or any one or more of them, by motion, on ten days previous notice in writing, in the superior or county court of any county wherein such commissioner or commissioners, their executors, or administrators, may reside.

III. *Be it further enacted*, That when one thousand shares or more of the stock shall be subscribed, public notice may be given by any three or more of the commissioners in the town of Edenton, who shall call a general meeting of the subscribers, giving thirty days notice in the newspaper published in the town of

Edenton, of the time and place of said meeting. To constitute any such meeting, a number of persons, entitled to a majority of the votes upon all the shares subscribed, shall be present, either in person or by proxy; and should a sufficient number not attend, those present shall have power to adjourn from time to time, until a majority of the shares subscribed, shall be represented. The meeting shall then proceed, a majority of the stock being represented, to elect a president and six directors, who shall hold their office until the next annual meeting of the stockholders, and until their successors in office shall be appointed; subject, nevertheless, to the provisions hereafter mentioned: 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, at which the election of president and directors shall take place in like manner as above; and when a vacancy shall occur, by resignation or otherwise, the vacancy shall be filled, for the time being, by the remaining president and directors; or, if the presidency be vacant, the directors may fill as above. Any three or more of the directors may have power, in the absence of the president, to appoint one of their body president *pro tempore*, and transact business: *Provided always*, That the majority of votes representing shares in said company, given at any time against any president or director of said corporation, shall vacate his office or appointment; and shall also have power to fill such vacancy until the next annual meeting of the stockholders.

IV. *Be it further enacted*, That the president and directors of the said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repair and maintaining 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 proper to be made; also to make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of the rail road. The said president and directors of the company, shall have power to make contracts with any person or persons, for any work to be done upon, or for the said road, in such a manner, and under such rules and regulations as they may deem proper; and all such contracts and agreements, made by the company, or their legal agents, with any person or persons, shall be binding on the individual or individuals making them, and also on the company. The president and directors shall have power to call on all the stockholders for a due and equal proportion of the amount subscribed by them to the capital stock of said company, in such sums, and at such times, as they, the president and directors, may deem proper and right, by giving one month's notice of such call in the newspaper circulating among the subscribers. The president and directors shall have power to appoint a treasurer, clerk, and all other officers that they may deem necessary and proper to aid and assist in managing and prosecuting said work, and to fix their compensation, and take such bonds, with security, for the performance of duty as they may prescribe. If any stockholder shall fail to pay the sum required of him by the president and directors, or a majority of them, within one month after the same shall have been advertised in the newspaper published in the town of Edenton, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction, and to convey to the purchaser, the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid; and after retaining the sum due, and all charges of sale out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the president and directors, or a majority of them, may recover the balance of the original proprietor, or his assignee, or the executor or administrator, or either of them, by motion, on ten days notice, before the court of that county of which he is an inhabitant, or by warrant before

a justice of such county; and any purchaser of the stock of the company, under the sale of the president and directors, shall be subject to the same rules and regulations as original subscribers to the capital stock of the said company.

V. *Be it further enacted*, That the president and directors, their officers, servants, agents and conductors, shall have full power and authority to enter upon all lands and tenements, through which they may judge it necessary, to make the said rail road, and to lay out the same, according to their pleasure, so that neither the dwelling-house, yard, or garden of any person be invaded without his or her consent. If the president and directors cannot agree with the owner of the lands, on the terms upon which the said rail road shall be opened through it, it shall be lawful for them to apply to the court of the county in which the land lies; and upon such application, it shall be the duty of the court to appoint five discreet, intelligent, disinterested and impartial freeholders, to assess the damages to such land, which will result from opening the said rail road through it. No such appointment, however, shall be made, unless ten days previous notice, in writing, of the application, shall have been given to the owner of the land, or to the guardian, if the owner be an infant, or *non compos mentis*, if such owner, or guardian, can be found within the county; or if he cannot be found, then such appointment shall not be made, unless notice of the application shall have been published, at least one month, in some public newspaper, published at Edenton. 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 the business shall be finished. Of the five freeholders so appointed, any three or more of them may act, after having been duly 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 will be sustained by the proprietor of the land from opening the said rail road through the same; and that they will certify their proceedings thereupon to the court of the said county.

VI. *Be it further enacted*, That it shall be the duty of the said freeholders, 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 their best judgment, the damages which the owner of the land will sustain by opening the rail road through the same. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole fee-simple interest; they shall take into consideration the quantity and quality of land which the rail road will occupy; the additional fencing or gates that will be required thereby, and all other inconveniences which will result to the said land from the opening of the said rail road, and shall combine therewith, a just regard to the advantages which the owner of the land will derive from opening the rail road through the same.

VII. *Be it further enacted*, That when the said freeholders shall have agreed upon the amount of the damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as followeth: We, freeholders, appointed by order of the court of ———, for the purpose of ascertaining the damages which would be sustained by ———, the proprietor of certain lands in said county, through which the Albemarle Rail Road Company propose to open a rail road, do hereby certify, that we met together on the ——— day of ———, the day appointed for that purpose by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting by the said order, as the case may be,) and that first having been duly sworn, or affirmed, and having viewed the premises, we proceeded to estimate the quality and quantity of the land aforesaid, which would be occupied by the said rail road, the quantity



of additional fencing or gates, which would be probably occasioned thereby, and all other inconveniences which seemed to us likely to result therefrom to the said land; that we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of the said land from the opening of the said rail road through the same; that, under the influence of these considerations, we have estimated, and do hereby assess the damages aforesaid, at the sum of ——— dollars. Given under our hands and seals this ——— day of ———. At the foot of the report so made, the magistrate before whom the said freeholders were sworn, or affirmed, shall make a certificate, in substance as followeth: ——— county to wit: I, ———, a justice of the peace for said county, do hereby certify, that the above named freeholders, before they executed their duties as above certified, were solemnly sworn, or affirmed, before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above named ———, from the opening of the above mentioned rail road, through his or her land, and that they would certify truly their proceedings thereupon to the court of said county. Given under my hand this ——— day of ———. The report of the freeholders so made, together with the certificate of the magistrate aforesaid, shall be forthwith returned by the said freeholders to the court of said county; and unless good cause be shown against the report, it shall be confirmed by the court, and entered on record; but if the said report should be disaffirmed, or the said freeholders be unable to agree, should report their disagreement, the court may, at its own discretion, as often as may be necessary, supersede them, or any of them; appoint others in their place, 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 of payment, of said damages in court, when for good causes shewn, the court shall so have ordered it, the president and directors shall be at liberty to open the said rail road upon the ground viewed and assessed by the freeholders aforesaid.

VIII. *Be it further enacted*, That whenever it shall become necessary to subject the land of individuals to the use of said Company, in opening and constructing 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 land, 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; 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, or into court by the Company, during the term at which the report shall be confirmed, the clerk of the said 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, her, 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.

IX. *Be it further enacted*. That if the said president and directors shall not obtain the consent of the proprietor or proprietors of any land through which they may 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, and 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 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 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 principles, and in the same manner, in all respects, proceed to assess and report to the court the damages that will result to the proprietor or proprietors of such lands as if they had been appointed on the motion of the 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 made 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, or into court, the damages assessed during the term of 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 damages against said company.

X. *Be it further enacted*, That the said president and directors, for the purpose of making the said rail 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, gravel, or earth, which they may deem necessary: *Provided, however*, That they shall not, without the consent of the owner, take any timber, gravel, stone, or earth, constituting any part of any fence or building, for all wood, stone, gravel, or earth, taken under the authority of this act, or for incidental injuries done to 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, disinterested and intelligent 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 then shall 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: *Provided, however*, That it shall be the duty of the said proprietors, to shew to the justice of the peace, to whom application is made, that ten days previous notice of the time of making the same has been given, to the president, or the principal superintendent of the said rail road; and no award which may be given under any appointment, without such notice, shall be obligatory or binding on said Company.

XI. *Be it further enacted*, That whenever, in the construction of said rail road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said president and directors so to construct the said rail road across any other road or way, already 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 wagon ways across the said rail road, from one part of his land to the other.

XII. *Be it further enacted*, That 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, wagons, vehicles, carriages, and teams of any description whatever, which they may deem necessary for the purpose of transportation; all



machines, vehicles, wagons, 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 shareholders of the Company forever, in proportion to their respective shares.

XIII. *Be it further enacted*, That so soon as the said rail road be completed, the president and directors shall be entitled to demand and receive on the same, the following rates of toll, to wit: On all goods, produce, merchandize, or commodity, of any description whatsoever, a sum not exceeding twelve cents per ton per mile; for the transportation of passengers, a sum not exceeding six cents a mile for each passenger; and for the transportation of the mail, such a sum as they may agree for with the agents of the government, that they shall be furthermore entitled to demand and receive for the weighing, storage, and delivery of produce and other commodities, rates not exceeding the ordinary warehouse rates charged in the seaport towns in this State, until the nett profits received shall amount to a sum equal to the capital stock expended, with six per cent. per annum interest thereon, from the time the money was advanced by the stockholders, until received back in nett profits; but when the nett profits received as aforesaid, by the tolls aforesaid, shall amount to a sum equal to the capital stock expended, with six per cent. interest thereon, then the toll which the said president and directors shall be entitled to demand and receive as aforesaid, shall be fixed and regulated, from time to time, by the president and directors, so as to make them sufficient, in their estimation, to yield a nett profit of twenty per cent. per annum on the capital stock invested in said road; and the constructions connected with it, and the cost of the locomotive engines, cars, carriages, and other vehicles, and the renewal and repairs of the same; the company, however, will not be bound to transport any produce or other commodities, unless the owner thereof shall pay or tender to the said company at their toll gate or gates, the toll due upon such commodities under this act.

XIV. *Be it further enacted*, That it shall be lawful for the said President and Directors, and they are hereby authorized to erect toll gates at any point or points on the line of their Rail Road.

XV. *Be it further enacted*, That in counting all the votes of the said company, each member shall be allowed one vote for each share, as far as ten shares; and two votes for every five shares above ten, by him held at the time in the stock of the said company. The presence of the proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary (in all meetings of the stockholders) either in person or by proxy, properly authorized; if a sufficient number to constitute a majority do not attend on any day appointed for the general meeting, the proprietors who do attend, may adjourn from time to time, until a general meeting shall be formed, consisting of a majority of the Stockholders.

XVI. *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.

XVII. *Be it further enacted*, That 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 divisions 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.

XVIII. *Be it further enacted*, That 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 toll than herein allowed, he shall forfeit and pay the party aggrieved thereby, ten 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.



XIX. *Be it further enacted*, That if the said president and directors shall not begin the said work within two years after the passage of this act, or shall not complete the same within five years thereafter, then the interest of the said company, in the said Rail Road, and the tolls aforesaid, shall be forfeited and cease.

XX. *Be it further enacted*, That the said president and directors shall cause to be printed certificates for shares of stock, in the said company, and shall deliver one certificate signed by the president to each person, for the shares subscribed by him; which certificate shall be transferrable 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 thenceforth 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 by him: *Provided however*, that such assignments shall in no wise exempt the assignor or his representatives, from their liabilities to the said company; for the payment of all such sums, if the assignor or his representatives shall be unable or fail to pay the same.

XXI. *Be it further enacted*, That it shall be lawful for the said company, to purchase lands, tenements, and hereditaments, from the proprietors or from the corporation of any town, within or through which said road may pass, at each point of termination, or at any intermediate point of said road, in 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.

XXII. *Be it further enacted*, That if any person or persons shall wilfully, and by any means whatsoever, injure, impair or destroy any part of the rail road, or any of the necessary works, buildings, machines, waggons, vehicles or carriages, belonging to the said company, he, she, or they, shall forfeit and pay to the company five times the actual damages so sustained; to be sued for and recovered with full costs, before any tribunal having cognizance of the same, by action of debt, in the name and for the use of the said company.

XXIII. *Be it further enacted*, 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 jeopardize 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.

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

XXV. *Be it further enacted*, That it shall not be lawful for any other company, or person or persons whatever, to travel upon or use the road of said company; or to transport persons or property of any description, along the said rail road, without the licence or permission of the president and directors of said company.

XXVI. *Be it further enacted*, That this act shall be in force from and after its passage by the General Assembly of North-Carolina, and the Legislature of Virginia.

#### CHAPTER IV.

An ACT to incorporate the Matamuskeet Canal, and Rosebay Turnpike Company.

Whereas the widening and deepening of the canal belonging to the Rose Bay Turnpike Company in the county of Hyde, would greatly promote the public

interest by affording the means of making a good and permanent road to the Court house of the county, and would tend to the relief of the small farmers on Matamuskeet lake, by reducing the waters of said lake.

*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 Rose Bay Turnpike Company shall be permitted to enlarge the capital stock of their company, by opening books for one hundred shares of stock of twenty dollars each, to be paid for in such instalments as shall be required by the president and directors of the company; and for this purpose, books of subscription shall be opened on the first day of March next, at Rose Bay in the county of Hyde, under the direction of Alvin Swindle; at Lake Landing in said county, under the direction of John Fullord; at Middle Creek, under the direction of Benjamin Saunderson; at Germanton in said county, under the direction of Martin W. Lucas; at the Log-house landing in Beaufort county, under the direction of Major J. Clark; at Washington, under the direction of William A. Blount; and at Newbern, under the direction of Thomas S. Singleton; and kept open until the second day of the next May Term of the Superior Court of Hyde county; at which time, or so soon thereafter, as seventy five shares of said stock shall be subscribed for, a meeting of the subscribers shall be called by the commissioner appointed at Rose Bay to be held at the court house of the county of Hyde; at which meeting, a president and three directors shall be appointed; and the regular annual meetings of the stockholders shall thereafter take place at the court house in Hyde county, on the Tuesday of the May term of Hyde Superior Court, when the president and directors of the company shall be appointed for the ensuing year; but should no meeting or election take place on that day, it may be held at any time afterwards, and the president and directors for the previous year shall continue in office until an election is held.

II. *Be it further enacted*, That the present stock of the Rose Bay Turnpike Company, shall be valued by three commissioners, to be appointed by the County Court of Hyde; which commissioners shall be entirely disinterested, and shall value the said stock, as at its present cash value, having regard to all the circumstances of the case, they being first sworn to do equal and impartial justice to all concerned, as well the old, as the new stockholders and the public; which valuation so made by the said commissioners or a majority of them, shall by them be returned to the county court of Hyde; and when approved by the county court of Hyde, shall be filed among its records, and shall entitle the stockholders, or their assigns in the said Rose Bay Turnpike Company, without any payment therefor other than their former stock, to a number of shares at twenty dollars each; equal in amount to the valuation so to be made by the commissioners; which stock shall be subscribed by the commissioner appointed at Rose Bay, in the names and in behalf of the present stockholders of the Rose Bay Turnpike Company, apportioning the stock at its reduced valuation, according to the number of shares owned by each in the old company.

III. *Be it further enacted*, That as soon as the amount of stock herein before specified, shall be subscribed for, the said subscribers and their assigns, shall be, and they are hereby constituted a body politic and corporate by the name of the Matamuskeet Canal and Rose Bay Turnpike Company, for and during the term of ninety-nine years thereafter, with all the powers and authorities of the former Rose Bay Turnpike Company, subject to such modifications as the present charter prescribes.

IV. *Be it further enacted*, That as soon as after the said company is formed, and the officers appointed as can conveniently be done, the president and director shall call in such instalments on the stock as may be required; and proceed to widen and deepen the canal on the side of the road from Matamuskeet lake to



Rose bay, making a good and permanent road of at least the width of sixteen feet, and a navigable canal of as great a width and depth, as the amount to be raised by the new stock hereby created will enable them to do; and the said canal shall be kept open and unobstructed into the lake, so as to furnish the waters of the lake to pass freely down the same, until the waters of the lake shall be reduced two feet below the high water of the lake, taking said high water as of the average height of any two succeeding years when the lake has been at its fullest state: *Provided however*, that should the waters of the lake be reduced two feet below the said high water state of said lake, and whenever and so long as that shall be the case, the president and directors of said company shall keep a gate or gates on said canal, so as to prevent the flow of water from the lake, further than may be necessary in the navigation of said canal; the desired object being to reduce the waters of said lake, but never more than two feet below its high water State; and a wilful violation of this clause by the president and directors of the said company, either in obstructing the free passage of the water of the lake through the canal until it is reduced as aforesaid, or in preventing it to flow afterwards, excepting so much as may be necessary in the navigation of the canal; shall subject the said president and directors to indictment in the Superior court of Hyde county, and on conviction, to fine at the discretion of the court.

V. *Be it further enacted*, That the company hereby incorporated, shall be entitled to demand and receive the tolls established by the former act for passing along said road, and also on the part of the road from Rose bay to John Jordans, now Singletons, and after the said canal shall be enlarged, it shall be lawful for the president and directors of the company, to demand and receive at some convenient place on said canal, for all commodities and persons, boats and vessels passing through said canal or any part thereof, such tolls and rates as shall be established by the stockholders in said company, at their annual general meeting: *Provided*, that said rates or tolls shall be made public, and a copy thereof put up at each end of said canal, and in case of refusal to pay the tolls or rates of said road or canal at the time of passing the place assigned for the collection thereof, and previously to passing the same; the collector of said tolls may lawfully refuse passage to whoever refuses payment, and if any carriage, horse, gig, chair, or commodity, of any kind, shall be carried along said road or any part thereof, or any vessel, boat or commodity, shall be carried through said canal without paying the toll, then the collector may seize such vessel, boat, carriage, horse, gig, chair or commodity, whenever found, and sell the same at auction for ready money; which so far as necessary shall be applied to paying the said toll, and all expenses of seizure and sale, and the balance if any, shall be paid to the owner, or the person having the direction of such vessel, boat, carriage, horse, gig, chair or commodity.

VI. *Be it further enacted*, That said canal and road shall be deemed public highways, free for the transportation of all goods, wares and commodities, and for travelling, on payment of the tolls or rates imposed by and under the authority of the former act and this act: *Provided, however*, that persons using the canal only, and no other way using the road than in walking along the same, for the purpose of toying their boats or vessels in the canal, shall not be subject to any road toll.

VII. *Be it further enacted*, That the second, third, fourth, fifth, sixth, seventh and eighth sections of an act, passed in the year eighteen hundred and seven, entitled "an act to establish a turnpike road from the west end of Matamuskeet Lake to John Jordan's, on Rose Bay in Hyde county," are hereby re-enacted, as a part of the charter of Matamuskeet Canal and Rose Bay Turnpike Company, created by this act, subject only to such modifications as are contained in the present act.



## CHAPTER LVI.

AN ACT concerning the Plymouth Turnpike Company.

WHEREAS, the Plymouth Turnpike company have expended the whole amount of their Capitol stock, which has been found insufficient to complete the work for which said company was incorporated. Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the said Plymouth Turnpike Company may at any time after the first day of January next, and at such places as they may deem proper, open books for receiving subscriptions of additional stock, to an amount to be fixed on by the company, not exceeding five thousand dollars, in shares of twenty-five dollars each, and may keep open said books for such time as the company shall think proper.

II. *Be it further enacted,* That Josiah Collins, jr. William L. Chesson, Fenner B. Satterthwaite, William J. Martin, Benjamin Maitland, and John R. Davis, be and the same are hereby added to the persons heretofore named and incorporated into a body politic, under the name of the Plymouth Turnpike Company.

III. *Be it further enacted,* That a further time of five years be, and the same is hereby allowed for the completion of said road; and the board of directors of said company may commence the said road whenever they may deem it expedient.

VI. *Be it further enacted,* That all laws and clauses of laws, relating to the said Plymouth Turnpike Company, as were in operation in the year one thousand eight hundred and thirty, be and the same are hereby revived, with as full force and effect, as if the said Plymouth Turnpike company had never forfeited their corporate privileges.

## CHAPTER LVII.

AN ACT to incorporate the Gatesville 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 Henry Gilliam, Wm. G. Daughtry, Thos. Sanders, Jesse Brown, Prior Savage, Reuben Hinton, Reuben Harroll, and their associates, who have heretofore commenced cutting a road from the town of Gatesville to some convenient point on Chowan river, shall and they are hereby declared to be a body politic and corporate, by the name of the Gatesville Turnpike 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 for a term of years hereinafter mentioned.

II. *Be it further enacted,* That the said company may pass and establish for their own government, such rules and regulations as they may think best, not inconsistent with the laws and Constitution 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 may purchase upon the best terms they can procure it, any lands over which the said road may pass; and upon the completion of said road, it shall be reviewed by two commissioners, to be appointed by the county court of Gates, who shall make a report to the said court, whether or not the said road is in good and sufficient order.

V. *Be it further enacted,* That when the said road is completed and approved of by the commissioners aforesaid, it shall and may be lawful for the said company to establish a ferry at the point of termination of said road across Chowan river, and to purchase land at the terminating point of said road, for all the necessary purposes to the establishment of said ferry.

VI. *Be it further enacted,* That the said company shall make a dividend of their clear profits, for tolls and ferriage on said road and ferry, at least once in every year, which tolls and ferriage shall be fixed by their bye laws,

VII. *Be it further enacted*, That this act shall be in force for fifty years, and no longer, without a renewal of charter.

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

### CHAPTER LVIII.

An ACT to incorporate the Tuckaleicha Smoky Mountain 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 Jesse R. Siler, Nimrod S. Jarret, Joseph Welch, Edward Poindester and John Hall, or a majority of them, are hereby appointed commissioners for the purpose of opening books and receiving subscription 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 a majority of them may think fit, at such time as a majority of the commissioners may think advisable, after giving notice of such time and place at least ten days, at the court house door in the town of Franklin, for the purpose of receiving subscriptions for 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 in making and constructing a turnpike road, commencing on the Tennessee river turnpike road, at or near Joseph Welch's, and running the nearest and best way to the top of the great smoky mountain, so as to intersect the road chartered by the Legislature of Tennessee, in eighteen hundred and thirty three, at the State line; the road to be, when completed, as follows, that is to say, sixteen feet wide, clear of all obstructions, except when side cutting may be necessary; in which case, the road shall be twelve feet wide, and the declivities of the road shall not exceed one foot perpendicular to eight 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, corporate and politic in law, by the name and style of the "Tuckaleicha Smoky Mountain Turnpike Company;" and by that name, may sue and be sued, plead and be impleaded, in any court of record in this State; and as such, shall have perpetual succession, and a common seal; and shall have and possess all the rights and privileges which may be necessary to carry into full effect, the objects of this corporation.

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 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 fifty, one vote; and 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 of a majority of all the shares

subscribed, shall at any time have power 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 monies belonging to the company, and 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 at their first general meeting, shall 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 demand and receive tolls at the following rates, that is to say: for a man and horse, ten cents; for loose horses and mules, five cents each; for cattle, two cents each; for hogs and sheep, one cent each; for every six-horse wagon, seventy five cents; for every five-horse wagon, sixty five cents; for every four-horse wagon, fifty cents; for every three or two-horse wagon, thirty seven and a half cents; for every one-horse wagon, twenty five cents; for every four-wheeled carriage of pleasure, fifty cents; for each gig, or sulkey or cart, twenty five cents: *Provided, however*, that no toll shall be collected until it has been viewed and received by a commission or commissioners, appointed by the county court for that purpose.

IX. *Be it further enacted*, That before any toll shall be collected as aforesaid, the county court of Macon shall appoint one or two commissioners for the purpose of viewing and receiving said road, if made in accordance with the provisions of this act, and to see at all times, whether it 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 twenty days, the president and directors shall be subject to indictment in any court of record, and on conviction, shall be fined at the discretion of the court; and shall also be compelled to open the gate upon said road, and keep the same open until the road shall be put in good repair: The commissioners to receive the sum of one dollar each, for every day he or they are necessarily engaged in viewing and making return of said road to the court aforesaid, to be paid by the company.

X. *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 thirty years.

XI. *Be it further enacted*, That if any person or persons shall, for the purpose of avoiding the payment of the above recited tolls, either break through or go round the toll gate upon said road, they shall be subject to pay five dollars, besides all other damages that the company may sustain, recoverable before any magistrate or any court of record in said county.

## CHAPTER LIX.

An ACT appointing Commissioners to run and establish the boundary line between the counties of Bladen and Columbus.

*Be it enacted by the General Assembly of the State of North Carolina, and as hereby enacted by the authority of the same*, That Josiah Nye and Marmaduke Powell, of the county of Columbus, and Daniel Shipcar, and Shadrack Wooten of Bladen county, be and they are hereby appointed Commissioners, with power to employ such artist, chain carriers and attendants, as they may deem necessary, to enable them to run, ascertain and mark the boundary line



between the counties of Bladen and Columbus, agreeably to the several acts of eighteen hundred and nine, and eighteen hundred and twenty-one; establishing the boundary line between said counties; and the line after being so run and marked, shall be, and the same is hereby declared, to be the dividing line between the said counties; and the said commissioners, within six months after running the said line, shall make out two plats thereof, and return one to each of the county Courts of Bladen and Columbus,

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

#### CHAPTER LX.

An ACT to amend an act passed in the year eighteen hundred and twenty two, entitled an act for the division of 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 the dividing line between the counties of Rowan and Davidson, beginning on the east bank of the Yadkin river, where the same is crossed by the Surry line, run as described in said act, to where it intersects Potts' Creek, thence down said creek to the Yadkin river, thence down said river to the Montgomery line, any thing in said law to the contrary notwithstanding: Provided, that this act shall not take effect before the first day of January, eighteen hundred and thirty-six.

#### CHAPTER LXI.

An ACT for the better regulation of the Court of Pleas and Quarter Sessions in 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 the court of pleas and quarter sessions of Guilford county, be, and they are hereby authorized, should they deem it expedient, a majority of the acting justices being present, at the first term of said court, after the first day of February next, and annually thereafter, to elect from among themselves, not less than three, nor more than five discreet persons, to hold the courts of said county for the space of one year; who shall receive as a compensation, for their services, a sum not exceeding one dollar and fifty cents, for each and every day they may so attend and hold said courts; which allowance shall be paid to the said special justices by the county trustee, upon the certificate of the clerk.

II. *And be it further enacted*, That the justices thus elected, shall have full power to do and perform all the duties of other county courts in this State, and under the same rules, regulations and restrictions, as are now prescribed by law for the government of the same; and shall be competent to do all acts, which by the now existing law, requires the presence of seven justices: *Provided however*, that nothing herein contained shall prevent the other justices of the peace from acting as heretofore.

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

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

## CHAPTER LXII.

An ACT for the better administration of justice in the county of Onslow, 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 after the first day of March next, the superior court of law for the county of Onslow, shall have exclusive jurisdiction of all pleas and prosecutions of the State in said county; and that after the said first day of March next, the court of pleas and quarter sessions of said county, shall have no jurisdiction of any plea or prosecution of the State whatsoever: *Provided*, however, that nothing herein contained, shall prevent the said court of pleas and quarter sessions, from trying, determining, and rendering judgment in any plea or prosecution of the State now pending in said court, or which may be instituted in said court, before the first day of March aforesaid.

II. *Be it further enacted*, That the justices of the peace, holding the courts of pleas and quarter sessions for Onslow county, shall, from and after the first day of March next, direct their venire facias for fifteen jurors to be returned to any term of the county court, and thirty jurors for each term of the superior courts of law for said county.

III. *Be it further enacted*, That all jurors of the original pannel summoned to attend the county or superior courts of law for the county of Onslow, from and after the passage of this act, shall be entitled to receive, each sixty cents per day, for each and every day they may be compelled to attend either of said courts, and two cents per mile for travelling to and from said courts, besides ferriages and tolls, such jurors obtaining a certificate of their attendance from the Clerk of the court, by which he was summoned to attend, for which certificate he shall pay the clerk ten cents.

IV. *Be it further enacted*, That it shall be the duty of the Sheriff of said county, after this act shall be in force, to attend in person, or by his deputy, at the court house of said county, on the days on which jurors may be discharged at the respective terms of said courts aforesaid, for the purpose of discharging and taking up all such juror tickets as may be presented for payment; and he shall be allowed the same by the committee of finance, in the settlement of his annual accounts.

V. *Be it further enacted*, That if the sheriff shall fail to attend at the court house, or fail or refuse to pay any jury ticket upon presentation, the holder of such ticket may, and he is hereby authorized to recover from such sheriff, double the amount of such ticket, and all costs, by warrant before any justice of the peace in said county: *Provided*, such sheriff shall not be able to shew that there are no moneys in his hands belonging to the fund appropriated to the payment of jury tickets; and *Provided further*, that either party shall have the right of appeal as in other cases; but in all cases where judgment shall be rendered against such sheriff and his securities, the committee of finance shall only allow to such sheriff the original amount of such ticket.

VI. *Be it further enacted*, That at the first court of pleas and quarter sessions, which shall be held for the county aforesaid, after the first day of March next; and at the same term in each and every year thereafter, the justices holding said court, shall levy the following taxes, for the purpose of raising a fund for the payment of jury tickets: That is to say, two cents on every hundred dollars valuation of real property, and five cents on each taxable poll in said county; for every leading process on suits brought in the county courts, one dollar; for every petition, except for roads and widow's provisions, one dollar; for every appeal from a justices' judgment, one dollar; for every appeal, writ of error, certiorari, mandamus or leading process returnable to the superior court of said county, two dollars; on every indictment in the superior court, where conviction shall happen, and the defendant or defendants are able to pay costs,

two dollars; for every appeal to the supreme court, or subpœna or other writ, to answer any bill in equity, three dollars.

VII. *Be it further enacted*, That it shall be the duty of the clerks of the county and superior courts, and the clerk and master in equity for said county, to collect and receive the taxes imposed by this act on legal proceedings, at the time the process may be issued, petition filed, appeal prayed, or indictment tried; and shall make out a full statement of the same, exhibiting the suits and amount of taxes thereon, and hand over the same to the sheriff of said county, together with the amount of taxes due during the term of their respective courts, or within five days from the adjournment thereof.

VIII. *Be it further enacted*, That it shall be the duty of the sheriff of said county, and he is hereby required to collect the taxes imposed by this act, in the same year in which they are laid, and be ready to pay out the same at November term of said court, and shall be entitled to retain five per centum on the amount of land and poll taxes; and the clerks of the several courts shall be entitled to retain two per centum on the amounts collected, and paid over by them respectively. It shall be the further duty of the sheriff, to hand over to the committee of finance, all the exhibits obtained from the clerks previous to his annual settlement.

IX. *Be it further enacted*, That if the aforesaid taxes shall be insufficient to pay off all the jury tickets of any one year, the sheriff is hereby authorized and required to pay off the balance out of any county moneys in his hands, and if there should be an excess of any one year, such excess may be applied to the discharge of any claim against said county.

X. *Be it further enacted*, That it shall be the duty of the committee of Finance to report to the county court, at the court which shall happen after the first day of March in each and every year, a correct account of the state of the jury tickets fund, and whether the officers have faithfully discharged the duties required of them by this act, and if any officer shall have failed to perform his duty as required by this act, it shall be the duty of the county attorney, to move the court for judgment against such delinquent officers and their securities upon their official bonds, to the amount of one hundred dollars to the use of the jury fund, and enforce the collection of the same.

XI. *Be it further enacted*, That it shall be the duty of the clerks of said courts to collect without delay, the balance due in their respective offices, under the act for compensating the jurors of said county, passed in the year eighteen hundred and twenty-nine; and the same over to the sheriff, whose duty it shall be to pay such jurors as still remain unpaid, and the balance if any, to be paid out, under the direction of said county court,

XII. *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.

### CHAPTER LXIII.

An ACT to repeal part of an act passed at the last session, entitled an act better to promote the administration of justice in Macon County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, so much of an act passed at the last session of the General Assembly, entitled an act better to promote the administration of justice in Macon county, as allows the sheriff and all other lawful officers of said county, three cents per mile, for executing all judicial process to them directed, either from a magistrate, or any court of record in the State, in that part of said county lying west of the Nantahaly river, in addition to their other lawful fees, already provided for by law, be, and the same is hereby repealed.



II. *Be it further enacted*, That nothing in this act shall be so construed, as to affect the right or liability of the sheriffs, of collecting and accounting for all taxes due in that part of said county; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXIV.

An ACT concerning the County Courts of Haywood County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the fourth section of an act passed at the last General Assembly entitled an act for the better regulation of the county courts of Mecklenburg, Lincoln, Rutherford, and Haywood counties, so far as the same relates to the county of Haywood, be, and the same is hereby repealed.

*Be it further enacted*, That from and after the passage of this act, the county courts of Haywood county, which are now holden by law on the third Monday in March and September, shall be held on the third Monday after the fourth Monday in March and September, in each and every year; any law to the contrary notwithstanding.

#### CHAPTER LXV.

An ACT for the better regulation of the Courts of Pleas and Quarter Sessions of the county of Yancy.

*Be 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 the pleas and quarter sessions for the county of Yancy (a majority being present) may, and they are hereby authorised, at any court which may happen after the first day of March next, and annually thereafter, provided they deem it expedient, to elect from their own body three suitable persons to hold the jury courts of said county for one year: *Provided nevertheless*, That nothing herein contained shall preclude the other acting justices from attending and holding said court as usual.

II. *Be it further enacted*, That the three persons so elected shall be governed by the same rules, regulations, and restrictions, that govern other county courts in this State; and the said justices, so elected, shall be entitled to receive each a sum not exceeding two dollars per day, which shall be fixed by a majority of the justices of said county for their services during the time they are employed in the discharge of their duties in said court, to be paid by the county trustee, under the same rules that govern other county claims, upon the certificate of the clerk of said county, shewing how many days such justice so elected shall have holden said court; any law to the contrary notwithstanding.

#### CHAPTER LXVI.

An ACT to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Beaufort.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this act, the said courts shall commence on the following days and no other: That is to say, on the second Monday in the months of January, April, July, and October, any thing in any other law to the contrary notwithstanding.

II. *Be it further enacted*, That all writs and other process, which the clerk of the court of pleas and quarter sessions for said county, may issue from and after the Monday next before the last Monday in February, eighteen hundred and thirty-five, shall be, and the same are hereby made returnable under the same rules, regulations, and penalties, as are already prescribed by law to the term of said court, which is to be held on the second Monday in April next, succeeding; as provided for, in the first section of this act; and that all causes which may be

continued at the February term of said court, as heretofore constituted, which shall happen next after the passage of this act, shall stand for trial at April term of said court as aforesaid.

#### CHAPTER LXVII.

An ACT to amend part of the second section of an act passed in the year eighteen hundred and thirty-three, entitled an act to regulate the proceedings in the Courts of Pleas and Quarter Sessions in Craven county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the second section of the above recited act, as prohibits the courts of pleas and quarter sessions of Craven county, from drawing jurors to attend the August terms, be, and the same are hereby repealed; and that they are hereby authorized to draw fifteen jurors at May term, to attend the said courts of pleas and quarter sessions at the August terms, any law to the contrary notwithstanding.

#### CHAPTER LXVIII.

An ACT for the better regulation of the County and Superior Courts of the counties of Rutherford, Buncombe, Haywood and 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, the judges of the county and superior courts, who may preside in the county and superior courts of Rutherford, Buncombe, Haywood, and Macon counties, shall be required to take up the State docket on Monday of the sitting of said courts, and continue from day to day, until all State cases be disposed of.

II. *Be it further enacted,* That it shall be the duty of the clerks of said courts to take all recognizances in civil cases, returnable on Wednesday of said courts; and all witnesses in civil cases shall be bound to attend on Wednesday, aforesaid; any law, usage or custom, to the contrary notwithstanding.

#### CHAPTER LXIX.

An ACT to repeal an Act entitled "An Act respecting the Courts of Pleas and Quarter Sessions in the county of Tyrrell, passed in the year one thousand eight hundred and twenty-five.

*Be 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 LXX.

An ACT to repeal an act passed at the General Assembly; entitled an act for the better administration justice 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 above recited act, be, and the same is hereby repealed.

#### CHAPTER LXXI.

An ACT altering the time of holding the Courts of Pleas and Quarter Sessions of the counties of Buncombe and Yancy, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the court of pleas and quarter sessions heretofore holden for the county of Yancy on the fourth Monday of December, be and shall hereafter be holden on the first Monday of February in each and every year, and the county courts as aforesaid for the county of Buncombe heretofore holden on the first day of January shall hereafter be holden on the second Monday in February in each and every year.

II. *Be it further enacted,* That the non jury court heretofore holden for the county of Yancy on the third Monday of October shall hereafter be holden on the first Monday after the fourth Monday, in March and September.

III. *Be it further enacted*, That all State causes now pending in Buncombe county or superior courts, that are not tried or otherwise disposed of, at the April courts next, when the defendants reside in Yancy county, the causes shall be removed, and the defendant and witnesses bound over to Yancy county and superior courts respectively.

IV. *Be it further enacted*, That this act shall not take, until the first Monday of May next, any law, usage or custom to the contrary notwithstanding.

#### CHAPTER LXXII.

An ACT to give exclusive jurisdiction to the Superior Courts for the counties of Anson and Montgomery, in all cases where the intervention of a jury shall or may be necessary.

*Be 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 second Monday in January, one thousand eight hundred and thirty-five, the superior courts for the counties of Anson and Montgomery, shall have exclusive jurisdiction over all cases, where the intervention of a jury shall or may be necessary.

II. *Be it further enacted*, That all suits which shall be standing on the docket of said county courts, undisposed of at January sessions, one thousand eight hundred and thirty five, shall remain to be tried in said counties until the July term next thereafter inclusive; and it shall be the duty of the clerks of said county courts to transfer to the clerks of the superior courts of said counties, all the suits which shall remain untried in said courts after July term next, together with all the papers belonging thereunto, where the same shall be tried, or otherwise disposed of.

III. *Be it further enacted*, That from and after the second Monday in January, one thousand eight hundred and thirty-five, it shall not be lawful for any person or persons to institute any suit or suits in the county courts of Anson and Montgomery, the trial of which, shall or may require intervention of a jury.

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 LXXIII.

An ACT to restore to credit Eldridge Smith of Wake 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 Eldridge Smith of the county of Wake, be, and he is hereby restored to all the rights, privileges and immunities of any other free citizen in this state, in as full and ample a manner, as if he never had been convicted of the crime of conspiracy.

#### CHAPTER LXXIV.

An ACT to restore to credit John Bates of Macon County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John Bates of Macon county, be and he is hereby restored to all the rights privileges and immunities of any other free citizen in this state, in as full and ample a manner, as if he never had been convicted of the crime of perjury.

#### CHAPTER LXXV.

An ACT to restore to credit William Brown 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 William Brown of the county of Beaufort, be, and he is hereby restored to the rights and privileges of a citizen, in as full a manner as if he had never forfeited his right by a conviction; and he is hereby declared capable to depose and testify in any court of record, and before any jurisdiction whatever; any law to the contrary notwithstanding.



# DIVORCE AND ALIMONY:

## CHAPTER LXXVI.

An ACT to divorce Ellena M. Cobb.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Ellena M. Cobb, of the county of Burke, be, and she is hereby declared to be divorced fully and absolutely from her husband, John Cobb; and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely, as if she never had been connected by the bonds of matrimony with her said husband John Cobb.*

II. *Be it further enacted, That this act shall take effect, from and after the ratification thereof.*

## CHAPTER LXXVII.

An ACT to divorce Mary B. Cabe from her husband Joseph Cabe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Mary B. Cabe, of the county of Haywood, be, and she is hereby declared to be divorced fully and absolutely from her husband Joseph Cabe; and that she be restored to all the privileges and immunities of a feme sole, and enjoy the same as amply and entirely as if she had never been connected by the bonds of matrimony, with her said husband Joseph Cabe.*

II *Be it further enacted, That this act shall take effect from and after the ratification thereof.*

## CHAPTER LXXVIII.

An ACT to divorce Mary T. Eppes from her husband Peter Eppes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Mary T. Eppes of Warren county, the wife of Peter Eppes, be and she is hereby declared to be separated and divorced from her husband the said Peter Eppes; and that she be entitled to all the rights, privileges and immunities of a feme sole, in as full and ample a manner, as if she had never been connected by the bonds of matrimony with the said Peter Eppes.*

## CHAPTER LXXIY.

An ACT to divorce Isabella A. Potter from her husband Robert Potter.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Isabella A. Potter of the county of Granville, the wife of Robert Potter, be, and she is hereby declared to be separated and divorced from her husband, the said Robert Potter; and that she be entitled to all the rights, privileges and immunities of a feme sole, in as full and ample a manner, as if she had never been connected by the bonds of matrimony with the said Robert Potter.*

## CHAPTER LXXX.

An ACT to divorce Peter Ambrose of Onslow County from his wife Thirza Ambrose.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Peter Ambrose of Onslow, be, and he is hereby declared to be divorced from his wife Thirza Ambrose, previous to their intermarriage Thirza Hatch, as fully and absolutely, as if he never had been connected with the said Thirza Ambrose in the bonds of matrimony.*

## CHAPTER LXXXI.

An ACT to divorce Susan P. Durham from her husband Archibald Durham.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Susan P. Durham of the county of Burke, be, and she is hereby declared to be divorced fully and absolutely from her husband Archibald Durham, and that she be restored to all*

the privileges and immunities of a feme sole, and enjoy the same as amply and entirely, as if she never had been connected by the bonds of matrimony with her said husband Archibald Durham.

II. *And be it further enacted*, That the said Susan Durham shall hereafter be called and known by the name of Susan P. Shirley; any law to the contrary notwithstanding.

#### CHAPTER LXXXII.

An ACT to secure to Theresa Brownrigg such property as she may hereafter acquire.

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

#### CHAPTER LXXXIII.

An ACT to regulate the Public Ferry at Edenton.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of April, one thousand eight hundred and thirty-five, the public ferry from the town of Edenton, across the Albermarle Sound, and the mouth of Chowan river to the shores of Washington and Bertie counties, shall be under the exclusive control and direction of the commissioners of the town of Edenton; that said commissioners shall, on twenty days notice in some Newspaper published at Edenton, let or lease out at public auction, to the highest bidder, said public ferry, and the public wharf or landing place at Edenton, for a term of years not less than four, nor exceeding six, on such terms as they may think conducive to the public interest and safety.

II. *Be it further enacted*, That said commissioners shall require of the person or company so leasing said ferry and wharf, to enter into a bond in the sum of five hundred dollars, with two good securities, for the faithful performance of the contract; which bond shall set forth in its provisions, the terms of the lease, the rates of ferriage, and such other provisions as may be deemed necessary to effect the purpose of this act.

III. *Be it further enacted*, That nothing in this act shall be so construed, as to impair the existing rights of any person to said ferry, nor to interfere with the carrying of passengers by the Steam boat now plying between Edenton and Plymouth; nor shall this act be so construed, as to prohibit the transportation of passengers or produce of any kind, by any boat propelled by steam or other mechanical power, which may be placed on said waters by any person or company: *Provided*, said person or company shall have first obtained the privilege of so doing from the commissioners aforesaid.

IV. *Be it further enacted*, That said commissioners shall have power and right, and it shall be their duty to cancel or annul any existing contract in relation to said ferry or public wharf, and lease the same out again in the manner prescribed in the first section of this act, to some other person or company, whenever they shall deem the public interest requires it: *Provided, however*, that in such case, the person or company so contracting, shall be compelled to take the boats and materials of the party, whose contract has been so cancelled or annulled at a fair valuation, to be fixed on or agreed upon by said commissioners, or such arbiters as the parties may agree upon themselves; and further to reimburse



said person or company for such other expenses as may have been necessarily incurred in establishing and keeping up said ferry.

V. *Be it further enacted*, That this act shall not be so construed, as to affect the right of any person or persons owning any ferry in the counties of Bertie or Washington, either to carry passengers, or bring them from the town of Edenton, or to affect the rights of the said individuals in any way whatever; or to affect the right of any person or persons who may have a ferry in the town of Edenton, to bring passengers from Bertie or Washington.

#### CHAPTER LXXXIV.

An ACT to authorize Thomas J. Pasteur of Craven county, to keep a ferry in said county, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Thomas J. Pasteur, his heirs, executors, and administrators or assigns, to keep a ferry on Neuse river, in Craven county, at the plantation situate on said river, belonging to him, the said Pasteur, and known by the name of "Spring Garden," under the same rules and regulations and liabilities, as other keepers of ferries are subject to; and it shall be lawful for the said Thomas J. Pasteur, his heirs, executors, administrators or assigns, to keep a sufficient Gate at said ferry, or at any other place in the road leading southwardly from said ferry, and within a mile of the same, and to take and receive from all persons transported across said river at said ferry, the following rates: That is to say, for every man and horse, fifteen cents, for every two wheel carriage, drawn by one or two horses or oxen, forty cents; for every four wheel carriage, drawn by two horses or oxen, eighty cents; for every four wheel carriage, drawn by more than two horses or oxen, one dollar; for every foot passenger, five cents; for every horse not attached to any carriage, or rode by any person, ten cents; for all calves or yearlings, hogs and sheep, two cents each; and every other neat cattle, five cents each: *Provided*, that hogs or stock of any kind, shall not be charged for, unless transported in the flat-boat or boats of said Thomas J. Pasteur.

II. *Be it further enacted*, That it shall and may be lawful for said Thomas J. Pasteur, his heirs, executors, administrators or assigns, to make a road leading from said ferry to the public road, on the south side of Neuse river, and leading from Newbern to Washington, and also to make a road and causeway from said ferry to the public road on the north side of Neuse River, and leading from Newbern to Greenville; and from thence to the road leading from Newbern to Washington.

III. *Be it further enacted*, That when it shall be required by way of petition from the said Thomas J. Pasteur, his heirs, executors, administrators or assigns, the county court of Craven, shall appoint and order a jury of good and lawful men to lay off said roads in the best directions, and assess such damages as they may think just and reasonable, according to an act of Assembly in such case made and provided.

IV. *Be it further enacted*, That after ten years from the commencement of keeping the said ferry by the said Thomas J. Pasteur, his heirs, executors, administrators or assigns, it shall and may be lawful for the county court of Craven to alter the rates of toll hereby established, a majority of the justices being present.

V. *Be it further enacted*, That nothing herein contained, shall affect the rights and privileges of the said Thomas J. Pasteur, or his assigns, derived and conferred by virtue of an act, entitled "an act to authorize the building of a bridge across Neuse river, at the place therein mentioned, and for other purposes," passed in the year of one thousand eight hundred and twenty-seven.



## CHAPTER LXXXV.

An ACT to prevent obstructing the passage of fish up Highwassa, Nattaley and Valley rivers in Macon County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall not hereafter be lawful for any person or persons whatsoever, by means of a dam or otherwise, from and after the first day of March next, so to obstruct the channel of the Highwassa river, from the Tennessee line to the Georgia line; or Valley river, from its mouth to the forks above McCraney's; or Nattaley river, from its mouth to the Georgia line; so as not to leave one fourth of the said rivers, in the deepest part of the main channel open for the free passage of fish; any person or persons violating the meaning and true intent of this act, shall be liable to indictment in any court of record in said county, and on conviction shall be fined at the discretion of the court, but not under five dollars.

II. *Be it further enacted,* That for every ten days that either of the rivers aforesaid, may be so obstructed as aforesaid, the person or persons so obstructing them, shall be indicted as aforesaid.

## CHAPTER LXXXVI.

An ACT to prevent obstructing the passage of fish up Roaring river 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 no person or persons shall on any pretence whatever, by means of a dam, wier, trap, or otherwise from and after the first day of February next, so obstruct the channel of Roaring river in Wilkes county, from its mouth up to Walker and Rhodes' mill, on the south fork, and up to Johnson's mill on the north fork, as not to leave one third of the said river, in the deepest part of the main channel, open for the free passage of fish; and any person violating the true intent and meaning of this act, shall be liable on conviction thereof before a magistrate, to pay a fine not exceeding ten dollars, recoverable by warrant, one half to the use of the informer, and the other half to the use of the poor of said county: *Provided however,* that no person who now has a public mill dam erected across said river, shall be subject to the penalty prescribed by this act.

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

## CHAPTER LXXXVII.

An ACT to repeal in part an act; passed in the year one thousand eight hundred and thirty one, to prevent obstruction to the passage of fish up the Pedee and Yadkin rivers.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act, as authorises and directs the county court of Wilkes to appoint commissioners to view said river, from the mouth of Buffaloe creek to the Surry line, be, and the same is hereby repealed and made void, any law, usage or custom to the contrary notwithstanding

## CHAPTER LXXXVIII.

An ACT to prevent the obstruction to the passage of fish up Frying Pan in the county of Tyrrell.

*Be 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 who may put down, or cause to be put down, any piling, timber, bush, netting or seine, or any thing calculated to prevent fish from passing into the waters of the Frying Pan, either at the mouth or on the handle of the said Frying Pan, shall forfeit and pay the sum of one hundred dollars for each and every day such obstructions shall remain, to be recovered before any justice of the Peace for said county of Tyrrell, and applied one half to the use of the informer, and the other half to the poor of said county; this act to be in force from and after its passage.

## CHAPTER LXXXIX.

An Act to prohibit hauling of seines or drag nets within two miles of certain bars and inlets within this State

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the fifteenth of January eighteen hundred and thirty-five, it shall not be lawful for any person to haul any seine, or fish with any drag net, from sunset on Friday, to sun rise on Monday, in each and every week from the aforesaid fifteenth day of January to the fifteenth day of March, and from the first day of August, to the first day of October in each and every year within two miles of Ocracoke bar.

II. *Be it further enacted,* That it shall not be lawful for any person to haul any seine, or fish with any drag net within two miles of New Inlet north of Ocracoke, from sun set on Saturday to sun rise on Monday, from the fifteenth day of January, eighteen hundred and thirty five to the fifteenth day of March, and from the first day of August to the first day of October, in each and every year.

III. *Be it further enacted,* That it shall not be lawful for any person to haul any seine, drag net, or drift with any net, at the Roanoke narrows or marshes, from sun rise on Saturday to sun rise on Monday, from the fifteenth day of January, to the fifteenth day of April, and from the first day of August to the first day of October in each and every year.

IV. *Be it further enacted,* That if any person shall violate the provisions of this act, such person so offending, shall forfeit and pay the sum of one hundred dollars, for each and every offence, to be recovered in an action of debt, before any Justice of the peace, or any jurisdiction having cognizance thereof, by any person suing for the same, the one half of said sum, to the use of the informer, and the other half to the wardens of the poor of the county wherein such offence shall have been committed, and shall further be liable to indictment in any court having cognizance thereof, and upon conviction shall be fined at the discretion of the Court.

V. *Be it further enacted,* That if any slave or slaves shall violate the provisions of this act, such slave or slaves so offending, on conviction before any justice of the peace, shall receive thirty nine lashes on his on their bare back, and owner or owners of such slave or slaves so offending shall pay all costs.

## CHAPTER XC.

An ACT to protect seine places on Roanoke 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 where any seine place may be injured by any fallen tree or trees, or may be in danger of being injured by the falling of trees in the waters of said river, and the owner of the land on which such tree or trees are situated shall object to their removal, it shall be lawful for the owner or owners of such seine place to apply to the sheriff of the county in which the tree or trees are situated, whose duty it shall be, on the payment or tender of the fees herein allowed, to summon a jury of twelve freeholders; unconnected with the parties, to go and examine the premises; which jury shall be sworn by the sheriff to do equal justice between the parties; and if the said jury should be of opinion that such tree or trees are so situated as to injure said seine place, or that there is danger of such injury, they shall assess the value of such tree or trees, and on the payment of the sum assessed, the owner or owners of said seine place shall have the right of cutting or clearing away all such trees as may be thus condemned; *Provided,* That the party owning the said land shall have ten days notice of the time and place where such jury is held.



II. *And be it further enacted*, That the sheriff and jurors attending, under the provisions of the above act, shall be governed by the same rules and receive the same compensation, as the sheriff and jurors receive for laying off dower as heretofore prescribed by law.

#### CHAPTER XCI.

An ACT to authorize John Sudderth and Patrick Hennessee, to erect gates on their own lands across a public road, in the county of Burke.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John Sudderth, of the county of Burke, be and he is hereby authorized to erect a gate across the public road, on his own land, leading from Morganton to the Wilkes road, on the North side of the Catawba river.

II. Be it further enacted, That Patrick Hennessee, be and he is hereby authorized to erect a gate across the public road aforesaid, on the South side of the Catawba river, in Burke county, on his own land; which gates when erected, shall be subject to the same rules and regulations already prescribed for other gates, across public roads in this State.

#### CHAPTER XCII.

An ACT to authorize Michael Brown of the county of Rowan, to erect a gate or gates across the public road on his own land.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That from and after the passage of this act, Michael Brown of the county of Rowan, be and he is hereby authorized and empowered, to erect a gate or gates on his own land, across the public road leading from the town of Salisbury, to his ferry, on the Yadkin river; and that the said gate or gates, when erected, shall be under the same rules and regulations of other gates, in this State, established upon public highways.

#### CHAPTER XCIII.

An ACT to authorize John Treadwell, sn'r. of Sampson county, to erect a gate at his bridge across Cohary, on the road leading from Clinton to Elizabeth Town, in Bladen county, and to receive toll for crossing 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 John Treadwell, sn'r, of Sampson county, be, and he is hereby authorized to erect a gate at his bridge, which bridge is across Cohary, in the county of Sampson, and on the road leading from Clinton to Elizabeth town, in Bladen county, under the rules and regulations now established by law, for the erection of gates at toll bridges.

II. Be it further enacted, That said John Treadwell, sn'r, be, and he is hereby authorized to receive toll for the crossing said bridge, across Cohary, at the following rates, that is—for every four wheel pleasure carriage, fifteen cents; for every four horse wagon, twenty-five cents; for every three horse wagon, twenty cents; for every two horse wagon, fifteen cents; for every pedlar's vehicle, twenty cents; for every horse and gig or sulkey, ten cents; for every ox-cart, ten cents; for every horse with a rider, five cents; for every loose horse, and for every head of cattle, sheep, and hogs, one cent.

III. Be it further enacted, That all persons going to or from church, musters or courts, and all patrols of Sampson county, shall not be required to pay, and they are hereby exempted from paying any toll for crossing the aforesaid bridge; and that this act be in force from and after its passage; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER XCIV.

An ACT making compensation to the Jurors of the county of Chowan.

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



every juror who shall be appointed and summoned, and shall attend the county and superior courts of Chowan, shall be allowed the sum of one dollar for each and every days attendance, and the sum of six shillings for every thirty miles travelling to and from said courts.

II Be it further enacted, That the county court aforesaid, provided a majority of the justices be present, shall, and they are hereby authorized and required to lay from year to year a tax not exceeding ten cents on each poll; and the like sum on every three hundred dollars value of town property, and of land, so as to raise a sufficient sum for the payment of said jurors, and that each juror shall obtain his certificate from the clerk and receive his pay from the county trustee, in the same manner and under the same rules and regulations as are now provided for by law.

#### CHAPTER XCV.

An ACT to repeal in part an act, passed in the year one thousand eight hundred and thirty one, entitled "an act to provide for the compensation of certain Jurors of the counties of Perquimons, Pasquotank and Gates.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the proviso contained in the fourth section of an act passed in the year one thousand eight hundred and thirty one, entitled an act to provide for the compensation of certain jurors of the counties of Perquimons, Pasquotank and Gates; so far as relates to the county of Pasquotank, be, and the same is hereby repealed.

#### CHAPTER XCVI.

An ACT to authorize the Northampton Blues, to draw on the Adjutant General for a stand of arms.

*Be 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 Captain commanding the Northampton Blues, be, and he is hereby authorised to draw eighty stand of arm, from such deposits as may be designated by the adjutant general of this State.

#### CHAPTER XCVII.

An ACT for the better regulation of the Militia 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 all that part of the county of Macon, west of the Nantihala river, be, and the same is hereby constituted the second Battalion of the first regiment of the Macon county militia.

II. Be it further enacted, That it shall be the duty of the field officers which are now appointed, or which may be hereafter appointed, to muster the said militia, under the same rules and regulations as the militia of this State are now mustered; any law to the contrary notwithstanding.

III. Be it further enacted, That this law shall be in force from and after the passage thereof.

#### CHAPTER XCVIII.

An ACT to authorize and empower the County Court of Yancey county, to alter the dividing line between the two regiments of North Carolina Militia in said county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the county court of Yancey county, a majority of justices of said county being present to alter the dividing line between the two regiments of North Carolina militia of said county, in such way as to the said court may seem proper; and the said line so established by said court, shall hereafter be and remain the dividing line between the two regiments aforesaid.

II. And be it further enacted, That it shall be the duty of said court to proceed to alter and establish said line on or before the first day of August next: Provided, That nothing in this act contained, shall be so construed as to pre-

vent the formation or establishment of militia companies on the line as now established between the two regiments.

#### CHAPTER XCIX.

An ACT to regulate drill musters in the eighty eighth regiment of North Carolina Militia in Davidson county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the officers in the eighty eighth regiment of North Carolina militia in Davidson county, from and after the passage of this act; shall have and hold at least two drill musters, and not more than four in said regiment, each and every year; any law, usage or custom, to the contrary notwithstanding.

#### CHAPTER C.

An ACT to attach the Militia of the county of Yancy to the fifteenth brigade.

*Be 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 county of Yancy, be, and is hereby attached to the fifteenth brigade of the North Carolina militia.

#### CHAPTER CI.

An ACT to repeal an act of the General Assembly, passed in eighteen hundred and thirty three "entitled an act concerning the Wilkes county Volunteer Artillery Company."

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

II. And be it further enacted, That another act of the General Assembly, passed in eighteen hundred and thirty one entitled an act to incorporate the Wilkes county Volunteer Artillery Company, is hereby revived and declared to be in full force; any law to the contrary notwithstanding.

III. Be it further enacted, That the said company shall be and appear at all general reviews, when ordered out for that purpose, under the same rules, regulations and restrictions, that govern all militia companies.

IV. Be it further enacted, That the captain of said Wilkes county Volunteer Artillery Company, shall, and he is hereby authorised to have all the arms he has distributed among his men, to be returned to him in the same order in which they were when delivered to them; and in case of failure, he is authorized to warrant and recover the sum of twelve dollars, before any jurisdiction having cognizance of the same, and the money arising from such remissness to be applied in purchasing others of as good quality; any law to the contrary notwithstanding.

V. Be it further enacted, That the said captain is hereby made responsible, for the arms he has distributed to the commanding officer of the artillery, and before he delivers said arms, he shall and is hereby directed to take bond and security from each member of said company for safe keeping of said arms, and delivery when called upon; and such bonds or obligations shall be recoverable before any competent authority, and he is held accountable for the same.

#### CHAPTER CII.

An ACT altering the boundaries of the first and second Regiments of the Burke 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 passage of this act, that part of captain David Warlock's company of Burke county militia, south of the Catawba river, be, and the same is hereby attached to the first Regiment of Burke militia.

Be it further enacted, That, that part of captain E. Ropers' company, belonging to said first Regiment, shall be, and is hereby attached to that



part of the aforesaid David Warlock's company, south of the Catawba river, in such manner, and by such boundaries, as the Regimental or Battalion court martial of said first Regiment shall direct

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 CIII.

An ACT for the better regulation of the militia of 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 it shall and may be lawful for the county court of Buncombe county, at the July sessions of said court, a majority of the justices of the peace of said court being present, to divide the militia of said county, into three regiments, by such boundaries as to them may seem most convenient; which boundary lines so designated, shall be recorded upon the minutes of said court, and shall not be subject to alteration, without the consent of the Legislature.

II. Be it further enacted, That nothing in this act contained, shall be so construed, as to affect the right of any field officer in said county, to the command which he now holds.

### CHAPTER CIV.

An ACT for the better regulation of the militia of 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 from and after the passage of this act, it shall be the duty of the field officer having the command of the regiment of militia in Onslow county, to review the same by battalions, when not ordered out by a general officer; the battalion on the West side of New river, to be reviewed at Sparkman's Cross roads, and the battalion on the East side of said river, to be reviewed at Purnal Marshall's; any law to the contrary notwithstanding.

### CHAPTER CV.

An ACT to alter the name of William Pollard of the county of Martin, and to legitimate him.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, William Pollard of the county of Martin, an illegitimate son of Lawrence Cherry, and Tempy Pollard, his wife, shall hereafter be known and called by the name of William Cherry; and by that name, may sue and be sued, plead and be pleaded, and receive and take property by descent or distribution.

II And be it further enacted, That the said William Cherry, be, and he is hereby declared legitimate, and capable in law, to receive and inherit property, as heir to the said Lawrence Cherry, in as full and ample a manner as if he had been born in lawful wedlock; any law to the contrary notwithstanding.

### CHAPTER CVI.

An ACT to alter the name of Phenetta Parker and to legitimate her, and Josiah Wilson Pollard, of the county of Pitt.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the name of Phenetta Parker, is hereby altered to that of Phenetta Pollard; and by that name, shall be entitled to all the rights and privileges heretofore enjoyed under the name of Phenetta Parker.

And be it further enacted, That the said Phenetta Pollard, and Josiah Wilson Pollard, be, and they are hereby declared legitimated, and entitled to inherit from their father Reddick Pollard, by descent or distribution, as effectually as if they had been born in wedlock; any thing in any other law to the contrary notwithstanding.



CHAPTER CVII.

An ACT to alter the name of Moses Holmes and to legitimate him.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the name of Moses Holmes, of the county of Brunswick shall be, and the same is hereby altered to Moses McKeethan, and by that name he is hereby legitimated; and entitled to inherit from his father Moses McKeethan, by descent and distribution, as fully and effectually, as if he had been born in lawful wedlock, any thing in any law to the contrary notwithstanding.

CHAPTER CVIII.

An ACT to alter the name of and legitimate Lurany Alexander.

*Be 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 Lurany Alexander, daughter of Lurany Alexander of the county of Tyrrell, and Benjamin Jackson, of the county of Pasquotank shall be, and the same is hereby altered to that of Lurany Jackson, and is hereby declared legitimated, and entitled to inherit from her said father Benjamin Jackson, by descent or distribution as effectually as if she had been born in wedlock, any thing in any other law to the contrary notwithstanding.

CHAPTER CIX.

An ACT to alter the names of James Morris and Nancy Morris, and to legitimate them

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the names of James Morris and Nancy Morris, children of Willie Shelton and Peggy Morris, now deceased, at the instance and request of said Shelton, shall be, and the same are hereby altered to the names of James Shelton, and Nancy Shelton, and by those names they are hereby legitimated, and entitled to inherit from their said father, Willie Shelton, by descent and distribution as fully and effectually, as if they had been born in lawful wedlock, any thing to the contrary notwithstanding.

CHAPTER CX.

An ACT to alter the name of Martha Ann Williams, 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 the name of Martha Ann Williams, daughter of Peter Piland of Gates County, shall be, and the same is hereby altered to that of Martha Ann Piland, and by that name she is hereby legitimated and entitled to inherit from her said father Peter Piland, by descent and distribution, as fully and effectually as if she had been born in lawful wedlock, any thing in any law to the contrary notwithstanding.

CHAPTER CXI.

An ACT to alter the name of Isaac Blanchard of the county of Gates, and to legitimate him.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, Isaac Blanchard of the county of Gates, an illegitimate son of James Hosler and Elizabeth Blanchard, shall hereafter be known and called by the name of Isaac Hosler, and by that name may sue and be sued, plead and be impleaded, and receive and take property by descent or distribution, in as full and ample manner, as though he had been born in lawful wedlock, any law to the contrary notwithstanding.

CHAPTER CXII.

An ACT to alter the name of Jacky Ann Moring, 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 the name of Jacky Ann

Moring, daughter of Kitsey Moring and Joel Lane of Green county, shall be, and the same is hereby altered to the name of Jacky Ann Lane, and by that name, she is hereby legitimated, and entitled to inherit from her said father Joel Lane, by descent and distribution, as fully and effectually as if she had been born in lawful wedlock, any thing to the contrary notwithstanding.

### CHAPTER CXIII.

An ACT to alter the name of, and legitimate Zadoch Best of Currituck 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 of Zadoch Best, son of Elizabeth Best of Currituck county, and Willis Gallop of said county, be altered to that of Zadoch Gallop, and is hereby declared legitimated, and entitled to inherit from his said father Willis Gallop, by descent or distribution, as effectually as if he had been born in lawful wedlock, any thing in any other law to the contrary notwithstanding.

### CHAPTER CXIV.

An ACT to prevent the felling of timber in, or otherwise obstructing the run of lower Little river, in the county of Iredell.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That if any person or persons after the first day of February next, shall fell timber in, or otherwise obstruct the channel of lower Little river in the county of Iredell, he 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, building mills thereon; nor shall any persons 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* be, she or they shall remove the same within ten days.

### CHAPTER CXV.

An ACT to amend an act, entitled "an act to prevent the felling of timber in the run of Hogan's Creek in Caswell county," passed in the year eighteen hundred and thirty-three.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That if any person or persons shall fell timber into, or shall otherwise obstruct the channel of Hogan's Creek in the county of Caswell, or cause it to be done, he, she or they shall be, and they are hereby declared to be guilty of a misdemeanor, by each and every such offence for which he, she or they may be indicted in the county or superior court of said county, and upon conviction shall be fined at the discretion of the court, not exceeding however, twenty dollars for each and every offence against the provisions of this act: *Provided*, that nothing herein contained shall be so construed, as to prevent owners of lands on said creek, from erecting water fences, or from building mill-dams 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, if he, she or they remove the same in ten days.

*II. Be it further enacted,* That if any slave or slaves shall be guilty of obstructing the channel of said creek, without the order of his or her owner or manager, he, she or they shall upon conviction thereof, before two justices of the peace in said county, be sentenced to receive a public whipping not exceeding thirty-nine lashes; and the owner of such slave or slaves, shall be liable for the cost of the prosecution.

III. *Be it further enacted*, That all persons owning bottom lands on Hogan's Creek in Caswell county, shall be authorized to keep fish traps in said creek; any thing in this act to the contrary notwithstanding: *Provided*, that they shall not dam the water so as to drown or otherwise damage the lands of others.

IV. *Be it further enacted*. That any person owning bottom lands on one side of the said creek, shall be, and he is hereby empowered and authorized to clear out the channel of the said creek opposite to his own lands, without being guilty of a trespass for such act.

#### CHAPTER CXVI.

An ACT concerning a Public road leading from Columbia, in Tyrrell county, to Plymouth.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That the road leading from Columbia in Tyrrell county, including the road leading by Robert Wynn's plantation to Plymouth; by John Haughton's plantation shall hereafter be, and is hereby established, one district from the bridge to the Washington county line.

II. *Be it further enacted*. That all hands living on the said road liable to work on public roads, shall hereafter work on the said road; and also all the hands living on the road from the fork of the road, striking off near Mrs. Demeris M. Cabe's, by Jra E. Norman's to the county line, shall hereafter work upon the said road, including the hands that work at the plantation, now William Spruill's.

III. *Be it further enacted*, That it shall be the duty of the county court of Tyrrell, to appoint an overseer on the said road, from time to time, as is now required by law on other roads, whose duties and liabilities and powers shall be the same, and is now imposed upon overseers of public roads.

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

#### CHAPTER CXVII.

An ACT to repair, alter and amend the road leading from Holeman's ford to the deep gap.

*Be 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 Land, John Hagger, John Miller, Solomon Green, and Griffin Somblerlin be, and they are hereby appointed Commissioners to view, lay off, and amend any part of the road leading from Holeman's ford to the top of the blue ridge, at the Ashe county line, and when said commissioners shall lay off, and make such alterations as they or a majority of them may think proper and right, and distinctly make the same, describe how, and what manner said road shall be worked out.

II. *Be it further enacted*. That when said road is laid out, and particularly described by said commissioners, they then shall advertise at least twenty days at three public places, and let out the working and repairing the road aforesaid, to him who will take it for the shortest term of time for performing said labour, who shall be considered the undertaker of the same.

III. *Be it further enacted by the authority aforesaid*, That the commissioners aforesaid shall determine where a toll gate shall be fixed, and when the undertaker shall finish said road in the way contracted for by said commissioners, he is hereby authorized to ask, demand, and receive not exceeding the following rates: For every wagon and four horse team, fifty cents; and for every other wagon and team under four horses, thirty seven and a half cents; for every two wheel cart or other vehicle, eighteen and three quarter cents; for every man and horse, twelve and a half cents; for every loose horse, six and a quarter cents; for all cattle, hogs, and sheep, two cents per head; for every four wheel carriage of pleasure, sixty-two and a half cents; for every gig and sulkey, thirty cents.



IV. *Be it further enacted*, That the keeper of the toll gate, when any person or persons shall seek an evasion of the payment of said tolls, by going round said toll gate, the keeper of said gate is hereby authorized and empowered to take a warrant and pursue such person, and bring him before any competent authority, and recover double the amount of such toll and costs for such evasion.

V. *Be it further enacted*, That one of the within named commissioners shall view the condition of said road, and report the same to the county court of Wilkes county every three months.

VI. *Be it further enacted*, That all contracts and agreements entered into by the commissioners afores. id. and the keeper of said toll gate, shall be binding on the undertaker or keeper of said gate to do, and perform all his contracts under such penalties as may be agreed upon, and to be recoverable in any court of record; any thing to the contrary notwithstanding: *Provided*, nothing in this act contained, shall be so construed, as to make any person or persons liable to pay toll, being citizens of Ashe or Wilkes counties. The above recited act to be in force for ten years after said road is completed and no longer; any law to the contrary notwithstanding.

#### CHAPTER CXVIII.

An ACT relative to the hands called to work on the State road leading from the old fort, in Burke county, to Ashville, in Buncombe county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the two mile hands now required by law, to work on the State road, from the old fort, in Burke county, to Ashville in Buncombe county, shall be, and the same are hereby exempted from working on all other roads; any law, usage or custom to the contrary notwithstanding.

#### CHAPTER CXIX.

An ACT concerning the appointment of Commissioners of a public road 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 passage of this act, the first section of an act passed in the year one thousand eight hundred and thirty-three, entitled an act appointing commissioners in the county of Haywood to superintend the road from the Buncombe line to the Macon line in said county, be so amended, as to authorize the justices holding Haywood county court, to appoint such commissioners to superintend said road, and to supply such vacancies as may happen in the board from time to time, as they or a majority of them may deem proper.

#### CHAPTER CXX.

An ACT to authorize Thomas H. Blount of Beaufort county, to make a road on his own land in Hyde county, from Rose Bay Turnpike to the present settlement on Swan Quarter, and to receive toll for passing 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 for Thomas H. Blount, his heirs and assigns, to make a road from the Rose Bay Turnpike to the present settlement of Swan Quarter in Hyde county on his own land; and when the same shall be passable, to erect a turnpike gate across the same, and to ask, demand and receive, from all persons travelling on said road, the following toll, to wit: for each foot passenger, five cents; for each horse, mule, ox or other horned cattle, ten cents; for man and horse fifteen cents; for a chair or cart with one horse, mule or ox, twenty five cents; and ten cents for each additional wheel or draft beast.

II. *And be it further enacted by authority aforesaid*; That the said Thomas A. Blount, his heirs and assigns be allowed five years to complete the same.

## CHAPTER CXXI.

An ACT to amend an act entitled act to authorize 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 said Tennessee River Turnpike Road shall commence at or near the mouth of the Tuckesejah river, and terminate at the Shallow ford on the Tennessee river.

II. *Be it further enacted,* That so soon as the said road shall be completed at the gravitation of one foot perpendicular, in every eight feet horizontal, that it shall be the duty of the commissioner or commissioners appointed under the before recited act to receive the same.

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

## CHAPTER CXXII.

An ACT to amend an act, entitled an act to establish and regulate a turnpike road in the county of Haywood, to be called the Tennessee River Turnpike Road, passed 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 Henry Addington and Nimrod S. Jarrett be, and they are hereby appointed commissioners of the Tennessee River Turnpike Road; and as such it shall be their duty to receive the road, provided the same shall be constructed in the manner specified and required by the before recited act.

II. *Be it further enacted,* That if either or both of the commissioners aforesaid die, resign, or refuse to act, that then in that case the county court of Macon, seven magistrates being present, shall have full power and authority to supply such vacancy.

III. *Be it further enacted,* That if said court shall or may think that one commissioner sufficient to perform all the duties required to be performed, that they will make such appointment accordingly.

IV. *Be it further enacted,* That the twenty years allowed by the said act to the Tennessee River Turnpike Company, for the reception of tolls, shall commence at, and be computed from and after the passage of this act.

## CHAPTER CXXIII.

An ACT to amend the charter of the Halifax and Weldon Rail Road Company.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the time prescribed in the original charter of said company, for beginning the work therein contemplated, shall be, and the same is hereby extended to three years from and after the period at which the said original act went into effect; and the time allowed for the completion of said work, shall be, and the same is hereby extended to four years from and after the same period.

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

## CHAPTER CXXIV.

An ACT appointing commissioners to lay off a road from Morganton in Burke county, by Burnsville and Barnett's Station, to the Tennessee line.

Whereas there has been no provision made by law for laying off a road from the county seat of Yancy county to that of Burke, and there being no direct passage for members of the bar and others, whose duty it may be to attend there:

*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 Col. William Dixon, Alfred Perkins, William Murphey, jr., of Burke county, and John G. Phillips, Backus S. Smith, and Col. David D. Baker, of Yancy county, be, and they are

hereby appointed commissioners, whose duty it shall be to survey and lay off a public road from Morganton in Burke county, the nearest and best route to Burnsville in the county of Yancy, and from thence to Barnett's Station in Buncombe county, or such other point in the road leading from Ashville to Newport as may be best calculated to open a channel of communication between Burnsville and Tennessee.

II. *Be it further enacted*, That such commissioners shall have power to pass through the land or lands of any of the inhabitants of said counties, in discharging of their duty as commissioners, and not be liable to any action of damages, unless actual damage may have accrued to the owner or possessor of said land or lands in consequence of unnecessary waste by said commissioners.

III. *Be it further enacted*, That if in the opinion of said commissioners it may be necessary that the aforesaid road should pass through the tenanted or improved lands of any of the inhabitants of said counties, or of any other county, in consequence of which the owner or owners of the same may claim damages, it shall be lawful for the county court in which said land is situated, to direct the sheriff of the county to summons twelve disinterested freeholders, who shall under oath in presence of the sheriff, view the road or roads thus laid off, and assess such damage as may to them appear actually to have been sustained by the party complaining; and such damage and none other the party aggrieved may be entitled to receive from the county treasurer of the county in which such land may be situated.

IV. *Be it further enacted*, That the county courts in the aforesaid counties, are hereby empowered to make such order for opening the aforesaid road, when thus laid off, as may to them appear best calculated to effect the object of this act; and to appoint such overseers, and to them assign a sufficiency of hands to keep the same in good repair, as required by law in other cases.

IV. *Be it further enacted*, That the commissioners appointed under the first section of this act, shall upon certificate under oath, witnessed by some justice of the peace in their own county, be entitled to receive from the county treasurer of the county so appointing them, two dollars for each and every day actually employed in laying off such road: *Provided*, in the opinion of the court, they may not consume an unnecessary length of time in so doing; in which case, they shall only be allowed for such time, as the court may think reasonably employed in said service: *Provided further*, that the commissioners on the part of Burke county, are only required to survey said road as far as Burnsville, and to be allowed accordingly, unless in the opinion of the county court of Burke county her interest may warrant their further services; in which case, they shall be allowed as heretofore.

#### CHAPTER CXXV.

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 Daniel Byson, William Thomas, Joseph Keener, John Weatherow, William Catby, Jonathan Coward, and Benjamin Allison, be, and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of two 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 or near the mouth of Calawhee creek in Haywood county, running up the waters of Tuckaseigia river the nearest and best way to the South Carolina line, so as to connect with the most convenient routes to Anderson and Pickens court houses in South Carolina; and it shall be the duty of 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 two 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 in Waynesville, and such other 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 stockholders; and the president and directors when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "the Tuckaseigia Turnpike Company;" 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 power and right incident to corporate companies, 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 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 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 offices 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 portion 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 demand toll, the road shall be received 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 sulkey thirty seven and a half cents; and on every six horse wagon seventy-five cents; on every five horse wagon, sixty two and a half cents; on every four horse wagon fifty cents; on every two horse wagon, thirty seven and a half cents; on every one horse wagon 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 horse back, six and a fourth cents.

X. Be it further enacted, That so soon as said road shall be completed, and approved as afore-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 tolls imposed by this act, and higher or other tolls shall not 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 from toll, until the road shall be put in good repair.

XII. 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 CXXVI.

An ACT to repair, alter and amend the road leading from the ford of the river Yadkin, where Cass formerly lived, to the Ashe county line on the Blue Ridge.

*Be 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 Clvert, John McNeill, Thorington Kelby, James Vannoy, and Samuel Kilberry, be, and they are hereby appointed commissioners to view, lay off, and amend any part of the road leading from the ford of the river Yadkin, where Cass lived, to the Ashe county line, on the Blue Ridge, and said commissioners shall lay off, and make such alterations as they, or a majority of them, may think proper and right, and distinctly mark the same, and describe how and what manner said road shall be worked out.

II. Be it further enacted, That when said road is laid out, and particularly described by said commissioners, they then shall advertise at least twenty days, at three public places, and let out the working and repairing the road aforesaid to him, who will take it for the shortest term of time for performing said labor, shall be considered the undertaker of the same.

III. Be it further enacted, That the commissioners aforesaid, shall determine where a toll gate shall be fixed, and when the undertaker shall finish said road, in the way contracted for, by said commissioners, he is hereby to ask, demand, and receive not exceeding the following rates: for every wagon and four horse team fifty cents; and for other wagon and team, under four horses, thirty seven and a half cents; for every two wheeled cart or other vehicle, eighteen and three quarter cents; for every man and horse, twelve and a half cents; for every loose horse, six and a quarter cents, for all cattle hogs and sheep two cents per head, for every four wheeled carriage of pleasure sixty two and a half cents; for every gig or sulkey, thirty cents.

Be it further enacted, That if any person or persons shall seek an evasion of the payment of said tolls, by going around said toll gate, the keeper of said gate is hereby authorized and empowered to take a warrant and pursue such person, and bring him before any competent authority, and recover double the amount of such toll and costs for such evasion.

V. Be it further enacted, That any one of the within named commissioners, shall view the condition of said road, and report the same to the county court of Wilkes county, every three months.

VI. Be it further enacted, That all contracts and agreements entered into by the commissioners aforesaid, and the keeper of said toll-gates, shall be binding on the undertaker or keeper of said toll-gates, to do and perform all his contracts under such penalties as may be agreed upon; and to be recoverable in any court of record; any thing to the contrary notwithstanding: *Provided*, nothing in this act contained, shall be so construed as to make any person or persons liable to pay toll, being citizens of Ashe or Wilkes counties.

VII. Be it further enacted, That the above recited act, shall be, and continue to be, in force for ten years after the said road is completed, and no longer; any thing to the contrary notwithstanding.

#### CHAPTER CXXVII.

An ACT supplemental to an Act passed at the last session, entitled "An Act to improve the State road from the bank of the Tuckasega river, by the way of Franklin, to the Georgia line.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of the before recited act, as requires the said company to commence said road at the bank of the Tuckasega river, and so much as requires the declivities of the road, shall not exceed one foot perpendicular, to eight feet horizontal; and so much as requires the two miles hands on the east side of the Cower-mountain, to work six days in the year, under the control of the company, be, and the same is hereby repealed.

II. Be it further enacted, That it shall be lawful for the company aforesaid, to commence said Turnpike road at the fork of the Savannah creek immediately above the Rev. Charles Stiles', and continue it as provided in the before recited act.

III. Be it further enacted, That it shall be the duty of the commissioners to receive the said road from the company, when it shall be completed, according to the provisions of the before recited act, to which this is supplemental, with this exception—that, the declivities of the road shall not exceed one foot perpendicular, for every seven feet horizontal; any law to the contrary notwithstanding.

#### CHAPTER CXXVIII.

An ACT to authorise the forming a Fire Engine 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 the free white males of the town of Fayetteville, are hereby authorized to form and enroll themselves into a fire engine company, to be styled the "Fire Engine Company, number two, of the town of Fayetteville": *Provided*, that the number of members shall not exceed forty.

II. And be it further enacted, by the authority of the same, That the persons who are now, and those who shall hereafter be enrolled as members of the fire engine company, number two, of the town of Fayetteville, shall serve for the term of eight years, from the time of their being enrolled, and shall be exempt from military duty, during the said term: except in cases of invasion or insurrection.

III. And be it further enacted, by the authority aforesaid, That it shall be the duty of the captain of said company, to cause to be taken care of, and preserved in the house prepared for that purpose, the engine and appurtenances thereunto belonging; and when any repairs thereof, be deemed necessary by a majority of the officers of said company, the captain shall cause the same to be done; the expenses for which repairs, shall be paid by the town treasurer, or for want thereof, by the commissioners of said town, on the drafts of the captain of said company, which drafts when paid, shall be considered a good and sufficient voucher, in the settlement of the town taxes.



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

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

VI. And be it further enacted, by the authority aforesaid, That the members of the said fire company, while they continue to act as fire-men, shall be exempted from the performance of military duty.

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

VIII. And be it further enacted, by the authority of the same, That all laws and clauses of laws, coming within the meaning and purview of this act, he, and the same are hereby repealed, and that this act shall be in force from and after the ratification thereof.

#### CHAPTER CXXIX.

An ACT to amend an act passed in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act concerning Market fees, in the town of Fayetteville."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Fayetteville, shall not exact, demand, receive, or impose by any ordinance, any fee, toll, or tax, on any hog, beef, mutton, venison, or any other article of provision, which shall hereafter be brought to the market of said town unless the vender of the same shall use the blocks, scales, or clevers, furnished by said commissioners, for the use of the market house in said town.

II. Be it further enacted, That all persons bringing any of the above named articles to the said market, shall not dispose of the same at any place other than the market-square, before the hour of seven o'clock, A. M., from the first day of April, to the first day of October, nor before the hour of eight o'clock, A. M. from the first day of October to the first day of April, in each and every year.

III. Be it further enacted, That the clerk of the market in said town, the town constable, or any other person, shall exact, demand, or receive from any person or persons, any fee, toll, or tax, on any hog, beef, mutton, venison, or any other article of provision, brought to the said town, for sale, unless the vender of the same shall use the blocks, scales or clevers, belonging to said market house, he shall pay a penalty of one hundred dollars; recoverable by warrant, before any justice of the peace, for said county, to the use of any person warranting for the same; and shall be further liable to indictment in the county or superior courts.

and upon conviction, to be fined or imprisoned, or both, at the discretion of the court.

IV And be it further enacted, That all ordinances of the commissioners of said town, imposing a penalty on persons residing without the limits of said town, for selling any article or articles, at any place other than the market house, or market-square, before certain hours, and that all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed; and this act shall take effect from and after the passage thereof.

#### CHAPTER CXXX.

An ACT to appoint Commissioners for the town of Clinton, and for other purposes.

*Be enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That William McKay, John Robeson, Salmon Strong, Isaac N. Roberts and Richard C. Holmes, be, and they are hereby appointed commissioners of the town of Clinton in Sampson county, and they are hereby incorporated a body corporate and politic by the name of the commissioners of the town of Clinton; who shall have power, on the death, resignation or removal of any one of the said commissioners, a majority being present, to elect others to supply vacancies.

II. Be it further enacted, That the said commissioners or their successors in office, be, and they are hereby vested with full power and authority to pass bye laws; and make all such orders, rules and regulations, not inconsistent with the constitution of this State, or of the United States, as may be by them or a majority of them, deemed necessary and proper for the police and better government of said town.

III. Be it further enacted, That said corporation at the expense of said commissioners or a majority of them, when they deem it expedient, may cause a survey to be made of the limits of the said town, and to extend the limits thereof, as to them may seem proper; so as not to extend beyond one fourth of a mile from the court house situate in said town, and file a copy of said survey, in the office of the clerk of the county court.

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

#### CHAPTER CXXXI.

An ACT concerning a part of Drysboro.

Whereas Edward J. Pasteur, lately laid out into lots and streets, a certain parcel of land adjoining the town of Newbern, called Drysboro, the lots whereof were purchased under the assurance of the proprietor, that so much of said land as was laid out into streets, would forever be, and remain appropriated to the use of the people of this State, as road ways and streets, and the said Edward J. Pasteur, has consented that the assurance held out to the present owners of said lots, be now finally carried into effect, and confirmed and ratified by the Legislature.

*Be 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 parcel of land aforesaid, called Drysboro, as is laid out into streets, be, and shall forever hereafter be, and remain absolutely and exclusively appropriated to the sole use and benefit of the people of this State, as public roads or streets now are: Provided nevertheless, that the said Edward J. Pasteur, either by himself or his attorney, shall or may, within nine months after the rise of the present General Assembly, file the plan of that portion of Drysboro, under which the said lots were sold; or a true copy thereof, together with his acknowledgment of assent to this act, and to the appropriation therein contained, into the clerk's office of Craven county court; which acknowledgment shall be proved and registered as deeds for land now are, or shall hereafter be required to be: Provided also, that no person shall be compelled to work on said streets, unless he be an inhabitant of Drysboro.

## CHAPTER CXXXII.

An ACT to amend an act, passed in the year eighteen hundred and thirty one, for the better regulation of the town of Waynesboro.

*Be 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 one of the commissioners mentioned in the before recited act, at any time in the absence of the meeting of said commissioners, to enter his resignation in the presence of the clerk in the town of book.

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

## CHAPTER CXXXIII.

An ACT for the better government of the town of Lawrenceville 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 the government of the town of Lawrenceville, shall be vested in a magistrate of police and five commissioners, who shall be annually chosen on the last Saturday in January, at the court house in Lawrenceville.

II. And be it further enacted, That no person shall be deemed qualified to act as magistrate of police, except a justice of the peace resident in said town, nor as commissioner who has not been a citizen of said town six months previous to the election; and that no person shall be deemed qualified to vote for a magistrate of police or commissioner, except free white men who are twenty one years of age, and have resided in said town six months, immediately previous to the election.

III. And be it further enacted, That the magistrate of police and commissioners appointed according to the provisions of this act, shall be, and they are hereby incorporated into a body corporate, to be known by the name of the town Council of Lawrenceville; and shall have succession in office and a common seal; and have power from time to time, and at all times hereafter, to make such rules, bye-laws, regulations and ordinances, as to them shall seem necessary for the government of said town; for laying out, extending, narrowing or widening, and keeping in good repair the streets and roads in the bounds of said town; to provide for the strict observance of the Sabbath, for the appointment of overseers of the streets and roads, the designation and direction of the hands to work thereon, and to make such rules and ordinances not inconsistent with the laws of the State, which they or a majority of them, shall deem necessary; and shall have power to enforce said laws, rules and ordinances, and impose fines and penalties for infractions of the same; which, when collected, shall go to the use of said corporation.

IV. And be it further enacted, That if either of the persons elected as magistrate of police or commissioners, shall neglect or refuse to act, or shall die, remove, or be otherwise incapable of serving, the vacancy shall be filled by the remaining members of the said town council; and the person so chosen, shall be subject to the same rules, and invested with the same power as those who were originally elected.

V. And be it further enacted, That the said town council shall fix stated meetings, at least once in each and every two months, and if the said magistrate of police shall fail to attend said meetings, he shall pay for each and every failure the sum of two dollars, and each and every commissioner in like manner failing, shall pay for each and every failure as aforesaid, the sum of one dollar; which fine will be for the use of the said corporation: Provided always, that nothing shall be construed so as to fine either the magistrate of police or the commissioners, who send in a reasonable excuse to be adjudged by the town council.

VI. And be it further enacted, That the said council, shall within six months



after their organization, cause a survey to be made of the town: two plats of which shall be certified by the surveyor and magistrate of police, one of them shall be registered in the register's office of Montgomery county, and the other filed in the clerk's office of said county; which plats or a registered copy thereof, shall be evidence of the boundaries of said corporation.

VII. And be it further enacted, That the said town council be, and they are hereby authorised and empowered to lay and collect such taxes on town property, not exceeding twenty five cents on each hundred dollars valuation, and fifty cents on every poll in said town, as they shall deem necessary for the repair of streets and roads, and the good of the corporation.

VIII. And be it further enacted, That the free white men of said town, shall not be required or compelled to work on any other public roads in said county, than the streets in said town.

IX. And be it further enacted, That any two freeholders residents of said town, shall be, and they are hereby authorised to hold the first annual election by this act established, and that it shall be the duty of the said town council annually thereafter, to appoint two of their body to hold the election, whose duty it shall be to advertise the same at the court house in Lawrenceville ten days immediately preceding the day of election; and that the persons having a plurality of votes, shall in all cases be declared duly elected, and in case the commissioners appointed shall fail to hold the said election, they shall forfeit and pay the sum of four dollars each to the use of the corporation; and any two freeholders are hereby authorised to hold said election upon the neglect aforesaid.

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

#### CHAPTER CXXXIV.

An ACT for the preservation of the public buildings in the county of Buncombe, and for the improvement of the town of 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 it shall be the duty of the county court of Buncombe county, at the session which shall be held first after the month of January next, to appoint an individual with such compensation out of the county treasury, as may be deemed reasonable, whose duty it shall be to keep the keys of the court-house, during the period that the courts are not in session, and superintend and contract for, under the direction of said court, all such repairs of the public buildings, as may be necessary.

And whereas, the main street in Ashville, is too narrow, and the laying out of one or more cross streets, and the ascertaining the extent of the public square and the boundaries of the village, and preventing all encroachments upon the same, are demanded by the public convenience.

II. Be it therefore enacted, That Phillip Brittain, Thomas Forster, and Jas. Gudger, be, and the same are hereby appointed commissioners, with authority, if it shall be found practicable, to contract with the owners of lots on the main street, for widening the same; to obtain by gift or purchase, such spaces as may be proper for cross streets; to sell in such instances as may be proper to do so, to those who have encroached thereon, such portions as they may respectively occupy of the public square, or any of the streets, or public lots, and to establish permanent monuments to designate in future the boundaries of the public square, the streets or any public lots in the said village.

III. Be it further enacted; that the said commissioners before entering on the duties of this act, shall take an oath before some justice of the peace, faithfully to execute the duties required by this act, and that the acts of any two of the commissioners shall be as valid, as if all three were present and concurring.

IV. Be it further enacted, That all expenses incurred, in accomplishing the purposes contemplated by this act, so far as the same relate to the improvement

of the village, shall be defrayed out of such property and poll tax as may be deemed necessary by the county court to be imposed upon persons and property within the incorporated limits of the town.

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

#### CHAPTER CXXXV.

An ACT to amend the several acts now in force, incorporating the town of Charlotte 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 it shall be the duty of the commissioners of said town, to assess the taxes, which are to be collected in any one year, on or before the first day of May in such year, to make out and deliver to the clerk of the county court of Mecklenburg, a correct copy of such assessment, specifying the different items of taxation, and the amount of each, and the clerk of said court is hereby required to file said copy in his office for public inspection.

II. Be it further enacted, That such taxes shall be due and payable on the first day of June next following such assessment, and on failure of any one liable to pay said tax, it shall and may be lawful for the commissioners of said town, to cause to be issued a warrant against such delinquent, in the name of the commissioners of the town of Charlotte for the recovery of any amount so due, which said warrant shall be issued by any justice of the peace of said county, and shall be executed and tried in like manner, and subject to the same rules, regulations and proceedings as are on warrants now issued for debt.

II. Be it further enacted, That in case of failure on the part of the citizens of said town to elect commissioners of the town, at the annual periods heretofore enacted for that purpose, it shall then be the duty of the commissioners of the preceding year to act as the commissioners, until the succeeding annual election, and until others are duly elected.

#### CHAPTER CXXXVI.

An ACT to authorize the commissioners of the town of Wentworth to perfect titles to lots in said town, and to appoint commissioners for the town of Madison.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Anderson B. Holderby, John W. Ellington, John L. Lesceur and Robert Martin, commissioners appointed by the county court of Rockingham, to sell an additional number of lots in the town of Wentworth or any three of them, are hereby authorised to make and execute deeds of conveyance to all such persons as may have heretofore purchased lots from the said commissioners, acting in pursuance of the order of said court, and also to such persons as may hereafter purchase lots from the aforesaid commissioners, under the special commission from the county court of Rockingham aforesaid; and all such deeds of conveyance shall be as valid and binding on the commissioners, as if the authority to execute the same, had been delegated to the said commissioners by the Legislature, when they were appointed commissioners to sell additional lots in the said town of Wentworth.

II. Be it further enacted, That Pleasant Black, Robert H. Dalton, A. W. Scales, John Ayres and Abner Webster, be, and they are hereby appointed commissioners of the town of Madison in the county of Rockingham; and shall so continue until the first Monday in February, one thousand eight hundred and thirty six, on which day, and on the same day in each and every year thereafter, an election shall be held in said town, under the direction of three suitable persons to be appointed by the Intendant of Police; under the same rules, regulations and restrictions, as are prescribed in the act of incorporation of said town.

## CHAPTER CXXXVII.

An ACT to repeal an act, entitled an act to alter the name of Kinston in Lenoir county, passed 1833.

*Be 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 CXXXVIII.

An ACT to establish the town of Leechville in Beaufort county, and to appoint Commissioners thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the ratification of this act, the town heretofore laid out at the log house landing in Beaufort county on the west shore of Pungo river, and known by the name of Lumberton, shall hereafter be called and known by the name of Leechville.*

II. Be it further enacted, That Samuel Clark, Major John Clark, and Fenner B. Satterthwaite, be appointed commissioners of said town, whose duty it shall be, as soon after the passage of this act as possible, to run out and make an accurate survey of all the lots in the said town, and make a plat or plats of the same; which plat shall be returned by them to the court of Pleas and Quarter Sessions for Beaufort, and if approved by said court to have the same registered, and afterwards filed among the records of said court; subject at all times to the inspection of all persons interested.

III. Be it further enacted, That said commissioners and their successors, before taking upon themselves the discharge of their duty, shall take the following oath, before some justice of the peace, for the county of Beaufort.—“I, A. B. do solemnly swear, that I will faithfully perform the duties of a commissioner of the town of Leechville”; which commissioners when thus qualified, shall be created a body politic and corporate, to be known by the name of “the commissioners of the town of Leechville”; and by that name shall have perpetual succession, and sue, and be sued, answer, and be answered, in any judicial tribunal in the State; and shall have authority to make all such bye-laws, regulations, and ordinances, not inconsistent with the laws and constitution of the State or of the United States, as they may deem proper and necessary, to promote the health, good order and peace, of said town.

III. Be it further enacted, That whenever a vacancy or vacancies may occur, in the office of commissioner of said town, it shall be competent for the residue of said commissioners to choose some fit and suitable person or persons, to supply such vacancy or vacancies.

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

## CHAPTER CXXXIX.

An ACT to establish and incorporate a Town at Trent Bridge, in the county of Jones, by the name of “Pollocksville.”

*Be 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 Town is hereby established at Trent bridge, in the county of Jones, by the name of Pollockville.*

II. Be it further enacted, That the government of said town shall be vested in the following persons, as commissioners, viz: Jonathan Wood, George P. Kinney, Roscoe Barrus, Enock Foy, Edmund Hatch, and Hardy O. Newton; and said commissioners and their successors in office, appointed agreeably to the directions of this act, shall be, and they are hereby incorporated into a body politic, by the name of the commissioners of the town of Pollockville; and by such name, shall have succession and a common seal, sue, and be sued; and by such name shall have power from time to time, and at all times hereafter, to



adopt such rules and regulations, and pass such bye-laws and ordinances, as to them, or a majority of them, may seem necessary or expedient, for the good government of said town.

III. Be it further enacted, That if at any time hereafter, any of the persons appointed, commissioners by this act, shall refuse to act, or shall die, or remove themselves away, or should be otherwise incapable of acting, the remaining commissioners being duly qualified, shall fill up such vacancy, by electing or appointing some other fit person, which commissioner, so elected, or appointed, shall have and possess the same power, and be under the like restrictions, with those in whose stead they were appointed.

IV. Be it further enacted, That the jurisdiction and authority of said commissioners, shall extend over all the lots, or parcels of land, sold by George Pollock, lying at or near the bridge aforesaid, and also to all such parcels and lots of land adjoining, which may hereafter be acquired from the proprietors of the lands, and annexed to said town.

#### CHAPTER CXL.

An ACT for the better regulation of the town of Bath in Beaufort county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the government of the town of Bath, it shall be the duty of some one of the justices of the peace residing in said town annually, on the first Wednesday in February, in each and every year, to hold an election at the usual place for holding elections for members of the General Assembly in said town, for the purpose of choosing three persons, who shall act as commissioners for the town of Bath; of which election, it shall be the duty of some one of the justices of the peace residing within the limits of Bath, to give ten days notice previous to the day of election; and the same justice who may have given public notice of the election, or some other one of the justices in town, shall nominate three freemen in said town, whose duty it shall be (having been first duly sworn,) to assist said justice to hold said election. The polls shall be kept open from eleven in the morning until one o'clock in the afternoon of the appointed day, and every free white male residing in said town, and who shall have resided therein three months previous to the day of election, shall be entitled to vote for said commissioners; and the justice of the peace superintending said election, shall declare those persons elected, who shall receive the highest number of votes, and shall immediately notify said persons of their election, who shall within ten days after their notification, qualify and enter upon the discharge of their duties, or forfeit the sum of ten dollars to be for the use of the town; recoverable before any justice of the peace of the county, at the suit of one or more of such of the commissioners as do qualify; and in the event of a refusal to qualify on the part of all who may be elected with an understanding or conspiracy among them to defeat the objects of the election, they shall be guilty of an indictable offence, cognizable before the superior court of Beaufort county; and if any commissioner so appointed, shall die, remove away, or refuse to act, it shall be the duty of the residue of said commissioners for the time being, to fill such vacancy or vacancies, by selecting some suitable person or persons to act as commissioner or commissioners until the next annual election; and the person or persons so chosen to fill such vacancy or vacancies, shall have all the powers, and be subject to the same rules, regulations and penalties, that the commissioners otherwise elected are.

II. *Be it further enacted,* That no person shall be eligible as commissioner of said town, who does not reside within its corporate limits, and possess therein one town lot; nor shall any person be compelled to serve more than one year in succession.

III. *Be it further enacted,* That the commissioners before they take on their

selves the discharge of their duties, shall qualify and take the following oath before some acting justice of the peace for said county of Beaufort: "I, A. B., do solemnly swear that I will faithfully perform the duties of a commissioner of the town of Bath, so help me God." And when thus qualified, they shall be and are hereby created a body corporate and politic, to be known by the name of the "Commissioners of the town of Bath;" and by that name shall have succession by election as prescribed in this act, and have power to sue and be sued, plead and be impleaded, answer and be answered in any court of record or other judicial tribunal whatsoever, for the proper regulation, protection, improvement and government of the town; shall have full power and authority to make and enforce all laws, rules and ordinances which they consider right and necessary: *Provided* they are not inconsistent with the laws or constitution of this State, or of the United States; they shall keep a record of their proceedings, and may appoint a Treasurer, Overseer of the street, and any inferior officers, that their situation or convenience may require; assign and point out their duties, and fix their compensation; and for the purpose of enforcing their laws and ordinances, the commissioners of said town shall not for any one breach of the same, have power to levy a greater penalty than five dollars; and the penalties in this act mentioned, as well as all those under the laws and ordinances of said town, shall be for the use of the town, and each and every such penalty may be recovered by warrant in the name of the commissioners of the town of Bath, by any person warranting for the same before any justice of the peace for the county of Beaufort.

IV. Be it further enacted, That for the improvement and support of the town and for the payment of the contingent expenses thereof, the commissioners may annually before the first day of June, levy a tax on the real estate with the improvements in said town, not exceeding the rates of fifty cents for every hundred dollars worth of the same, and also a poll tax on the white male residents of the town, between the ages of twenty-one and fifty-five, not exceeding seventy-five cents per head; and to collect these taxes, the commissioners may depute some person properly qualified, allowing him sufficient compensation for the same, who shall collect and account for the taxes by the first of September succeeding; and the person or persons thus deputed shall enter into bond with security, payable to the commissioners for the faithful performance of his duty, and shall have all the powers and authorities to collect said taxes that any other collector of the public taxes of the State or county have.

V. Be it further enacted, That it shall be the duty of the commissioners of the town, to keep the streets in good order and repair, and for this purpose, they shall have full power and authority to call out every male resident of the town, between the ages of eighteen and forty-five; and if any person thus called out, shall fail to appear by himself, or such substitute as may be accepted by the overseers, and work on the street as he may be required, he shall forfeit and pay for every such failure, sixty cents, to be collected by warrant before any justice of the county, at the suit of the commissioners, the evidence of the overseer being sufficient to convict any delinquent: *Provided, nevertheless*, that it shall be lawful for the commissioners to exempt any person liable to work on said streets, for the term of one year, who shall pay for the use of the town, the sum of three dollars: *and provided, moreover*, the overseer appointed for the purpose, shall give at least three days notice to every person whose duty it may be to work on the streets; and that only such persons of the above description (including free negroes) as have been residents of the town for twenty days previous to any working day, shall be liable to be called out to work on the streets. The owner or employer of slaves shall be liable for his or their compliance with the requisitions of this act in the same manner as they themselves are liable.

VI. Be it further enacted, That the commissioners shall make such regulations



and ordinances as will promote the health of the town, and no person shall be allowed to create or occasion any nuisance to the annoyance of the health, good order, or peace, of said town, under such penalties as the commissioners may think proper to prescribe: Provided, that in all cases of warrant, before any magistrate that may arise under this act, either party may appeal to the county court, upon giving good security; which security, shall be liable as other securities are, in common cases of appeal, and no further.

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

#### CHAPTER CXLI.

An ACT to authorize the Commissioners of Wilmington to assess and cause to be collected, a tax on all slaves whose owners reside out of town; but permit the slaves to work in town.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Wilmington be, and they are hereby authorized and empowered to assess and cause to be levied and collected, a tax on all slaves, not exceeding four dollars each per annum, whenever the owners reside beyond the limits of said town, and permit their slaves to hire their own time, or work out in said town; under such rules, regulations and penalties, as the said commissioners may deem proper and necessary to adopt; due regard being had to the work, occupation, usefulness and character of said slaves: *Provided,* that said tax shall not be assessed on the slaves of persons residing in the county of New Hanover, to a greater amount than are now paid by persons on the same species of property who live in town.

#### CHAPTER CXLII.

An ACT requiring the Sheriff of New-Hanover to give bonds of increased amount, for the collection of the tax levied for the use of the town of Wilmington, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Sheriff of the county of New Hanover, shall hereafter be required to give bonds for the collection of the tax assessed and levied for the use of the town of Wilmington, in the sum of five thousand dollars, in manner and form as heretofore prescribed by law.

II. Be it further enacted, That the sheriff of the county of New Hanover shall hereafter collect and pay over the tax levied for the use of the town of Wilmington, on or before the first day of October in each and every year to the town Treasurer, and on failing to do so, shall be subject to the penalty of five hundred dollars, recoverable before any jurisdiction having cognizance of the same, at the suit of the Magistrate of the Police of said town, and for the use of the said town.

III. Be it further enacted, That the fines and fees arising from or growing out of a breach of the ordinances of the commissioners of the town of Wilmington, and the act of their incorporation shall be recoverable by warrant or otherwise, as claims and debts of like amount are recoverable by law.

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

#### CHAPTER CXLIH.

An ACT to authorize the Commissioners of Kenansville in Duplin county to sell part of 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



town of Kenansville in the county of Duplin, be, and they are hereby authorized and empowered to sell such part of the commons of said town as they or a majority of them may think proper, and convey the same to the purchaser or purchasers by good and sufficient title in fee simple; and to apply the proceeds thereof, as the justices of said county or a majority of them may direct.

#### CHAPTER CXLIV.

An ACT concerning the corporation of the town of Washington in Beaufort county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all of that portion of ground contained within the corporate limits of the town of Washington, and lying to and about the foot of what is usually known in the plot of said town as Second and Selby's street, which has recently been enclosed by Abner P. Neale, he, and the same is hereby declared to be without the corporation as fully and as entirely, as if it had never been included in the said corporation; any law or usage to the contrary notwithstanding.

#### CHAPTER CXLV.

An ACT amendatory of an act, authorizing the citizens of the town of Haywood to appoint 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 no person shall hereafter be considered a citizen of the town of Haywood, except such persons as may reside within the corporate limits heretofore prescribed, or which may be hereafter set apart for the town, by the commissioners and magistrate of police of the same; and that no person whatever, shall be eligible to vote for commissioners or magistrate of police of the town of Haywood, or for any other officer who may be appointed for the administration of the police of the said town, or be eligible to serve in any office instituted for the government of the town, except such person as may reside within the corporate limits of the same.

II. Be it further enacted, That so much an act passed in the year one thousand eight hundred and thirty two, as allowed persons living within two miles of the town of Haywood, to vote for commissioners of the said town and for other officers of the same, is, and the same is hereby repealed.

#### CHAPTER CXLVI.

An ACT to regulate the levying and collection of town taxes, in and for the town of Plymouth.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, the court of pleas and Quarter Sessions, of Washington county, shall annually, at the same court of levying other county taxes, levy the taxes on real estate and poll taxables, in the town of Plymouth, that may be necessary to defray the annual expenses of said town; the commissioners of said town first giving a certificate of the amount that may be necessary to defray said expenses; and the said court shall cause the clerk of said court to issue the lists, together with other tax-lists, to the sheriff of said county, and the said sheriff shall annually collect said taxes under the same rules and regulations that are now or may hereafter be established by law, for the collection of other taxes, and annually pay over the same, to the commissioners of said town.

II. And be it further enacted, That the same value shall be assessed on the real estate and poll taxables, in said town, as is now or may hereafter be assessed on said town, for county and State purposes.

III. Be it further enacted, That the sheriff of the county aforesaid, at the time prescribed by law, for giving his official bonds, shall give bond with ample security, payable to the State of North Carolina, conditioned for the faithful collec-

tion of, and payment over, of the taxes collected under the provisions of this act; to the Commissioners of said town; and all laws, and clauses of laws, coming within the meaning and purview of this act, are hereby repealed.

#### CHAPTER CXLVII.

An ACT to authorize the Commissioners of the town of Louisburg, in Franklin county, to sell a part of 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 town of Louisburg, in Franklin county, are hereby authorized and empowered to sell such part of the town commons, not exceeding an acre of land, as they or a majority of them may think proper: *Provided*, that the purchaser or purchasers, appropriate the same to the erection of a church thereon, and to no other use: *Provided, also*, that said lot of land shall revert to the town, when it shall cease to be used for the purpose aforesaid.

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

#### CHAPTER CXLVIII.

An ACT granting to persons therein named certain lands for the use of the Methodist Episcopal Church at Franklin in Macon county.

Whereas the burying ground attached to the Methodist meeting house at the town of Franklin is on the public lands belonging to the State.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Governor of the State is hereby authorized and directed to cause to issue a grant to Jesse R. Siler, Thomas J. Roan and James K. Gray, in trust for a place of public worship and burying ground, for the Methodist Episcopal Church at the town of Franklin, Macon county, on their payment to the Public Treasurer one dollar per acre and obtaining a receipt therefor beginning at a Spanish oak at the south corner of the lands conveyed by the State for the purpose of a seminary of learning, and standing on J. R. Siler's line and running south thirty poles with said Silers line, to the main leading road from Franklin to Georgia, thence north east fifteen poles with said road to a stake; thence thirty poles a direct line to a stake on the west line of the seminary lands aforesaid; thence fifteen poles to the beginning, containing three acres; which land so granted shall enure to the said Jesse R. Siler, Thomas J. Roan and James K. Gray, and their successors forever for a place of worship of Almighty God and burying ground for the Methodist Episcopal Church.

#### CHAPTER CXLIX.

An ACT authorizing A. R. T. Hunter of Macon county to erect a bridge across the Highwassee river near the mouth of Valley 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 A. R. T. Hunter of the county of Macon, shall be, and he is hereby authorized to erect a bridge across the Highwassee river, near the mouth of Valley river; that as soon as the said bridge shall be completed, by the said Hunter, his heirs or assigns, he shall be authorised to ask, demand, and receive the following tolls for crossing said bridge, to wit: for every four wheel carriage of pleasure, fifty cents; for every six horse wagon, seventy five cents; for every five horse wagon, sixty two and a half cents; for every four horse wagon fifty cents; for every wagon drawn by one or two horses, mules or oxen, or two wheel carriage of pleasure, twenty-five cents; for every cart, twenty five cents; for every man and horse, ten cents; for every footman five cents; for every loose horse or mule, three cents; for every head of neat cattle, two cents; for every head of hogs or sheep, one cent.

*It. Be it further enacted*, That the said Hunter shall be authorised to keep a gate on said bridge, and if any person or persons shall break through said gate,

and refuse to pay toll as above prescribed, they shall forfeit and pay the sum of ten dollars to the said Hunter, his heirs and assigns, to be recoverable by warrant before any justice of the peace in said county, in the name of the said Hunter his heirs or assigns.

III. Be it further enacted, That if said Hunter, either by himself, his heirs or assigns, or any person keeping said gate, shall on any pretence, ask, or receive any more toll for crossing said bridge than is allowed by this act, shall be subject to indictment.

IV. Be it further enacted, That if any person or persons shall sustain any damage in crossing said bridge, in consequence of the same being out of repair, it shall be recoverable of the said Hunter his heirs or assigns in either the county or superior courts of said county.

#### CHAPTER CL.

An ACT directing the conveyance of commons adjoining the town of Franklin, to the Chairman of Macon 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 for the purpose of enabling the county court of Macon to provide suitable situations for the erection of male and female Academies, convenient to the town of Franklin, and to accomplish other objects of public improvement, it shall be, and it is hereby made the duty of the Governor to cause a grant to be issued, under the great seal of this State, to the chairman of the county court of Macon, and his successors, in fee simple, for all that portion of the four hundred acre tract, on which the town of Franklin is located, that now remains indisposed of, which land shall be held by the said chairman in trust for the purposes aforesaid.

II. Be it further enacted, That no grant shall issue to the said chairman of Macon county court for the said land, until the justices of Macon county court, or a majority of the same, shall secure to the satisfaction of the Public Treasurer the payment of three dollars for each and every acre of said land, in four annual instalments, by bonds bearing even date with said grant.

III. Be it further enacted, That the quantity of said land shall be ascertained by actual survey, under the direction of such commissioner as the Governor may appoint for this purpose.

IV. Be it further enacted, That when a grant shall have issued in conformity with this act, Jesse R. Siler and John Hall shall be, and they are hereby appointed commissioners to select suitable sites for a male and female Academy, and other public institutions or buildings; and may and shall have authority to sell the remaining part of said land or any smaller portion thereof, at such times and place, and upon such conditions, as the justices of Macon county court (a majority being present) may determine and direct.

#### CHAPTER CLI.

An ACT amendatory of an act, passed at the present session, entitled an act granting to persons therein named certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the aforesaid act, entitled an act granting to persons therein named certain lands for the use of the Methodist Episcopal Church at Franklin, in Macon county, 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 CLII.

An ACT concerning Mills erected in the county of New Hanover.

Whereas, in some of the creeks or smaller streams in the county of New Hanover, running into some navigable river or water course, have been erected a saw



mill or saw mills, and said creeks or smaller streams have been cleared out by the proprietor or proprietors of said mill or mills for the more convenient transportation of his, her or their lumber to market; and whereas a mill or mills have been or may be erected on said creeks or smaller streams, below the first erected mill or mills, to the great injury of the proprietor or proprietors thereof: Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, it is hereby enacted by the authority of the same,* That when any person or persons have erected, or shall hereafter erect a saw mill or saw mills on any of the creeks or smaller streams in the county of New Hanover, and have cleared out or caused to be cleared out said creeks or streams for the purpose aforesaid, that any other person or persons who have or shall erect, or cause to be erected a mill or mills on said creek or streams (cleared out as aforesaid) below the first erected mill or mills, such person or persons shall construct, or cause to be constructed, a slip to render the passage of lumber as easy and convenient as if no such mill or mills had been erected.

II. And be it further enacted, That any person or persons violating the provisions of this act, shall be liable to an action in damages to the party injured, and moreover subject to an indictment in the superior court of law of said county, and upon conviction shall be fined or imprisoned at the discretion of the court.

#### CHAPTER CLIII.

An ACT to authorise the appointment of two surveyors in the counties of Montgomery Haywood and Ashe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the courts of pleas and quarter sessions for the counties of Montgomery, Haywood and Ashe, (a majority of the acting justices being present) shall have full power and authority at the first term of said courts which shall happen after the present session of the General Assembly, and as often thereafter as a vacancy shall occur, to appoint two surveyors for the said counties of Montgomery, Haywood and Ashe.

II. Be it further enacted, That the surveyors so appointed under the authority of this act, shall perform the same duties respectively, and be subject to the same rules, regulations, restrictions and penalties, as are already prescribed by law for other county surveyors in this State.

#### CHAPTER CLIV

An ACT to alter the time of opening and closing the polls of the elections in the counties of Pasquotank and Perquimons.

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the sheriff and inspectors appointed by the county courts of Pasquotank and Perquimons respectively to open the polls at the several places of election in the counties of Pasquotank and Perquimons, for members of the Senate and for members of the House of Commons in the General Assembly of this State, for members in the House of Representatives of the United States, for sheriffs, clerks of the county courts, and clerks of the superior courts for the counties of Pasquotank and Perquimons, on the day appointed by law for the holding elections for the officers herein before named, at ten o'clock in the forenoon, and shall close the same at four o'clock in the afternoon.

#### CHAPTER CLV.

An ACT requiring the Register of Guilford county to keep his office at the Court House in said county.

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

duty of the Register of Guilford county, and he is hereby required to keep all the books and papers appertaining to his said office, in the room prepared in the court house of said county for that purpose, or within one quarter of a mile of the same; and that he shall comply with the provisions of this act on or before the fifteenth day of February next, under a penalty of one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, in the name of any person suing for the same, to the use of the county.

#### CHAPTER CLVI.

An ACT to repeal an act, entitled an act to raise a fund to establish free schools in the county of Johnston, and for the government thereof, 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 the above recited act be, and the same is here repealed.*

#### CHAPTER CLVII.

An ACT to authorize the appointment of two surveyors in the counties of Anson, Wilkes, 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 from and after the ratification of this act, there shall always thereafter be appointed for the counties of Anson, Wilkes and Richmond, two principal surveyors.*

II. *Be it further enacted, That the court of pleas and quarter sessions for the counties of Anson, Wilkes and Richmond, (a majority of the acting justices being present) shall have full power and authority, and they are hereby required, at the first term of said courts that shall happen after the present session of the General Assembly, and as often thereafter as a vacancy shall occur, to appoint an additional surveyor for said counties.*

III. *Be it further enacted, That the surveyor so appointed under the authority of this act, shall perform the same duties, and be subject to the same rules, regulations, restrictions and penalties, as are already prescribed by law for other county surveyors in this State.*

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

#### CHAPTER CLVIII.

An ACT to amend part of the first section of an act, entitled an act to authorise certain persons therein named to raise by lottery six thousand dollars, for cutting a canal in Washington county, passed eighteen hundred and thirty three.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Josiah Collins, J. William D. Davenport, Samuel C. Sligot, Abram Cresson, Hardy Norman, Jordan Snell, Hardy Davenport, Abram Newberry, Noah Phelps Sr., Ephraim Davenport, Sr., James Newberry, Franklin Snell, and Absalom Davenport, be, and they are hereby appointed commissioners, in addition to those already appointed, with the same power and authority as those persons named in the above recited act; any law to the contrary notwithstanding.*

#### CHAPTER CLIX.

An ACT for the benefit of Edward Fitzgerald of the county of Brunswick.

Whereas it appearing to the General Assembly of the State of North Carolina, that Edward Fitzgerald of the county of Brunswick, has been for several months, and is now *non compos mentis*, and that no person will act as his guardian; 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 Sarah A. Fitzgerald, wife of the said Edward Fitzgerald be, and she is hereby constituted the agent of the said Edward, and for him and in his name to demand, receive, and sue for any money or moneys due the said Edward, by note, bond, account or otherwise; and for and in the name of the said Edward Fitzgerald to give proper receipts, releases and acquittances to the person or persons indebted to him by note, bond, account or otherwise, upon the payment of the same.

II. Be it further enacted, That if any suit or suits shall be instituted by the said Sarah, in the name of the said Edward, for the purpose or purposes aforesaid, then and in that event, it shall be lawful for the said Sarah, for and in the name of the said Edward, to give whatever bond or bonds with good and sufficient security that shall be requisite and necessary for the prosecution and final settlement of said suit or suits.

### CHAPTER CLX.

**AN ACT** securing to Needham Whitfield of Lenoir county, and those with whom he may associate the right of navigating the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Needham Whitfield of Lenoir county, and those with whom he may associate, shall, and they are hereby vested with the sole and exclusive right and privilege of using, employing and navigating all and every species or kind of boats propelled by the force of steam on the waters of the Neuse river, from the town of Newbern upwards, so far as they may think proper to go, for and during the term of fifteen years, from and after the passage of this act: Provided always, that the said Needham Whitfield and those with whom he may associate, shall charge a rate of freight for the transportation of produce, goods, wares and merchandize, on board all such boats as they may use for that purpose, ten per cent less than the rates of freight now established for such transportation.

II. Be it further enacted, That the said Needham Whitfield and those with whom he may associate, shall, if they think proper, have the right of making draw bridges of all, or as many of the bridges that are now across or authorized to be built over the said Neuse river, from the town of Newbern upwards.

III. Be it further enacted, That no person or persons, without the licence of the said Needham Whitfield and those with whom he may associate, shall set in operation or navigate on the waters of Neuse river, from the town of Newbern upwards, so far as they may see proper to go; any boat or vessel propelled by the force of steam, and any person or persons, who shall navigate with a boat or boats, propelled by the force of steam on the Neuse river, from the town of Newbern upwards, shall forfeit such boat or boats, to the said Needham Whitfield and those with whom he may associate.

IV. Be it further enacted, That if the said Needham Whitfield and those with whom he may associate, shall fail to put in operation said boat or boats, to be propelled by steam within the term of four years, from the passage of this act, the charter of the same is hereby forfeited.

V. Be it further enacted, That the said Needham Whitfield, or his legal representatives, and those with whom he may associate, shall have full power and authority in law and equity, to buy real or personal estate for the use of said associated company, and to sue for and recover any boat or boats, which shall or may be navigated on said Neuse river, contrary to the provisions of this act, in the same manner, as if the same had been wrongfully and tortiously taken from their possession.



## CHAPTER CLXI.

An ACT for the better administration of justice to the poor 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 from and after the passage of this act, it shall be the duty of the wardens of the poor, of Onslow county, and they are hereby required immediately after the annual hiring out of the poor of said county, to report to the clerk of the Court of Pleas and Quarter Sessions, of said county, the name of each parishioner, by them hired out; the name of the person hiring or taking each parishioner, the name or names of his securities; and the amount for which each one was taken.

II. Be it further enacted, That it shall be the duty of the clerk of said court, upon the receipt of such report, to proportion the tax for the payment of said claim, upon all property, as now required by law, and report to the next Court of Pleas and Quarter Sessions, of said county; and it shall be the duty of said court, and they are hereby required to levy said tax, and have the same put into the sheriff's hands for collection.

III. Be it further enacted, That it shall be the duty of the said sheriff to collect said tax, and have the same ready for the payment of said claims, at the next annual hiring out of the poor, of said county; and in case of failure on the part of the sheriff to pay said claims whenever called upon, after the expiration of the year as aforesaid, he shall be liable for double the amount of such claim to be recovered by warrant before any justice of the peace of said county; and the said sheriff shall not receive from said county, more than the amount of said claim in any settlement he may afterwards make; and the said sheriff shall receive as a compensation for his services as aforesaid, a commission of three per cent.

IV. Be it further enacted, That it shall be the duty of said sheriff, to settle annually with the Finance Committee of said county, and it is hereby made the duty of said Committee of Finance, in case of failure on the part of the clerk to proportion the tax, and on the part of the sheriff, to collect and pay over the same as required by this act, to give notice thereof to the county solicitor, whose duty it shall be at the succeeding court of said county, to move for judgment against said delinquent officer, and his securities to the amount of one hundred dollars damage to the use of the poor, and the amount which the said sheriff shall fail to pay.

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

## CHAPTER CLXII.

An ACT amendatory of an act, passed in the year one thousand eight hundred and twenty nine, entitled an act to authorize 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 fire engine company in the town of Elizabeth City, authorized and established by an act passed in the year one thousand eight hundred and twenty nine, entitled an act to authorize the forming of a fire engine company in the town of Elizabeth City shall be known and distinguished by the name and style of the Union Fire Company.

II. Be it further enacted, That the provisions contained in the second section of the before recited act, be, and the same are hereby extended for the term of five years from and after the first day of February next.

III. Be it further enacted, That the seventh section of the before recited act be, and the same is hereby repealed.

IV. Be it further enacted, That the officers and members of the Union Fire Company shall be exempted from working on public roads, or serving on juries, any law to the contrary notwithstanding.

## CHAPTER CLXIII.

An ACT to repeal an act passed in eighteen hundred and thirty two, entitled 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 the above recited be, and the same is hereby repealed.*

## CHAPTER CLXIV.

An ACT to abolish the office of County Trustee in the county of Granville, 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 twelfth day of August, one thousand eight hundred and thirty-five, the office of county trustee in the county of Granville, shall be, and the same is hereby abolished; and the sheriff of said county, for the time being, shall ever thereafter do and perform all the duties now required to be performed by the county trustee, under the same rules, regulations and penalties, as are now prescribed by law, for the government of the county trustee; and in all cases where suits are by law directed to be brought in the name of the county trustee, such suit or suits shall be brought in the name of the chairman of the court of pleas and quarter sessions of said county.*

II. *Be it further enacted, That it shall be the duty of the sheriff of the county of Granville, to pay all county orders when presented for payment, out of any county money which may be in his hands at the time of such presentation; and annually, on the first day of the term of the court of pleas and quarter sessions of said county, at which the county taxes shall be laid, to return to the court a full, true and fair account of all monies which may have come into his hands for county purposes, setting forth separately and distinctly the sum received for taxes, and for each fine, forfeiture, penalty, and other sources; and also all payments made by him, to whom made, and for what purpose; which account shall be so stated as to exhibit the exact balance; and the court to which such account may be returned, shall refer it to one or more discreet and suitable persons for examination; and it shall be the duty of the persons so appointed, to examine the said accounts, together with such vouchers as the sheriff may submit in support thereof, and report thereon to the next succeeding court; and if the court shall sanction the same, the clerk of such court shall record it at length in a book to be kept for that purpose, and set up a fair copy thereof in the court house; and the court of pleas and quarter sessions of said county may and shall, from time to time, make all necessary orders, and order all necessary proceedings to insure and enforce a correct and final settlement of such accounts in each and every year; and the court shall annually allow to the sheriff a reasonable compensation for preparing and setting such accounts.*

III. *Be it further enacted, That if at any time the sheriff of said county shall fail to render accounts to the court, at the time and in the manner required by this act, he shall forfeit and pay the sum of one hundred dollars, and the court shall render judgment for the same against such sheriff and his securities, after giving ten days notice in writing of the same, and execution may issue thereon as on other judgments; and if such sheriff shall continue to fail to return such accounts, he shall for each succeeding term of said court forfeit and pay a like sum of one hundred dollars, and judgment shall be entered in like manner and with like effect, against such sheriff and his securities, at each succeeding term of said court, until such account be returned as herein required.*

IV. *Be it further enacted, That if any sheriff of the county aforesaid shall fail or refuse to pay any county order when presented for payment, it shall be lawful for the owner of such order, on giving such sheriff ten days previous notice, to move the court of pleas and quarter sessions of said county for judg-*



ment against such sheriff and his securities for the amount of such county order, with damages at the rate of twelve per cent. per annum thereon, from the time of such failure or refusal, and the court shall give judgment accordingly: Provided, nevertheless, that if said sheriff shall make it appear to the satisfaction of the court that, at the time of such failure or refusal, he did not have in his hands sufficient county money subject to the payment of such order, the motion shall be dismissed at the cost of the plaintiff.

V. Be it further enacted, That the bond which any sheriff of Granville may hereafter enter into in any year, for the due collection and accounting for the county and poor taxes of said county, shall be construed to extend to the performance of all the duties required by this act; and the sheriff and his securities shall be, and they are hereby made liable for all moneys which may come into his hands by virtue of this act, and for the performance of all the duties herein required.

V. Be it further enacted, That the county trustee now in office in the county of Granville, shall continue to discharge the duties of his office until the tenth day of August, one thousand eight hundred and thirty five, at which time he shall close his accounts, and deliver to the sheriff of said county all the money and effects belonging to the county which may be in his hands.

#### CHAPTER CLXV.

An ACT granting to persons therein named certain lands for a burying ground and place of public worship for all denominations of Christians, in Macon county.

Whereas the meeting house and burying ground, on the Savannah creek in Macon county, is on the public lands:

*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 governor is hereby authorized and directed to cause to be issued a grant for five acres of land to Jacob Mason, Amos Cabe, William Little, Richard Wilson, Isaac Ashe, and their successors, to hold in trust, for a burying ground and place of public worship of Almighty God, for all denominations of Christians, forever.

II. Be it further enacted, That before said grant shall issue, the grantees shall have the aforesaid five acres surveyed by the county surveyor of Macon county, and upon his plat and certificate representing that he has surveyed said land out of the eighth district and one hundred and forty fifth section of the Cherokee lands, lying on the waters of the Savannah creek, in Macon county, including the Spring Meeting House and burying ground, situated in said section, the grant shall issue accordingly.

#### CHAPTER CLXVI.

An ACT to emancipate Daniel, 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 Daniel, a slave, the property of William Macay of Rowan county, he, and he is hereby, with the consent and at the request of his said owner, emancipated and set free; and by the name of Daniel Macay shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in this State: Provided nevertheless, that before such slave shall be emancipated, the petitioner shall give bond and good security to the Governor and his successors in office in the county court of Rowan county, that the said slave shall honestly and correctly demean himself as long as he shall remain in the State, and shall not become a parish charge; which bond may be sued upon in the name of the Governor, for the time being to the use of the parish, and of any person injured by the misconduct of such slave.



## CHAPTER CLXVII.

An ACT to empower the county courts of Yancy county to lay a tax to encourage the destruction of Wolves and Panthers in said county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the court of pleas and quarter sessions in the county of Yancy, are hereby authorized and empowered, provided a majority of the justices concur, to lay and collect annually a tax, not exceeding two cents on every poll, and two cents on every hundred dollars value of land, to be appropriated to the encouragement of the destruction of wolves and panthers in said county.

II. *Be it further enacted by the authority aforesaid,* That every person who shall kill a wolf or panther within the limits of the county aforesaid, shall be entitled to receive the sum of two dollars: Provided always, that before any person shall be entitled to receive the bounty hereby granted, each person or persons shall produce to some justice of the peace of said county the scalp of the wolf or wolves, panther or panthers, by him or them killed, and make oath that such wolf or panther was caught and killed within the limits of said county; and every justice of the peace before whom such proof is made, is hereby required to destroy all such scalps before him produced, and to give to the person so producing it a certificate, setting forth the number of scalps, of what description, and what sum such person is entitled to; which sum shall be paid by the county trustee, or other officer holding the county funds, to the holder of said certificate, and it shall be a sufficient voucher in the settlement of his accounts with the court.

## CHAPTER CLXVIII.

An ACT to repeal a part of the third section of an act passed in the year eighteen hundred and thirty one, in addition to an act passed in the year eighteen hundred and thirty, in relation to the burning of the records of the county of Hertford.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, so much of the above recited act, as compels any person entering land in the office of the entry taker of Hertford county, to advertise the same in such newspaper as the county court of Hertford may direct, be, and the same is hereby repealed; except in cases where the person or persons interested in the lands entered, reside beyond the limits of the county; any thing to the contrary notwithstanding.

## CHAPTER CLXIX.

An ACT to repeal in part an act, passed in the year one thousand eight hundred and twenty four concerning retailers of spirituous liquors in the counties of Hyde and Tyrrell.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of an act passed in the year one thousand eight hundred and twenty four, entitled an act to authorize 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, as relates to the county of Tyrrell, be, and the same is hereby repealed.

## CHAPTER CLXX.

An ACT to authorize Wiley Roberts to build a bridge across Deep 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 Wiley Roberts of the county of Chatham, his heirs or assigns, be, and they are hereby authorized and empowered to erect and keep up a toll bridge across Deep river, at or near Roberts' mills.

*Be it further enacted,* That as soon as the said bridge shall be completed, the said Wiley Roberts, his heirs or assigns, shall be authorised to ask, demand and receive the following toll for the crossing the same, (to wit) for every four

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wheeled carriage of pleasure, fifty cents ; for every wagon with four horses, fifty cents ; for every wagon with one or two horses, and every two wheeled carriage of pleasure, twenty five cents ; for every cart, twenty cents ; for every man and horse, ten cents ; for every horse five cents ; for every cow, sheep or hog, three cents.

Be it further enacted, That Wiley Roberts, his heirs or assigns, be, and they are hereby authorized to keep a gate across said bridge, on paying the usual tax on said gate.

Read three times and ratified in General Assembly, this 10th day of January, 1835. }

WM. J. ALEXANDER, S. H. C.  
W. D. MOSELEY, S. S.

A true copy.

WM. HILL, Secretary

## RESOLUTIONS,

*Passed by the General Assembly of 1834-35.*



The joint select committee to whom was referred that part of the Governor's message, which relates to the outrage committed on American citizens at Nassau: REPORT,

From a memorial addressed to the General Assembly, by John Waddell, Esq. of Wilmington, and from other papers in possession of the committee, they derive the following facts:

On the second day of February last, the Brig Encomium, an American vessel, commanded by an American, and engaged in lawful trade between Charleston and New Orleans, sailed from the latter bound to the former place. Among other American citizens on board that vessel, was your memorialist John Waddell, Esq. who represents that he there had with him twenty-two slaves, which he was removing from North Carolina to locate on a plantation on Red river, in the State of Louisiana. That about fifty-six hours after the departure of said brig from Charleston, she was wrecked at midnight on the reefs of Abaco. That after having been confined for many hours to the wreck, the passengers were extricated from their perilous condition by the kind assistance of the inhabitants of Abaco. That they there procured a vessel which conveyed them and the crew of the wrecked brig to Nassau, in the British Island of New Providence. That arrived in the harbour of Nassau, they sent to the authorities of the island for permission to land for the purpose of procuring means of subsistence, of which they were destitute. That to their astonishment such permission was denied, and they were informed that they should hold *no* intercourse with the shore, not even for the purpose of procuring food, and if they presumed to hold such intercourse, their vessel should be fired into by a British Sloop of War, lying in the harbour. That after having been kept for some hours in that situation, they were ordered up under the guns of the Sloop of War, where they remained for some hours as prisoners of War. That by the interposition of one of the passengers who was a British subject, they were at length permitted to land at eight o'clock at night. That early on the succeeding morning, the negroes belonging to the memorialist, and twenty-three belonging to other passengers, were taken on shore by order of the Lieutenant Governor of the Island, carried before the officer of the Customs, where they were immediately declared free, and directed to repair to the quarters of a black regiment in town, where they would be accommodated until they could obtain suitable situations. That some days after this, when there were vessels about to sail to New Orleans, the memorialist, John Waddell, addressed a note to the Governor through the American Consul, respectfully inquiring whether there were any obstacles to his proceeding on his voyage with his property, to which the Governor replied, that if he, the memorialist, presumed to interfere with the *manumitted slaves*, it would be his (the Governor's) duty to *hang him* and all *accessories*.

The foregoing is a brief and simple statement of the circumstances of the outrage perpetrated upon your memorialist, and for the redress of which he prays the interposition of this General Assembly. Although it is not competent for North Carolina, consistently with her federal relations, to take into her own hands, a matter of this kind; yet the committee deem it the duty of the General Assembly, as the immediate guardians of the rights of our citizens, to take such measures for the vindication of those rights as may comport with the dignity of North Carolina, and with her relations to the General Government and her sister States.

A leading object of the States in confederating, was mutual defence against foreign aggression; and whenever the humblest citizen is aggrieved by a power beyond the reach of the civil tribunals of the country, he has a right to appeal to the General Government, and it is the duty of that government to extend over him its protecting or avenging arm.

The committee believe that the case referred to their consideration, is one that imperiously demands the interposition of North Carolina, in the manner adverted to, and the decisive action of the General Government.

Were it not for the peculiar condition of North Carolina, in common with all the Southern States, in one particular of momentous consideration, the General Assembly might be content with barely communicating to the General Government the facts herein recited, in full confidence that the justice and the energy of that government, would bespedily and duly exerted in behalf of the injured memorialist.

But, under those peculiar circumstances it should not be concealed, that she feels much anxiety, and cannot but anticipate the direst calamities to herself, to the whole South, and indeed to the whole confederacy, if the Federal Government should permit so flagrant an outrage upon the peculiar rights of Southern citizens, to pass unheeded.

Not many months have elapsed since events occurred in a portion of our own country, well calculated to excite, as they did, the most serious apprehensions. Happily for our common country, and her free institutions, the justice, prudence and patriotism of the great mass of



society where those events transpired, triumphed over the wild fanaticism of the misguided few, and inspired the southern people with fresh confidence in the good feelings and good faith of their northern brethren. But the recent manumission of the slaves in the British West Indies, the vicinity of those islands to our coast, our frequent intercourse with them, and the outrage from that quarter which is the subject of this report, all concur in admonishing us that the situation of the southern States is perilous; that they cannot rely with security upon the unbelieve or corrupt functionaries of a foreign power, but that they must look for protection to that government whose duty it is to afford it, even at the hazard of the last resort of nations. For although peace, not war, is the favorite element of this confederacy, history teaches us that peace obtained at the sacrifice of honor, or a tame submission to injury, is never permanent, unless it terminates in entire subserviency to the nation perpetrating the wrong. As much, therefore, as North Carolina would deprecate a war, especially with that nation whence are derived so many valuable principles of our free institutions, she would not hesitate to choose it, in preference to peace preserved at the expense of private rights and the national honor. But it is confidently believed that both alternatives may be avoided by prudent, yet firm and energetic conduct, on the part of the General Government, in demanding indemnity to our citizens for injuries committed by the authorities of the British Crown, and the adoption of such measures as may tend to prevent a recurrence of such injuries.

After a mature consideration of all the circumstances connected with this unfortunate affair, and the consequences that may result from it, the committee recommend to the Legislature the adoption of the following resolutions, viz:

Resolved, That the forcible detention by the authorities of the British Island of New Providence, of the property of American citizens thrown upon that island by shipwreck, was a breach of the ties of hospitality, and an infraction of the laws of nations.

Resolved, That the General Assembly of North Carolina will not recognize any distinction in principle between property in persons (as known to the Constitution of the United States) and property in things.

Resolved, That the General Assembly of North Carolina has full confidence in the good faith of the respective members of the Union, in regard to all those rights guaranteed to each by the federal compact, and doubts not that the General Government, as the common agents of the States, will take such measures at the present juncture, as may be wise and expedient.

Resolved, that his Excellency the Governor be requested to transmit a copy of this report and these resolutions to the President of the United States, to the Executive of each of the States, and to the Senators and Representatives of North Carolina in the Congress of the United States.

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Resolved, That the public Treasurer pay to Archibald S. Brown, late sheriff of Robeson county, the sum of eighteen dollars and sixty cents, it being the amount paid by him on ninety-three insolvent taxables, from eighteen hundred and twenty-seven, to eighteen hundred and thirty-two; and the public Treasurer be allowed the same in the settlement of his public accounts.

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Resolved, That the Legislature of a State, acting as the representatives of the people of said State, have a right to instruct their Senators in Congress, and a just vindication of the character of our political institutions, requires that such instructions should be given whenever a Senator misrepresents the voice of the State, upon great questions of national policy, or in times of public emergency.

Resolved, That the Honorable Willie P. Mangum, one of the Senators from this State, in the Congress of the United States be, and he is hereby instructed to vote for expunging from the records of the Senate of the United States, the resolution declaring that the President in his late executive proceedings, in relation to the public revenue, had assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

Resolved, That his Excellency the Governor of this State, be requested to transmit forthwith to the Honorable Willie P. Mangum, and to the Honorable Bedford Brown, one copy each of the foregoing resolutions.

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Resolved, That the Public Treasurer pay to Edward Rigsbe, one hundred and forty-one dollars and twelve cents, for fire wood furnished the State for the use of the General Assembly, during their present session, and he shall be allowed for the same in the settlement of his public account.

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Resolved, That the public Treasurer of this State be, and he is hereby directed to pay to Jesse Hulsev, now of the State of Georgia, or his agent, N. Edmonson, all arrears of a pension allowed said Hulsev, by act of the Legislature, passed in one thousand eight hundred and twenty-four, and that he continue to pay said pension for and during the life of said Hulsev.

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Resolved, That the Committee of Finance be authorized and instructed to burn all the treasury notes which may be in the Treasurer's office, and report the amount to this General Assembly.

Resolved, That if it should become necessary to enable the Treasury to discharge any demands on it during the present fiscal year, the Public Treasurer be, and he is hereby authorized and empowered, to borrow on behalf of the State, such sum or sums, as may be required to meet such demands, not exceeding forty thousand dollars; and he is hereby authorized at his discretion, to borrow the same of either of the Banks in this State or otherwise; and for such length of time as the exigencies of the Treasury may require: *Provided*, he shall in no case pay more than at the rate of six per cent. per annum interest on any such loan.

Resolved, That the honorable James Martin, one of the Judges of the Superior Court of law and Equity for this State, be entitled to ninety dollars for holding an extra Superior court, for the county of Rutherford, full term, eighteen hundred and thirty-five; and that the Public Treasurer be allowed the same in the settlement of his accounts.

Resolved, That the Secretary of State, issue to the heirs at law of Jeremiah Bullock, deceased, a warrant for nine hundred and fourteen acres of land, being for the military services of the said Jeremiah Bullock deceased, as a lieutenant in the revolutionary war.

Resolved, That the Treasurer pay to Francis H. Reider, so much as the said Reider may have actually disbursed for materials and labour in the repairs put by him upon the roof of the Secretary of State's office: *Provided*, the sum so paid, shall not exceed thirty-eight dollars and forty-five cents.

Resolved, That the Public Treasurer be, and he is hereby authorized and required to refund to Owen Carrol of Bladen county, or his agent, twenty-six dollars and eighty cents, the purchase money paid by him on two hundred and sixty-eight acres of land; which by reference, appears to have been previously patented; and that the Public Treasurer be allowed the same in the settlement of his accounts.

Resolved, That his Excellency the Governor, be authorized to pay Romulus M. Saunders, a reasonable fee for services already rendered by him in the land suits, which are now pending in the Circuit Court of the United States; and in which the State is interested, and the Treasurer shall pay the same upon the warrant of the Governor.

Resolved by the General Assembly of the State of North Carolina, That the Governor be requested to preserve and take care of the copies of military tactics now deposited in the executive office; and that he be requested, and is hereby directed, that whenever any officer, entitled to a copy or copies of said tactics under former acts, (for the distribution of military tactics,) shall make it appear to his satisfaction, that he has never received said copy; to deliver to said officer, such copy or copies, as he may be entitled to, and take his receipt therefor; conditioned, that he shall hand said copy or copies to his successor in office.

Resolved, That the clerk of the supreme court, by and with the approbation of the Governor, be authorized to contract for a room suitable to hold the supreme court in; and be authorized to draw upon the Treasurer for such sum as may be necessary for procuring the same.

Whereas, The Leaksville Toll Bridge company, under the act incorporating them at the session of the General Assembly for eighteen hundred and thirty-two and three, have at great expense erected a bridge across Dan river, near the town of Leaksville, in the county of Rockingham, to the great convenience of the public; and whereas, it is now asserted, that the north shore of the river, on which an abutment of said bridge stands is vacant land, to the amount of one fourth of an acre or thereabouts; therefore

Resolved, That the Secretary of State be, and he is hereby directed, to issue a grant in fee, to the president and directors of the Leaksville toll bridge company, for one fourth of an acre of land; situate, lying, and being on the North side of Dan river, between the lines of Barnett and Morehead, and Charles Galwey and the said Dan river, and including the north abutment of the bridge of the company aforesaid.

Resolved, That the Public Treasurer pay to Mark H. Hill, forty dollars, being the sum to which he is entitled by law, for carrying a writ of election to the sheriff of Tyrrell county, commanding him to hold an election to supply the vacancy in the Senate, occasioned by the death of Ephraim Mann, Esq., the late Senator from said county; and that the Treasurer be allowed the same in the settlement of his public accounts.

Resolved, That the Public Treasurer pay to James M'Lean, twenty dollars, for carrying the writ of election to Bladen county, and that he be allowed the same in the settlement of his accounts.

*Resolved*, That the report submitted by the committee on Finance, on the 6th of January, 1835, be published as an appendix to the acts passed at the present session of the General Assembly.

*Resolved*, That the public Treasurer be, and he is hereby authorized and directed to pay to James Welborn, the sum of thirty dollars, due to him as a member of the Senate from the county of Wilkes, in the session of one thousand eight hundred and thirty-two, for ten days that he was detained on the road by wounds received by the upsetting of the stage on his return home.

*Resolved*, That the public Treasurer pay to Elizabeth Forbus, or Jesse Lindsey Esq., agent for her use, the sum of sixty dollars, in consideration of the revolutionary services of her husband, Arthur Forbus, 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 pay to Mark H. Hill, sixteen dollars, for carrying a writ of election to Guilford county, and that he be allowed the same in the settlement of his public accounts.

*Resolved*, That the public Treasurer pay to David Reyster sixteen dollars, it being for four tables furnished for the use of the Clerks of the Legislature; and that he be allowed the same in the settlement of his public accounts.

*Resolved*, That the Treasurer pay to John Cooper, twelve dollars, for services rendered the House of Commons in summoning a witness living at Chapel Hill, including the expenses of the witness, and that he be allowed the same in the settlement of his accounts.

*Resolved*, That the public Treasurer pay to John Cooper, seventeen dollars and twenty-five 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*, That the public Treasurer pay to each of the door-keepers of the two Houses, twenty-five dollars, their usual extra allowance; and that they be compelled to pay out of the same, the hands necessarily employed by them to bring wood and water to the State House, during the present session; and the Treasurer be allowed the same in the settlement of his public accounts.

*Resolved*, That the public Treasurer pay to William Thompson, ninety-five dollars and fifty cents, being the amount of the burial expenses of the remains of the late Ephraim Mann, a member of the Senate; and of the late William Adams, a member of the House of Commons of this General Assembly; and the Treasurer shall be allowed the same in the settlement of his public accounts.

*Resolved*, That the public Treasurer pay to Lewis Dupree, twenty dollars, for his services in carrying a writ of election to the sheriff of Martin, which writ was issued under the direction of the House of Commons; and that the same be allowed to the Treasurer in the settlement of his public accounts.

*Resolved*, That the public Treasurer pay to E. W. Hancock, twelve dollars and twenty cents, for carrying a writ of election to Person county, directing the sheriff of said county to hold an election to fill the vacancy produced by the death of Robert Vanhook; and that the Treasurer be allowed the same in the settlement of his accounts.

*Resolved*, That the public Treasurer pay to Charles McCleese, agent of the Executor of Ephraim Mann, sixty-five dollars, and to Jesse H. Lindsey, agent of the Executor of William Adams, one hundred dollars, for the services of the testators in the Legislature; and that he be allowed the same in the settlement of his accounts.

*Resolved*, That the Treasurer be authorized to pay to Thomas Tillet, all the moneys allowed Caleb Barco, by a resolution of the present General Assembly, and that he be allowed the same in the settlement of his public accounts.

*Resolved*, That the public Treasurer pay to Mary Sloan, widow of John Sloan, a Captain in the revolutionary war, or to her order, the sum of sixty-five dollars; and that he be allowed the same in the settlement of his accounts.

*Resolved*, That the Treasurer pay to Willis Scott, thirty dollars, for carrying a writ of election to the town of Edenton, to supply the vacancy caused by the resignation of Jonathan Haughton, and that he be allowed the same in the settlement of his accounts.

*Resolved*, That the bill, entitled a bill to provide a fund for the establishment of free schools in the State of North Carolina, shall be printed and appended to the laws passed at this session.



Resolved, That the Treasurer pay the legal heirs of William Gilliam, a soldier in the revolutionary war, or to Harrison M. Waugh, the sum of forty dollars, the balance of pay due him at the time of his discharge from service; and that he be allowed the same in the settlement of his public accounts.

Resolved, That the public Treasurer be authorized to pay Robert Lion, agent for Owen Carrol of Bladen county, all the money allowed him, by a resolution at this session of the General Assembly, and the public Treasurer be allowed the same in the settlement of his public accounts.

Resolved, That the Clerk of the House of Commons be authorized to cause to be entered in a proper book, to be procured for that purpose, the names of the justices of the peace for the several counties in the State, and the Treasurer be directed to pay to him, upon the warrant of the Governor, a suitable compensation for the same.

Resolved, that the Treasurer be authorized to pay to David Hamrick, agent of Reuben Mastin, the sum directed to be paid to said Mastin, by a resolution of this General Assembly.

Resolved further, That the Treasurer be directed to pay to John H. Bedford, agent of John Cherry, the sum of money directed to be paid to him by a resolution of this General Assembly, and to R. H. Alexander, agent of Judge Martin, the sum allowed him for holding Futherford Superior Court, and to Benjamin Hawkins, the sum allowed to William Kenley, by a resolution of this session of the General Assembly.

Resolved, That the Public Treasurer pay to John Cherry of the county of Rutherford, or agent, the sum of five dollars and twenty two-cents, the amount of a witness ticket in the case, the State versus Stephen Spurlin, transferred to the Literary Fund under the act of (1831) one thousand eight hundred and thirty-one, Chapter three, to change the disposition of the money constituting the Agricultural Fund.

Resolved, That the Public Treasurer be, and he is hereby directed to refund to William Kenly of Davidson county, or his agent, the sum of ten dollars, it being the amount paid into the treasury by mistake, for land granted to the said William Kenly, by grant number two thousand five hundred and ten, and that the treasurer be allowed the same in the settlement of his public accounts.

Resolved, That the Secretary of State be, and he is hereby instructed to issue a military land warrant, to Micajah Hicks, a soldier in the Revolutionanary War, six hundred and forty acres of land, for the military services of him the said Hicks.

Resolved, That the Secretary of State be, and he is hereby directed to issue a grant to William Wilson, for fifty acres of land in Buncombe county, in lieu of grant number three thousand one hundred and fifty seven, on entry number four thousand one hundred and twenty seven; on a survey made on the sixteenth of November, one thousand eight hundred and thirty-two, by Elijah King, D. S.

Resolved, That the Public Treasurer be authorized, and he is hereby directed to pay Geo. R. Griffith, Administrator of Elisha Brown, seventy eight dollars and thirteen cents, being the distributive share of the said Elisha in the surplus estate of one James Brown, heretofore paid into the treasury; and that the Treasurer be allowed the same in the settlement of his public accounts.

Resolved, That the Treasurer pay to Caleb Barco (member of the House of Commons from Camden county, at the last session of this Legislature, and who was taken sick and confined twelve days upon the road, on his return from Raleigh home,) the sum of thirty six dollars; and that he be allowed the same, in the settlement of his public accounts.

Resolved. That the Public Treasurer refund to Reuben Mastin and wife, legal heirs of Joel Blackwell deceased, or their order, eighty seven dollars and fifty cents, the amount due them in the suit, Arnold and others vs. Blackwell and others; which was paid over to said Treasurer, and placed to the Literary fund.

Resolved, That the Adjutant General, cause the arms belonging to the State, deposited at Fort Johnson, to be forthwith removed to the place or places provided by law, for their reception and safe keeping.

Resolved, That the Secretary of State, be directed to issue a grant to Joseph Shepherd, for one hundred and sixteen acres of land, tract number six, district number sixteen; which tract was bid off by John B. Woody, at the land sales in October, eighteen hundred and twenty.

Resolved, That the Public Treasurer pay to Richard W. Ashton or his order, the sum of ninety nine dollars and forty nine cents, it being the balance due him for bringing John Sugg a fugitive from justice, from Mobile, Alabama, to Raleigh; and that he be allowed the same in the settlement of his public accounts.

Whereas, a Resolution was passed at the last Session of the General Assembly of North Carolina, directing the Governor to have a map executed on parchment, representing the different surveys of the Cherokee lands, and transmitted to the office of the County Court clerk of Macon county.

Be it therefore resolved by the General Assembly of the State of North Carolina, That so much of the before recited resolution, as requires the map to be executed on parchment, be, and the same is hereby rescinded; and that his Excellency the Governor, be directed to transmit the map now in the Executive office, put upon Canvas, in lieu of the one mentioned in the before recited resolution.

Resolved, That the public Treasurer be authorized to deliver to George Shuler Jr., or his agent, N. Edmonson, his bonds, for a purchase of section numbers fifteen and seventeen, in District number one of the Cherokee lands, and receive in lieu thereof, the bonds of John Hyde, with such securities as may be considered ample to ensure the payment of the sum now due, and owing to the State from the said George Shuler, Jr.

Be it further resolved, That the public Treasurer be authorized and directed to receive from Margaret Welch, her bonds, together with good and sufficient security, in the place of the bonds given by John Shuler and others, his securities for the purchase of section number six, and District number one of Cherokee lands; and on her giving said bonds, that he deliver to her, said Shuler's and others bonds given for the purchase money of the lands aforesaid.

Resolved, That the Secretary of State be directed to issue to Asa Delozier, and Henry Reagan, grants for three hundred acres, and one hundred acres of land, according to the provisions of an act of the last session of the General Assembly, entitled an act granting to Asa Delozier, and Henry Reagan, under certain conditions, two tracts of land upon the surveys and plats made by Joseph Henry, Esq. the agent in behalf of the State.

Resolved, That the Secretary of State be, and he is hereby directed to issue a warrant to James Monk, a soldier of the revolution, for six hundred and forty acres of land, agreeable to an act of the General Assembly, passed in seventeen hundred and eighty-two, entitled an act for the relief of the officers and soldiers in the continental line, and for other purposes.

Resolved, That the Secretary of State issue a military land warrant to John Williams, for four hundred and fifty-seven acres of land, for his services as a soldier in the revolutionary war.

Whereas, the Governor has been authorized to sell the remaining unsold surveyed Cherokee lands, and the causes which have hitherto delayed the sale of these lands, and the collection of the bonds which have been taken for lands already sold, are regarded as no longer existing;

Be it therefore resolved, That the public Treasurer shall be, and he is hereby directed to commence suits upon all bonds on which one fourth of the principal and interest due thereon, shall not be paid on or before the first of December, one thousand eight hundred and thirty-five.

Be it further resolved, That the public Treasurer be authorized to institute an enquiry into the solvency of the bonds now due; and if he thinks proper, he may commence suits on said bonds, or permit them to be renewed under the provisions of the resolutions passed in the year one thousand eight hundred and twenty-nine.

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# APPENDIX.

## TREASURER'S REPORT.

TREASURY DEPARTMENT, N. C. NOVEMBER 17th, 1834:

*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 in the Public Treasury on the first day of Nov. 1832, was \$7,924 73 $\frac{1}{2}$   
The receipts of the ensuing fiscal year, ending on the 31st Oct. 1833, amounted to 188,819 97

The disbursements during the same period amounted to 196,744 70 $\frac{3}{4}$   
138,867 46 $\frac{1}{2}$

Balance 1st November, 1833, as reported to last Assembly, 57,877 24

The receipts at the Treasury for the last fiscal year, that is, from the 31st October, 1833, to the 1st November, 1834, amount to two hundred and two thousand, one hundred and twenty-seven dollars and twenty-eight cents, (202,127 dollars, 28 cents,) viz :

Cash received of the Sheriffs for public tax of 1833, being the ordinary revenue payable into the Treasury on the 1st Oct. 1834, and not specifically appropriated, [see Appendix, General Statement.] \$67,970 96

Ditto on account of additional returns of taxes, [see statement A.] 219 40

Ditto State Bank of North Carolina, for dividends of capital stock, (February, 1834,) 55,360 00

Ditto do. do. (September, 1834,) 27,680 00

Ditto Bank of Newbern, dividends of capital, (January, 1834,) 36,360 00

Ditto State Bank of North Carolina, for dividend of profit, (December, 1833,) 5,536 00

Ditto Bank of Cape Fear, for dividend of profit, (June, 1834,) 30 00

Ditto Bank of Newbern, tax for the year ending 1st July, 1834, \$2,296 35

Ditto Bank of Cape Fear, do, do, 2,045 56  
4,341 91

Ditto John L. Henderson, Clerk of the Supreme Court, (Act of 1831,) 350 00

Ditto John Miller, Clerk of Buncombe county Court, on judgment against him for tavern licenses, 675 08

Ditto Miss E. A. Haywood, for rent of lots for the year 1833, 10 00

Ditto John Holloway, on his bond for sales of land near Raleigh, Principal \$337 57  
Interest 101 23  
438 80

Ditto Charles Manly, his last bond given for purchase of Machine tract of land, Principal \$408 00  
Interest 67 04  
475 04

Ditto sundry persons, purchasers of furniture at the Government House, [Statement B.] Principal 349 82  
Interest 2 80  
352 62

Ditto sundry persons, purchasers of the property of the late John Haywood, Esq. [Statement C.] Principal 1,475 96 $\frac{1}{2}$   
Interest 851 50 $\frac{1}{2}$   
2,327 47

Which, added to the balance above stated, make the sum of 260,001 52

The disbursements at the Treasury for the same period, that is, from the 31st October 1833, to the 1st November 1834, amount to 191,571 11

Which deducted, show the balance of cash remaining in the hands of the Public Treasurer, and for which he is accountable on the 1st Nov. 1834, to be 68,433 41



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

General Assembly, see Appendix No. 1,	\$42,424 98
Rebuilding Capitol, No. 2,	68,500 00
Judiciary, No. 3,	23,907 75
Treasury Notes burnt by com. Finance session of 1833, No 4,	10,565 41
Executive Department, No. 5,	2,525 00
Treasury Department, No. 6,	2,000 00
Department of State, No. 7,	1,193 00
Comptroller's Department, No. 8,	1,000 00
Stock in the Bank of the State of North Carolina, No. 9,	30,000 00
Library Fund, No. 10,	148 25
Contingencies, No. 11,	5,792 85
Sisters of James N. Forsyth, No. 12,	590 50
Sheriffs for settling tax, No. 13,	994 37
Public Printer, No. 14,	900 00
Pensioners, No. 15,	773 50
Adjutant General's Office, No. 16,	200 00
Bogue Banks, No. 17,	55 50

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\$131,571 11

The appendix subjoined to this Report, which embraces the statements usually furnished by the Comptroller for the use of the members of Assembly, will be found to contain a detailed exhibit of each and every individual disbursement made at this office during the year. It is referred to for the particulars in each of the above accounts.

The following statements of the moneys received and expended on account of the Literary and Internal Improvement 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 in the hands of the Public Treasurer, as Treasurer of the Literary Fund, on the 31st October, 1833 as reported to the General Assembly of that year, was	\$117,024 81½
The receipts at the Treasury of money belonging to this fund for the last year, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to twenty two thousand, three hundred and seventy nine dollars and eighteen cents, (\$22,379 18,) viz.	
Cash received for entries of vacant land,	\$5,499 36
Ditto sundry auctioners, for tax on sales at auction, see Appendix, Gen'l Statement,	356 74
Ditto Sheriffs, for tax on tavern licenses, see do.	2,417 08
Ditto State Bank of North Carolina, for dividends of profit on stock owned by the President and Directors of this fund, December, 1833.	564 00
Ditto Bank of Cape Fear, do. do. June, 1834,	150 00
Ditto State Bank of North Carolina, for dividends of capital, February, 1834,	5,640 00
Ditto ditto ditto Sept. 1834,	2,820 00
Ditto Bank of Newbern, dividends of capital, January, 1834,	2,820 00
Ditto Bank of Cape Fear, for dividends of profit	

appropriated to this fund, 3 per cent on 704 shares, June, 1834,	2.112 00	
	<hr/>	22,379 18
		<hr/>
Deduct amount paid for 1200 shares of stock in the Bank of the State of North Carolina,		139,403 99½
		<hr/>
		120,000 00
		<hr/>
Balance 1st Nov. 1834,		\$19,403 99½
		<hr/>

### III. Of the Fund for Internal Improvement.

Balance on the 31st Oct. 1833, as reported to the General Assembly,		\$979,08½
The receipts at the Treasury, on account of the fund for Internal Improvement, for the last year, that is, from the 31st Oct. 1833, to the 1st Nov. 1834, amount to five thousand eight hundred and seven dollars and twenty-three cents, \$5,807 23, viz.		
Cash received of sundry persons on Cherokee bonds, (schedule D,) Principal, \$1,366 69¾		
Interest, 366 53¼		
	<hr/>	\$1,733 23
Ditto Bank of Cape Fear, for dividends of profit appropriated to the fund, 3 per cent. on 1358 shares, June, 1834,	4 071 00	
	<hr/>	5,807 23
		<hr/>
		6,786 31½
Deduct disbursements for same period, viz.		
Thus sum paid James Wyche, Superintendent, &c. balance of salary and postage,	\$ 25 89	
Ditto William R. Hill, Secretary of the Board of Int. Imp. for his services,	21 00	
Ditto James Wyche, Sup't, salary and expenses, present year,	200 00	
	<hr/>	246 89
		<hr/>
Balance 1st November, 1834,		\$6,539 42½
		<hr/>

These disbursements from the Fund for Internal Improvement, as well as all others made at this office, are sustained by vouchers properly taken, to which the entries in the books of the office are made to correspond. The accuracy of the whole will be tested by the examination of the Committee of Finance.

### RECAPITULATION.

The foregoing statements show balances of cash on hand at the close of the business of the fiscal year, ending on the 31st Oct. 1834, as follows, viz.

Amounts as Public Treasurer,	\$68,433 41
Ditto Treasurer of the Fund for Internal Improvement,	6,539 42½
Ditto Treasurer of the Literary Fund,	19,403 99½

Making an aggregate amount of \$94 376 83

With which the Public Treasurer, as such, and as Treasurer of the Literary and Internal Improvement Funds, stands charged in the books of this office, and for which he is therefore accountable on the 1st day of Nov. 1834.

This 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 Nov. 1834,	\$67,334 25	
Ditto Bank of Newbern ditto,	8,539 68	
Ditto Bank of Cape Fear, Fayetteville,	13,491 42	
	<hr/>	89,365 35
Worn Treasury notes, silver change, &c. in the vault of the Tres'y,		5,011 48

Making a corresponding amount of	<hr/>	\$94,376 83
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It is a fact worthy of the first notice in this report, that the Sheriffs have again been uniformly punctual in their settlements at this office for the last year's revenue. For this they cannot be too highly commended.

In the course of the past year, much time and attention have been occupied in discharging the important duties assigned the Public Treasurer, under the act passed at the last session of the General Assembly, entitled "An act to establish a Bank in the State of North Carolina." In compliance with the provisions of that act, the commissioners appointed to receive subscriptions, in the city of Raleigh, for stock in "the Bank of the State of North Carolina," having made arrangements for causing books to be opened at the various places designated by law, met at the Treasury office on the first day of February last. Books of subscription were immediately opened, and such preliminary questions as necessarily came within their province, considered and settled. A large portion of the amount paid for stock was to be received by the commissioners. It became necessary, therefore, to determine in the outset, and to make known publicly, what would be received as "an equivalent for specie" under the charter. The determination of the commissioners upon this point was unanimous, and they had the gratification, at the subsequent meeting of the stockholders, to have their course approved by the concurring vote of the whole body. It is satisfactory, also, to state that the whole amount received by the commissioners has since been rendered available as specie, and that a single dollar has not been lost in the process. The books for receiving subscription were, of course, kept open, in the first instance, for the space of sixty days, to wit: until the 2d day of April following. At the expiration of that time, it having been ascertained that the smallest number of shares required to be subscribed by individuals, (4,500,) to give existence to the corporation, had not been taken, books were directed to be re-opened at the several places required by law, and kept open until the first day of May, and immediately thereafter transmitted to the commissioners in Raleigh. On the 21st day of April, it was ascertained by the returns from other places that 4620 shares were taken by individuals; whereupon the commissioners caused public notice to be given, that the first meeting of the stockholders would be held in this city on the 22d day of May. In compliance with this notice, the subscribers convened at the time appointed, and proceeded to organize the institution by the appointment of a directory, the adoption of bye laws, &c.

Up to this time, under the superintendence of the commissioners, individuals had taken 6626 shares, 484 of which were forfeited by neglect to pay the first instalment; leaving 6142 shares to be represented in the meeting by individuals. 300 had been taken by the Public Treasurer, in the name of the State of North Carolina, and 1200, in the name of the President and Directors of the Literary Fund—in all 1500 shares for the State. Upon individual stock, the commissioners received and paid over to the cashier the sum of \$272,104

Upon stock taken for the State,	142,500
	<hr/>
	\$414,604

According to the relative number of shares held by individuals and by the State, and in conformity with the provisions of the charter, eight directors were elected by the individual stockholders. Of the other two, on the part of the State, the Public Treasurer is one ex officio, and Gavin Hogg, Esq. under the appointment of the Governor, Secretary and Comptroller, acts as the second. As the requisite amount for putting the Bank into operation had not been received, the stockholders adjourned to meet again on the 21st day of August, requiring, in the mean time, the president and directors to open books for filling up the unsubscribed stock, and to take the necessary steps for putting the Bank into immediate operation, upon the receipt, from individuals, of the amount specified in the supplement to the charter. At the meeting in August, the whole amount of individual stock was taken, and more than the amount of money necessary for going into operation, received. It was, therefore, resolved to commence business without delay, and Wednesday the 10th day of September, fixed upon,



as the first discount day; since which time the institution has been doing business, at the Principal Bank, in the usual and regular manner, affording, it is confidently believed, the appropriate facilities and relief to the community anticipated from its operations.

In subscribing for stock, and making payments thereon, in behalf of the State, an effort has been made so to regulate the payments as, at all times, to avail the Treasury of the use of its entire means, without inducing the necessity of borrowing to meet the current demands at the office. With this view, as will be perceived by the Committee of Finance, the cash in the Treasury, at the period immediately preceding the receipt of the annual revenue from the Sheriffs, was reduced to the lowest practicable amount, consistent with the public safety and economy. And under a strict and cautious observance of this policy, it has not been found necessary, or thought expedient, by the Public Treasurer, to exercise the authority given by the act supplemental to the new bank charter, to borrow money at his discretion in behalf of the State. Such authority, however, is useful, though not exercised, inasmuch as it affords a security and protection to the Department in venturing to the full extent of its available means. There is not a prospect, from the present resources of the Treasury, of being able to pay for the amount of stock which the State has reserved the privilege of taking, within the time limited for doing so. In the event that no provision is made by the Legislature, the right will expire on the 1st January, 1837.

At the meeting of the stockholders of the new bank, in August, branches were established at Newbern and Tarborough, and agencies at Milton, Leaksville, Charlotte, and Morganton. At the two first named places, branches have gone into operation. But to enable the agencies to do so safely, according to the true intent and meaning of the charter, it is believed that some further action of the Legislature will be necessary. The operation of the agencies will, therefore, be delayed until such an amendment can be effected. The difficulty alluded to, grows out of the phraseology of the 26th section of the act incorporating the Bank. In that section, the word "agencies" is omitted where it should follow the word "branches," thereby withholding from the Bank what was no doubt intended to be conferred, to wit: the privilege of discounting notes payable at its agencies. In connection with this subject, it is also thought proper to suggest the expediency of directing the public deposits now made in the Bank of Newbern and in the old State Bank, to be hereafter made in the Bank of the State. They are, of course, not wanted by the Banks winding up, and might be advantageous to the new institution. It is also a public convenience to have them placed in an institution in active business.

The great loss of revenue, and the fraudulent practices growing out of the present mode of listing and assessing property for taxation in this State, were brought to the attention of the Legislature in the last annual report from this department. Since that time some pains have been taken to ascertain the amount of the evil, where it exists, and the remedy. Under the existing law, passed in 1819, "every person bound to list lands shall return his list upon oath, *as it respects the number of acres, and shall affix the value to each tract of land; including the improvements thereon, not less than the value affixed to the same by the assessors under the last act of Congress, providing for the assessment of the lands of the United States*"—(January, 1815.) In any event, then, the valuation on the tax list, should be equal to that of 1815, and *higher* where an appreciation in the value has occurred since that time, either from improvements on the land or otherwise. The aggregate valuation of the lands in North Carolina at the period referred to, was, in round numbers, fifty three and a half millions of dollars. Since that time, and up to the first of the year 1833—1,249,758 acres of land have been entered and patented in the State, making an increase, by that number of acres, of the amount now liable to pay tax. These lands estimated at the average in 1815, and added to that valuation, make an aggregate of more than *fifty six millions of dollars*. Hence it is manifest that the assessment of 1833, upon which the tax received this year was collected, ought, *at least* to be equal to that sum, yielding a nett tax of more than thirty one thousand dollars; and if the assessment were made strictly according to the requirements of the act of 1819, it must necessarily be greater, unless reduced by the Board of Appeal constituted by that act.

But let us compare this result with the actual assessment in 1833. According to the clerk's returns, and the tax collected thereon, the aggregate valuation of the lands in North Carolina is less than forty three millions—showing a deficit in the valuation, at the lowest estimate, of more than *thirteen millions*; the nett tax accruing upon which would be near eight thousand dollars, or about one third of the whole tax at present collected on real estate. It is a fact worth noting in this place, that the land tax has been gradually and *invariably* diminishing for every successive year since the year 1820, when the present rate of taxation was adopted. From the data collected on this subject a table has been compiled, which, it is believed, embraces all the information worth the attention of the Legislature. It shows the valuation in each county in 1815 and in 1833, in the aggregate, and the average per acre—the number of acres at each period—the number entered since—the aggregate valuation of the whole—and the *real* amount of tax that would arise therefrom. Notwithstanding the immensely depreciated

rate at which it is given in, in some of the counties, it will be seen that the *average rate* of giving in throughout the State in 1833, does not fall very far short of the average valuation per acre in 1815—the average rate at the former period (1815) being \$2 69; at the latter \$2 27. This arises from the fact that much of the land is not listed at all, and, in several of the counties, that which is listed is rated at a higher valuation per acre than was fixed upon it in 1815. It will also be perceived that although about a million and a quarter acres of land have been entered since 1815, still the quantity now given in for taxation is less than at the former period by more than a million of acres; and estimating the whole surface of the State at 32,000,000 acres, only about three fifths of it are taxed.

An attentive examination in detail, of the facts relative to the poll tax, will expose abuses of equal magnitude. In connexion with the table above alluded to, columns are prepared showing the number of free and black polls listed in each county—the number as it should be, corrected according to the best data to be had, such as it is thought may be safely relied on—and the nett amount of poll tax arising from the corrected list. In making this table, the following method and rules were observed: In the first place, it was important to avoid exaggeration in details, in order to prevent weakening the strength of such general and practical conclusions, as it was expected to deduce. Hence the census of 1830 has been taken as the basis of calculation, without making any allowance for the increase of population from that time, until the tax list was taken in 1833. The census exhibits the number of free white males from 20 to 30 years old; from 30 to 40; from 40 to 50, and so on. The object was to ascertain the number to be listed for taxation, to wit, the number from 21 to 45. This was done by adding together nine tenths of those between 20 and 30, the whole of those between 30 and 40, and one half of those between 40 and 50. This result is supposed to be as close an approximation to the truth as it is practicable to make, and may be relied on as reasonably certain; at all events, would be more probably too small than too large. The same principle was carried out in ascertaining the number of free colored polls, and the number of slaves taxable, taking the slaves male and female between the ages of 12 and 50. The result for each county, together with the nett tax thereon, is placed in the table referred to, which exhibits in the whole State, an increase on the poll tax of about 30 per cent. It is plain, therefore, that in the land and poll tax the revenue sustains a loss, at the lowest estimate, of about 16,000 dollars—a sum which, with the present revenue, would be abundantly adequate to defray the ordinary expenses of the government, heretofore estimated at about 81,000 dollars. It is also plain that the deficit arises from the neglect in listing the polls and land, and assessing the latter; and, finally, that the remedy for the evil can only be found in such a revision and change of the law in this particular, as will leave less to the honesty and discretion of the proprietors of estates, in giving in their tax lists.

The temptation thrown in the way of the citizen to commit fraud under the present system, and its influence upon the morals of the community, form a consideration, which it does not belong to this Department to discuss.

So far, the evil complained of relates only to the public revenue or State tax. Let us examine its bearing upon the other revenues in the State. It must be recollected that the county taxes are all levied upon the same list and assessment as is the State tax; and that of course the evil extends alike to them. From authentic statements procured from fifty-five counties, it is ascertained that the average land tax paid throughout the State for *county purposes*, amounts to twenty-six cents on the hundred dollars value; and that the average poll tax paid in like manner, for the same purposes, amounts to sixty cents on the poll. These rates of taxation applied respectively, to the amount of the deficit in the assessment of real estate, and the number of polls listed in 1833, will exhibit a loss of revenue in the former, of more than thirty-four thousand dollars, and in the latter of more than twenty-five thousand dollars—making together about sixty thousand dollars; which, with the loss to the public revenue, swells the amount to upwards of *seventy-five thousand dollars—a sum of money more than equal to the whole of the public revenue*, at present collected by the sheriffs and paid into this office. This is a startling result; but that it is not exaggerated, the facts upon which it depends, will show. Indeed, it is confidently believed, that its correctness would be proved in the fullest manner, could a fair and equitable system of listing and assessing property be adopted and carried out efficaciously.

In compliance with a resolution of the last General Assembly, directing “the Public Treasurer to publish with the Acts of Assembly extracts from the several acts, and parts of acts, which prescribe the duties of magistrates appointed to take the lists of taxables,” &c. &c. the laws referred to, were collected, arranged, and published as required.

Various accidental causes have operated, to delay a final hearing in the suits between the State and the Banks. They are now, however, in a state of readiness for adjudication, and will probably be decided at the ensuing winter term of the Supreme Court.

In obedience to the act, passed at the last session of the General Assembly, entitled “an act to authorize the Public Treasurer to sell certain lands in the vicinity of Raleigh,” the lands referred to, were duly advertised and sold in three several lots, at public sale, to wit: lot No.



1, sold to Fabius J. Haywood at \$367 00; lot No. 2, to Henry H. Cooke at \$401 00; lot No. 3, to William Thompson at \$160 00; making for the whole \$928 00—all on a credit of one and two years, with interest from date. The purchasers have executed their bonds, with good sureties, for the respective sums, and been properly charged on the books of this Department.

Another dividend of ten dollars per share on the capital stock of the Bank of Newbern has been declared since the receipt of the last at this office, the proceeds of which (\$19,590) will be brought into the Treasury as soon as an opportunity shall occur, of transmittting the certificates to Newbern. A dividend of 8 per cent. on the Buncombe Turnpike stock, is also due the State. The receipt of this latter sum has been delayed for the purpose of applying it to defray the expense incurred in that section of the State, in making surveys and collecting testimony, to be used in behalf of the State, in certain law suits pending in the Circuit Court of the United States. The account for these expenses has not yet been finally settled at this office, but probably will be in the course of a few days.

Collections on the Cherokee bonds have been almost entirely suspended, under the resolution of the Assembly of 1829, and will remain so until further direction from the Legislature.

The statements already referred to in this Report, and others prepared for the use of the members of Assembly, will be found in the accompanying files marked from (A) to (H.) inclusive.

All which is respectfully submitted.

W. S. MHOON, *Pub. Treas'r.*



(A)

Statement of Cash received in the Treasury, from the 31st day of October, 1833, to 1st day of November, 1834, on additional returns of taxes.

Sheriffs.		Counties.	Tax due.	Amount paid.
				D. C.
Binum W. Bell	late	Macon	1831	21 60
Thomas K. Morrissey	do	Sampson	1833	17 00
William M. Chesson	do	Washington	1832	14 50
Howell Albritton		Pitt	do	1 25
Gabriel Holmes	late	New Hanover	do	22 24
Thomas Ward		Lincoln	do	29 16
Fielding Slater		Rowan	do	27 61
William Carson		Rutherford	do	19 69
Samuel S. Shepherd		Martin	do	4 61
William G. Jones		Warren	do	23 63
Thomas L. Lea		Caswell	do	20 70
William C. Butler	late	Burke	do	1 18
Nathaniel Harrison		Buncombe	do	16 22
				219 40

I. WETMORE, Clk T. D.

(B)

Statement of Cash received on the bonds given for sales of Furniture at the Government House, resolution of General Assembly, 1832.

From whom received.	Principal.	Interest.	Total.
	D. C.	D. C.	D. C.
William B. Dunn	8 75		8 75
H. W. Montague	98 85		98 85
R. M. Saunders	23 00		23 00
Henry Gorman	60 95		60 95
W.M. Thompson	39 00		39 00
Wm. F. Clarke	36 55	31	36 86
Nathaniel O. Blake	8 77	07	8 84
William G. Hill	20 00	36	20 36
John C. Stedman's Adm'r	53 95	2 06	56 01
		349 82	2 80
			352 62

I. WETMORE, Clk T. D.

# TREASURER'S REPORT.

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(C)

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. 1833, to 1st Nov. 1834.

Date.	From whom received.	Principal.		Interest.		Total.	
1833.		D.	C.	D.	C.	D.	C.
Nov. 20	Edward Rigsbe	626	37½	143	45¼	769	83
25	Micajah T. Hawkins	100	33	34	67	135	00
1834.							
M'ch 7	John S. & G. W. Haywood	38	34	357	86	396	20
Oct'r 1	Martha Jones	497	92	230	60	728	52
11	William H. Haywood, Jr.	213	00	84	92	297	92
		1475	96½	851	50½	2327	47½

I. WETMORE, Cl'k T. D.

(D)

Statement of Cash received in the Treasury on the bonds due on account of sales of Cherokee lands, from 31st Oct. 1833, to the 1st Nov. 1834, belonging to the Fund for Internal Improvement.

Date.	From whom received.	Bonds paid.	Principal.		Interest.		Total.	
1833.			D.	C.	D.	C.	D.	C.
Nov. 23	Thomas Rogers	full 4th			13	37	13	37
"	John Hooper	do 2nd	15	49	8	78	24	27
"	Do do	part 3rd	25	73			25	73
"	Goldman Ingram	full 4th	14	17	10	37	24	54
"	Thomas Gribble	do 3rd	24	84½	22	36½	47	21
"	Do do	part 4th	7	79			7	79
"	Lincoln Fullum	do 3rd	90	00			90	00
25	James Brimer	full 4th	15	21	6	14	21	35
"	Amos Brown	part 3rd	51	50			51	50
"	James Ruddell	do 4th	10	00			10	00
29	Zachariah Cabe	part 4th	11	09	39	00	50	00
"	Henry Dryman	full 2nd			4	52	4	52
"	Do do	part 3rd	28	88			28	88
Dec. 2	Eli Ritchey	full 2nd	1	06¼	12	72¾	13	79
"	Do do	part 3rd	12	87½	13	33½	26	21
19	James Murray	full 3rd	29	53	23	41	52	94
"	Edward Chastain	do 4th	6	00	16	05	22	51
"	Milton Brown	do 3d, 4th	38	27	17	41	55	68
24	Zachariah Cabe	do 4th			126	40	126	40
31	William M'Connell	do 4th	28	02½	52	19½	80	22
1834.								
Jan. 10	Michael Wikle	part 4th	20	00			20	00
11	David Rogers	do 4th	16	32			16	32
M'ch 11	R. Love, Jr. and J. Moore	do 2nd	500	00			500	00
"	Do do	do 3rd	420	00			420	00
			1366	69¾	366	53¼	1733	23

I. WETMORE, Cl'k T. D.

(E)

Statement of Insolvents allowed by the Comptroller to the Sheriffs in their settlement of the taxes of 1833.

Sheriffs.	Counties.	Amount.
	D. C.	
Howell Albritton	Pitt	15 60
Richard G. Cowper	Hertford	14 00
John J. Bryan	Wilkes	8 40
James Simmons	Halifax	14 20
William Kenneday	Davidson	8 20
Absalom Fulford	Carteret	8 00
Elisha Harrison	Johnston	8 40
James R. Riddick	Gates	13 20
Thomas B. Wright	Surry	1 20
William Crawford	Richmond	10 00
William D. Rascoe	Chowan	6 00
James H. Wood	Northampton	14 40
John A. Barnett	Person	20
Martin Roberts	Rockingham	14 00
John M'Lean	Cumberland	19 60
Guston Perry	Franklin	20 60
Horace D. Bridges	Chatham	40 90
Isaac Baxter	Currituck	8 80
Joshua A. Pool	Pasquotank	9 80
Paschal B. Burt	Wake	16 60
Salathiel Stone	Stokes	21 40
James Long	Perquimans	5 40
Hampton B. Hammond	Anson	25 00
James W. Doak	Guilford	27 00
Spencer L. Hart	Edgecombe	37 80
William G. Jones	Warren	19 40
Hiram Caldwell	Iredell	15 00
Thomas J. Pasteur	Craven	34 80
Nathaniel Harrison	Buncombe	3 40
John W. Taylor	Greene	5 00
William Thompson	Wayne	13 00
John Boon	Burke	14 20
William Carson	Rutherford	30 00
Thomas Ward	Lincoln	6 00
Fielding Slater	Rowan	42 00
James Truit	Macon	12 60
		564 10

I. WETMORE, CH'K T. D.



# TREASURER'S REPORT.

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(F)

A statement of Treasury Notes issued and reported by the 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.

<hr/>			
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 52
Ditto	ditto	1823	6,310 51 $\frac{1}{4}$
Ditto	ditto	1824	5,696 25
Ditto	ditto	1825	12,170 89 $\frac{1}{4}$
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 85 $\frac{1}{2}$
Ditto	ditto	1830	21,601 61
Ditto	ditto	1831	29,811 77
Ditto	ditto	1832	18,681 38 $\frac{3}{4}$
Ditto	ditto	1833	10,565 41
			<hr/>
			201,249 63 $\frac{3}{4}$
			<hr/>
			60,750 36 $\frac{1}{4}$
Deduct amount on hand in the vault of the Treasury			4,635 02
			<hr/>
Showing a balance unredeemed and in circulation of			\$56,115 34 $\frac{1}{4}$
			<hr/>

W. S. MHOON, Pub. Tr.

(G)

A statement showing the 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 1834.

Shares of Stock of the Bank of the State of North Carolina, held in the name of the State of North Carolina	300	
Ditto ditto owned by the President and Directors of the Literary Fund	1,200	1,500
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
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	141	1,959
Ditto stock of the State Bank of North Carolina, owned by the State, and dividends unappropriated	2,768	
Ditto ditto by the President and Directors of the Literary Fund, and purchased with the cash belonging to that fund	282	3,050
Aggregate number of shares		8,631

The State has received on the stock in the State Bank of North Carolina the following dividends of the capital, viz.

One dividend of	\$50 per share.
Ditto	20 do
Ditto	10 do

Total capital received of State Bank	\$80 per share.
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On the stock in the Bank of Newbern:

One dividend of	\$25 per share.
Ditto	20 do

Total capital received of Bank of Newbern	\$45 per share.
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## REPORT OF THE COMMITTEE OF FINANCE.

### *The Committee of Finance respectfully Report :*

That Samuel F. Patterson, the Treasurer elect, having executed the bonds required by law, took the prescribed oaths on the 1st day of January, 1835, and commenced the duties of his office. He received from William S. Mamon, late Public Treasurer, all the books, papers, and other effects of the office, together with a transfer of the public monies, as follows, to wit :

Deposite in the State Bank at Raleigh,	\$40,467 93
Do. Bank of Newbern, do.	28,109 68
Do. Bank of Cape Fear, at Fayetteville,	13,108 81
Money in Treasury Office,	89 90
	<hr/> \$81,796 32
Receipts of Members of the General Assembly for advancements made by William S. Mhoon,	5,285 00
	<hr/> \$87,081 32

The bonds for the purchase of Cherokee lands, amounting, as appears from the books of the Treasury Office, to the sum of thirty thousand three hundred and fifty-nine dollars and ninety-four cents of principal, have also been delivered, and a list of them deposited in the Comptroller's Office.

The following statement exhibits the transactions of the Treasury Office, from the 31st October to the 31st December, 1834, when William S. Mhoon, late Public Treasurer, went out of office.

Amount in Treasury on 1st November, 1834,	\$68,433 41
Received for dividend of 10 per cent. of capital on stock held by the State in the Bank of Newbern,	18,180
Received for additional returns of sheriff,	7 52
	<hr/> 18,187 52
	<hr/> 86,620 93

#### Disbursed in the months of November and December

On account of the Judiciary,	\$3 955 00
Do. Contingencies,	1,224 09
Do. General Assembly,	1 172 20
Do. Rebuilding State House,	19,000 00
Do. Bogue Banks,	10 50
Do. Sheriff for setting Taxes,	17 30
Do. Library Fund,	15 15
Treasury Notes burnt, November 1834,	\$4,954 46
Do. 31st December,	183 76
	<hr/> 5,138 22

Advanced to Members of General Assembly by Wm. S. Mhoon, and their receipts handed over to Samuel F. Patterson,

5,285 00	<hr/> \$35,817 46
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Amount of cash in Treasury on 1st Jan. 1835,	\$50,803 47
Amount of Literary Fund in Treasury, 1st Novem- ber, 1834,	19,403 99½
Received for entries of vacant land since that day,	3,066 33
Do. for tax on sales at auction,	86 03
Do. tavern tax,	3 76
Do. dividend of cap'l stock in Newbern Bank,	1,410 00
Amount Literary Fund in Treasury, 1st Jan. 1835,	\$23,970 11½
Amount of fund for Internal Improvement in Treas- ury, on the 1st of November, 1834,	6,539 42½
Received since that day for Cherokee bonds,	509 59
	7,049 01½
Deduct am't paid to James Wyche, S. P. W.	5 28
Do. W. R. Hill, Sect. to Board,	21, 00
	26 28
Am't fund for Internal Improv't in Treas'y 1st Jan'y, 1835,	7,022 73½
Total amount of cash in the Treasury, 1st of January, 1835,	81,796 32
To which add amount of members' receipts,	5,285 00
	\$87,081 32
This amount, transferred as above stated from William S. Mhoon, to S. F. Patterson, is the only available fund now in the Treas- ury; but in the course of the fiscal year ending on the 31st October, 1835, there will probably be received on account of taxes collected by sheriffs,	70,000 00
Dividends of capital in State Bank, 5 per cent. on 3050 shares,	15,250 00
Do. do. Bank of Newbern, 10 per cent. 1959 shares,	19 590 00
Do. of profits in Bank Cape Fear, 7 per ct. 2122 shares,	15,854 00
Do. do. Bank of the State, 2 per ct. 1500 shares,	3,000 00
Tax on stock owned by individuals in Bank of the State and Bank of Cape Fear,	3,000 00
And from all other sources,	7,224 68
	\$220,000 00
The demands on the Treasury during the same period may be estimated as follows :	
For the Legislature,	\$40,000
Judiciary,	20,000
Executive,	2 525
Treasury,	2,000
Comptroller,	1 000
Secretary of State,	1 200
Pensions,	1,000
Adjutant General,	200
Public Printer,	900
Redemption of Treasury Notes,	3,000
Contingencies,	5,175
State House,	75,000
	152,000 00

Amount estimated to be in Treasury, 31st October, 1835,	68,000 00
Of this there will be due to Literary Fund,	40,000
To the fund for Internal Improvement,	18,000
	<hr/> 58,000 00
	<hr/> \$10,000 00

When by the act of 1825, certain branches of the revenue were set apart to constitute the Literary Fund, no additional taxes were imposed, nor was any other source of revenue provided to supply the place of that which was then withdrawn from the public treasury. The State, at that time was receiving considerable dividends on Bank stock, and had about 220,000 dollars of the Treasury Notes, which enabled the Government to get along very well for several years without the sums thus withdrawn. But when these sources of revenue failed, and the Treasury was called on to pay a large amount of Treasury Notes, a resort to the Literary Fund became necessary to defray the expenses of Government, and to redeem the Treasury Notes presented for payment.

Since 1825, the sum of \$163,772 33 has been paid for the redemption of Treasury Notes, and the sum of 125,000 dollars has been paid for building the new State House; and the sum of 30,000 dollars has been paid for stock in the new Bank, without the imposition of any additional taxes. The reception of \$243,059 89 cents for dividends of capital held by the State in the Bank of Newbern and the State Bank, in addition to the other sources of revenue, has enabled the Treasury to meet these extraordinary demands, and to defray the current expenses of government. But from the estimate submitted above, it is evident that some additional provision will be necessary to enable the Treasury to meet the demands which will be made on it. Unless some reduction of the expenses of the Government be made, additional taxes will be indispensable.

If a Convention should be called to amend the Constitution, the expenses of the government may be so reduced as to supercede the necessity of increased taxation to defray the ordinary expenses. But some provision will be necessary to raise a fund to defray the expenses of the convention, and to meet occasional demands on the Treasury. By the act of 1833, the Treasurer is authorized to borrow of the Bank of Cape Fear or the Bank of Newbern, on behalf of the State, when in his opinion such a measure should be expedient. As it may be more convenient to the Banks and to the Treasurer to borrow of the Bank of the State, the accompanying resolution is respectfully submitted, which will authorize the Treasurer to exercise his discretion in case it should become necessary to borrow.

The State owns 1500 shares in the Bank of the State, 1200 of which belong to the Literary Fund; the remaining 300 could be sold at a premium, if judged advisable. It also owns 2122 shares in the Bank of Cape Fear, 50 of which belong to the Literary Fund; and the dividends on 704 is appropriated to that Fund. And the dividend on 1358, is appropriated to the Fund for Internal Improvement; so that the dividends on only 10 shares of stock in this Bank is unappropriated.

The entries on the Books of the Comptroller's Office, which were made before the present incumbent was elected, are as follows: On the Ledger up to the 1st day of August; on the Journal up to the first day of September; and on the Day-Book for a small portion of September. The present Comptroller will have to bring up these Books; but as it has not been completed, the committee cannot ascertain what compensation would be justly due for it.

All of which is respectfully submitted.

By order of the Committee:

JAMES WYCHE, *Chairman.*

## FREE SCHOOLS.

*In Senate, 20th December, 1834.*

Mr. McQueen presented the following Bill to provide a fund for the establishment of Free Schools in the State of North Carolina; passed the first reading, and laid on the table; and, by joint resolution of the General Assembly, ordered to be appended to and published with the Laws passed at the present session.

*Be it enacted by the General Assembly of the State of North Carolina, it is hereby enacted by the authority of the same,* That the Justices of the different counties in this State, who may be appointed by the county court, to take the list of taxes in the different captains districts thereof, shall, in addition to receiving the usual list of taxes required by law, require each free white person who may either render a list of taxable property for himself or another person, to render the number of children between the ages of five and fifteen years, embraced in his own family or in the family of such other person as he may render such list for: Also, the number of children embraced in his own family, or in the family of such other person as he may render such list for, who can read; the number of children who can both read and write; and the number which have received no instruction whatever: also, the number of such children aforesaid, as have been sent to school; and the compensation received by their teacher, and for what length of time.

II. *Be it further enacted,* That it shall also be the duty of the magistrates who may be appointed to receive the list of taxable property in the different captain's districts aforesaid, to make out a list of the school-houses occupied for the purposes of instruction, in each captain's district; the number of pupils in each school house; the months of the year in which the school-houses have been usually occupied; the qualifications of the teacher, and the compensation he receives, so far as he can recollect.

III. *Be it further enacted,* That it shall be the duty of the magistrates aforesaid, to deliver these lists to the clerk of the county court, who shall transmit the same legibly written out, and regularly authenticated, to the Executive of the State, immediately preceding the meeting of the General Assembly of the State. Each magistrate who receives the usual list of taxable property, shall for his additional labor in making out the list aforesaid, receive such compensation as the county court may direct, to be paid out of the treasury of the county; and for omitting to take such list, shall be subject to the penalty of ten dollars.—That each free white person aforesaid, who may render a list of taxable property for himself, or for another person, and shall refuse in addition thereto, to render the list heretofore required in this act, shall be subject to a penalty of ten dollars:—and that any clerk of the county court who may fail to transmit such lists aforesaid, as may be delivered to him by the magistrates herein before mentioned, shall be subject to a penalty of twenty-five dollars.

VI. *Be it further enacted,* That it shall hereafter be the duty of the clerks of the superior and of the county courts, in the respective counties within this State, to make out a regular list of the fines and forfeitures, which have been incurred in the courts of their respective counties, during the year one thousand eight hundred and thirty four; the manner in which these fines and forfeitures have been usually applied; and how far they constitute a branch of revenue essential to the maintenance of the county police:—that they shall receive for making out and transmitting it to the Governor of the State, such compensation as the county court may agree to, to be paid out of the treasury of the county; and for omitting the performance of this duty, shall be subject to a penalty of twenty-five dollars.



V. *Be it further enacted*, That the clerks of the county courts in the different counties, within this State, shall transmit to the Executive of the State, immediately preceding the next meeting of the Legislature of the same, the amount of compensation annually received by the county trustee, and by the county treasurer, in their respective counties, for the services they perform; and what those services have usually been; and within those counties in which these offices are still in existence, it shall be the duty of the clerks of the said counties, to state in his communication to the Executive, on this subject, whether or not these officers are absolutely essential to the just administration of the financial concerns of the counties; and where the office of county trustee and county treasurer have been dispensed with in any of the counties within this State; it shall be the duty of the clerks of the said counties, to state to the Executive, for the information of the Legislature, whether or not the abolition of the said offices has proved a serious detriment to the official operations of the county; and that the said clerks, for making such communication to the Governor of the State, shall receive such compensation as the county courts may direct, and for omitting the same shall be subject to a penalty of twenty-five dollars.

VI. *Be it further enacted*, That it shall hereafter be obligatory on the clerks of the Wardens of the poor in the different counties within this State, to make out a list stating the number of the poor supported by their respective counties, and the expense of supporting them during the year 1834; and shall in addition to this, state whether they are supported by letting them out to individual bidders, or in a Poor House, and the comparative expense of the two modes of supporting them, that this list shall be transmitted to the Executive of the State, and by him shall be transmitted to the next Legislature of the same; and that the said clerks of the wardens of the poor, shall receive for making this communication to the Executive such compensation as the county court may direct, and for omitting the same, shall be subject to the penalty of ten dollars.

VII. *Be it further enacted*, That the magistrates in the different counties in this State, shall at the Court of Pleas and Quarter Sessions of their respective counties, which shall be held after the first day of March next, seven justices being present, order the county surveyor to lay off the counties aforesaid into departments not larger than ten miles square, and not smaller than four miles square, respect always being had in laying off such departments to the wealth and density of the population embraced in the tracts of country in which such departments shall be made.

VIII. *And be it further enacted*, That in laying off these departments, respect shall always be had to the future location of public schools within them; and that the justices of the county court in the different counties within this State, shall at the term of the said court which shall be held in their respective counties immediately after the first day of March next, seven justices being present, choose three commissioners for each department of the poor in said counties, whose duty it shall be to take charge of the poor in their respective departments or parishes; and to provide for every case of pauperism which may arise in their respective departments after the first day of May in the year one thousand eight hundred and thirty four.

IX. *Be it also enacted*, That the said commissioners shall meet in their respective departments at least four times in each year, and shall then, if it be necessary, impose on the inhabitants of their said departments a tax proportioned to the value of their land and slaves, which tax shall be sufficient for the support of every pauper which may be presented to the said commissioners in their respective departments after the first day of May next, as a fit subject of public charity; and which tax shall continue to be assessed as aforesaid by the commissioners, until the pauper or paupers for whose support it may have been imposed, shall die or be otherwise removed from the poor list; and that in addi-

tion to this tax, such a tax as the commissioners of the poor may direct, shall also be imposed on each free male in the said departments, who own neither land nor slaves : which sum, so levied, shall also be applied to the support of the poor of the department in which the assessment shall be made.

X. *Be it further enacted*, That the aforesaid commissioners shall, at the usual meetings to be held in their respective departments, for the purpose of providing for the wants of the poor, and inquiring into the condition of the same, shall appoint a clerk, whose duty it shall be to make an annual report of their proceedings to the clerk of the county court ; which shall be transmitted by him to the executive of the State for the information of the Legislature.

XI. *Be it further enacted*, That the same sum which has been assessed for the support of the poor in the different counties in this State, for the year 1834, shall still continue to be assessed hereafter by the justices of the county court, in like manner as it has hitherto been, regardless of any diminution which may occur in the number of the poor on the poor lists of said counties, produced either by deaths or removals from the said lists ; and shall continue to be applied to the support of such of the poor as may be found on the poor list in the different counties aforesaid, on the first day of May next, agreeable to the ratio of expense at which each pauper now on the poor list is supported.

XII. *Be it further enacted*, That when any pauper who may be found on the poor list in the different counties in this State, on the first day of May, 1835, shall die or be removed from the poor list, the sum or sums which had been allotted for the support of the said pauper or paupers, under the assessment of 1834, for the support of the poor in the different counties within this State, shall be considered a clear accession to the Literary Fund, and shall be held by the Treasurer of the State for the use of the Literary Fund.

XIII. *Be it further enacted*, That when the paupers who may be found on the poor lists in the different counties in this State, shall die or be otherwise removed from the poor lists, the sum which was assessed in the year 1834, for the support of the poor in the said counties, and which shall be assessed annually hereafter by the justices of the counties, regardless of the diminution of the poor, on the poor lists in said counties, by deaths or otherwise, shall be considered a clear annual accession to the Literary Fund of this State, and shall be subject to the demand of the Treasurer of the State.

XIV. *Be it further enacted*, That the penalties incurred in the violation of any of the duties set forth in any clause or clauses of this act of Assembly, may be recovered of the person or persons violating the provisions of the same, by the chairman of the county court, in either of the counties of this State ; who may direct the county attorney of either of said counties, to issue a *scire facias* to any person who may appear to be a delinquent under this act of Assembly, to show cause why the forfeiture should not be incurred ; and it shall be the duty of the county attorney, in the different counties in this State, to appear in behalf of the State whenever such process shall be instituted, and shall receive for his services the sum of four dollars in every prosecution where the penalty shall be recovered.

XV. *Be it further enacted*, That all penalties incurred in violation of any clause or clauses of this act of Assembly, shall be transmitted by the persons authorised to collect them, to the treasurer of the State, and shall be applied by him to the use of the Literary Fund.

XVI. *And be it further enacted*, That when any citizen of this State shall hereafter die, leaving an estate in land, slaves or personal estate of any description, and without lineal representatives to inherit the same, the estate so left shall be subject to a tax of ten per centum ; which tax shall be deducted from the estate by the administrator or executor of the deceased, and by him shall be paid to the Treasurer of the Literary Fund.

**Comparative Statements of the Listing and Assessment of Property for Taxation, in 1815 and 1833, with the net Tax accruing thereon, &c.**

Counties.	Assessment under Act of Congress for the year 1815.				Assessment for State Tax, 1833.				Taxable Polls listed in 1833.		Taxable Polls according to Census of 1830.		Land and Poll Tax according to the foregoing statements.				
	No. Acres	Aggregate Valuation.	Valuation per acre.	No. acres	Aggregate Valuation.	Valuation per acre.	Land entered since 1815, up to 1833.	Aggregate val. of land in 1815, added to that entered since, sub. same rate.	Free Polls.	Black Polls.	Free Polls from 21 to 45 years.	Slaves from 14 from 21 to 50 years.	Land Tax.		Poll Tax.		
													D	C	D	C	
																	Dollars.
Ansion	363962	509548	1 40	351077	537571	1 53	70405	608155	736	1737	1245	2519	342 98		707 64		
Ashe	211521	311321	1 47	254376	270159	1 06	75878	287199	785	*	867	253	161 98		210 60		
Brunswick	441187	516189	1 17	not state'd	289277		18148	537422	255	1058	559	1715	505 10		427 58		
Buncombe	506875	669069	1 32	474019	652610	1 38	92600	791308	907	581	1904	904	446 29		627 91		
Burke	627225	840481	1 34	not state'd	800023		110556	988371	2586	*	1843	1936	557 44		714 22		
Beaufort	333903	410819	2 44	402606	605040	1 50	18898	586930	807	1735	1134	2283	483 31		646 16		
Bladen	459902	554276	1 26	415144	435645	1 05	49318	616410	501	1437	634	1583	347 66		416 80		
Bertie	347967	1,500098	3 88	338248	998909	2 99	4267	1,366661	649	3142	786	3510	770 79		808 08		
Craven	469273	1,787393	3 81	423151	691646	1 63	50107	1,978338	743	2191	1138	3298	1116 06		833 97		
Carteret	158490	385151	2 48	127961	276016	1 10	1856	936931	428	479	724	836	923 27		923 28		
Currituck	130103	343473	2 64	106861	232185	2 17	6798	561449	306	839	765	1243	203 84		377 51		
Camden	116230	412618	3 55	114553	272520	2 38	2729	422305	457	661	712	1093	238 18		359 34		
Caswell	262305	786946	3 01	216028	635958	2 94	1029	790063	736	2427	1200	3191	345 60		825 51		
Chowan	96901	645360	6 66	not state'd	497921			645560	357	1558	446	1994	468 99		458 72		
Chatham	503852	1,003805	2 11	not state'd	917533		10562	1,083370	1148	2147	1360	2559	614 15		738 02		
Cumberland	756611	1,203805	1 71	731643	942721	1 29	75363	1,421679	928	2666	1392	2600	801 82		750 50		
Columbus	197605	167966	0 85	394728	172321	0 44	35550	198181	533	591	390	493	111 78		166 01		
Cabarrus	187764	640374	3 41	178716	534016	2 99	4064	656168	685	829	398	1174	370 08		897 05		
Duplin	398414	729007	1 83	398255	550812	1 40	10422	748169	586	1591	933	2216	421 97		693 78		
Davidson	443911	1,236372	2 78	443911	1,524926	3 53	2440	1,527187	1009	3569	1104	3711	1092 57		905 22		
Edgecomb	271118	916715	3 38	381097	716220	2 53	444	918187	573	2190	758	2421	517 86		597 60		
Franklin	389363	1,186254	3 05	373739	1,099838	2 94	2940	1,193221	1649	1061	2514	1373	674 70		693 16		
Guilford	161556	544434	3 37	189898	371685	2 27	27	544394	507	1442	636	1789	507 12		455 90		
Gates	439941	1,161446	2 64	116319	901545	2 10	1573	1,165599	1060	3539	1389	4488	657 89		1104 88		
Granville	147646	549244	3 72	147646	389964	2 58	410	530769	463	1303	414	1450	310 63		350 44		
Greene	379657	2,061540	5 43	not state'd	1,569393		1854	2,066790	824	4056	1287	4953	1165 67		1163 72		
Halifax	830081	4116505	4 91	105005	666036	3 66	1834	837950	51	137	17	1843	472 60		481 28		
Hertford	340287	819287	2 39	not state'd	838615		17423	834920	1151	1	656	1011	482 18		813 40		
Hyde	157747	290916	1 28	90931	202325	2 23	11062	216100	442	137	544	149	121 89		130 66		
Iredell	466329	892158	1 90	892158	739672	1 92	7936	908330	1187	1466	1581	1918	512 30		658 00		
Jones	204122	711020	3 48	194063	399702	2 05	2568	719873	948	1223	586	1399	406 00		378 00		
Johnston	473107	846663	1 79	449952	639247	1 41	11279	867053	827	1672	1011	1841	489 02		536 18		
Lincoln	633102	1,285198	2 03	618015	1,509003	2 18	38013	1,343008	1619	2133	2428	2615	756 93		947 71		
Lenoir	199772	724993	3 63	195787	333391	1 70	3036	730013	347	1528	326	1961	415 11		467 36		
Moore	923450	339029	1 11	303751	305914	1 01	47173	411391	519	565	792	822	282 02		303 44		
Macon				47767	180360	3 77		150350	538	226	643	251	101 75		164 32		
Montgomery	410062	1,196367	2 94	119371	442768	3 27	29592	1,503331	719	897	1199	1812	534 75		451 96		
Mecklenburg	409167	1,300934	3 20	1008278	1,222811	2 99	12805	1,372828	1560	2634	1084	3678	776 85		1004 45		
Martin	190130	557503	2 93	1078342	191236	2 62	1777	929939	580	1233	796	1627	334 46		455 38		
New Hanover	558282	1,203399	2 15	114005	998902	2 64	45770	1,465120	535	2619	635	2845	628 28		651 84		
Nash	523541	703034	2 15	414005	518871	2 26	4864	713491	566	1619	645	1774	402 40		454 78		
Northampton	508233	1,532862	3 02	1281531	1,685054	1 28	723	1,533438	727	3140	531	3647	664 30		841 57		
Onslow	250978	605153	2 42	173921	416192	2 59	23790	673722	413	1119	690	1381	379 41		423 08		
Orange	550152	1,917993	3 49	1558553	1,738122	2 38	10056	1,953560	1870	3611	2357	3797	1101 83		1138 16		
Person	212342	511745	2 41	1202807	477787	2 35	5416	319977	681	1694	770	2190	293 27		537 61		
Pasquotank	116786	496542	4 25	117931	361435	3 01	344	427804	681	1290	971	1418	280 76		444 14		
Pitt	553258	1,309719	2 36	1040691	961489	1 18	9436	1,456912	2998	1	1014	2077	810 05		699 53		
Perquimans	121605	563091	4 63	184130	443531	3 32	2672	573592	526	1174	706	1571	324 53		800 48		
Rowan	763762	2,176720	2 85	473741	1,389009	2 93	10676	2,216879	1638	2611	2022	3063	1250 15		953 98		
Rockingham	408811	891207	2 18	858231	712393	1 86	97949	959135	1032	608	1483	737	537 00		415 43		
Robeson	813078	729472	2 33	604069	654992	2 14	6338	744293	942	1811	1177	2134	419 75		622 47		
Richmond	489420	604103	1 25	585551	423264	1 72	4187	538415	648	1137	954	1200	286 73		404 96		
Rutherford	297431	465993	1 56	258190	474871	1 99	24857	502768	488	1586	820	1827	283 50		497 64		
Sampson	664024	942914	1 42	495561	836377	1 67	56988	1,028333	1249	1817	1841	1735	677 44		678 29		
Surry	449884	769301	1 71	411923	528104	1 26	9196	785026	1398	1540	1199	2009	442 76		691 88		
Stokes	325766	841226	2 60	502987	738335	1 47	39350	904506	1294	767	1613	961	510 14		488 92		
Tyrrell	978018	896669	2 38	457339	903639	1 97	22876	954118	1191	1243	1779	1441	538 12		603 86		
Washington	128064	832014	2 73	119238	247741	2 07	13616	369049	349	630	496	671	208 14		219 40		
Wilkes	175005	457512	2 60	1507306	237072	1 66	5014	450047	263	637	443	887	258 28		250 04		
Watauga	286335	457233	1 77	226240	397848	1 51	47931	542073	1302	*	1339	737	803 73		388 41		
Wake	564525	1,212800	2 15	540788	1,415639	2 62	3627	1,729812	1314	3454	1649	4158	975 62		1091 72		
Warren	290935	1,054425	3 63	293607	590121	2 17		1,045423	563	3341	603	9701	583 68		899 16		
Wayne	325176	1,144620	3 52	320959	770431	2 40	5127	1,166667	660	1521	927	1818	975 74		5 06		
		53,521,513			42,916,633			1,249,758	56,021,317	54074	96864	68356	123474	51601	28	36479 82	

Average valuation in 1815, \$ 69

Average valuation in 1833, \$ 27

\*Not dispositive of. Included in Rowan.





# A GENERAL STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A Statement of the nett amount of that branch of the Revenue which is receivable by the Sheriffs, for the year 1833.

Counties.	No. of Sheriffs.	Sheriff's Names.	Land Tax.	Town property Tax.	Poll Tax.	Stead horse Tax.	Store Tax.	Tavern tax, including Lottery Tax.	Miller Tax.	Artificial Culpity Tax.	Natural Culpity Tax.	Gate Tax.	Millard Tax.	Negro Tithes Tax.	Amount due by Sheriff.	Amount paid by Sheriff.
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.
Asen	1	Hampton B. Hammond	302 68	13 55	460 31	13 65	163 36	7 52	73 20	28 20	28 20	-	-	-	1 1100 65	1100 65
Ashe	1	John Gambill	144 47	7 99	147 53	3 70	11 68	-	28 20	-	-	-	-	-	2 343 28	343 28
Ba	1	Rea Rux	158 96	1 19	259 13	-	31 90	33 84	-	-	-	-	-	-	2 487 07	487 07
Bancroft	4	Nathaniel Harrison	341 67	26 96	270 55	10 84	101 52	11 28	56 40	-	-	4 70	-	-	4 829 82	829 82
Burke	1	John Boon	405 31	-	490 68	21 62	127 84	45 12	160 20	56 40	14 10	-	-	-	5 1290 27	1290 27
Reynolds	6	Allen Crist	233 83	107 42	481 66	14 10	285 70	116 36	18 80	28 20	-	9 40	-	-	6 1295 72	1295 72
Bladen	7	George Cromarie	465 43	4 67	364 49	16 99	30 36	7 52	18 80	-	-	4 70	-	-	7 684 65	684 65
Bertie	2	James Bond	565 49	14 40	715 73	27 26	151 60	45 12	47 85	-	-	14 10	4 70	-	9 1596 32	1596 32
Brevent	1	Thomas J. Pasteur	233 16	150 76	310 25	1 88	610 00	97 70	-	47 00	-	-	-	-	9 1064 87	1064 87
Carleton	10	Abraham Fulford	188 86	16 32	165 25	-	41 56	32 60	-	-	-	-	-	-	10 414 93	414 93
Carleton	11	Isaac Baxter	150 78	-	345 35	5 64	47 00	41 56	18 80	-	-	-	-	-	11 491 93	491 93
Carrington	12	Luke G. Lamb	153 74	-	263 94	7 52	103 40	78 96	-	-	-	4 70	-	-	12 571 66	571 66
Caswell	12	Thomas L. Lea	558 25	64 48	252 64	40 25	20 16	56 40	75 20	64 40	-	-	-	-	13 1411 15	1411 15
Catawba	14	William D. Lacey	217 61	63 05	279 20	15 04	141 00	26 32	18 80	64 40	-	-	-	-	14 917 42	917 42
Chatham	16	Horace D. Bridges	501 03	17 13	391 07	40 89	118 44	46 57	37 60	-	-	-	-	-	15 1347 54	1347 54
Cumberland	16	John M'Lean	363 03	173 41	601 22	26 32	982 50	60 16	18 80	-	-	-	-	-	16 2244 06	2244 06
Columbus	17	Joshua Williamson	96 53	2 30	161 12	2 32	16 92	11 28	18 80	-	-	-	-	-	17 309 77	309 77
Cabarrus	18	William H. Archibald	300 19	-	283 83	3 70	73 33	18 80	18 80	-	-	-	-	-	18 703 89	703 89
Duplin	19	James C. Hill	391 06	60	499 28	1 41	100 28	48 83	36 40	-	-	4 70	-	-	19 953 24	953 24
Durham	20	William Kennedy	433 76	15 25	561 13	52 43	90 24	56 40	28 20	-	-	-	-	-	20 1029 13	1029 13
Edgecomb	21	Spencer L. Hart	832 25	27 83	788 66	69 56	180 49	47 30	37 60	-	-	-	-	-	21 1973 98	1973 98
Franklin	22	Gustav Perry	976 93	27 02	620 15	31 02	142 83	41 56	37 60	-	-	-	-	-	22 1159 96	1159 96
Gaillard	23	James W. Doak	588 37	30 47	493 78	47 94	355 32	-	37 60	56 40	-	-	-	-	23 1561 98	1561 98
Gates	24	James R. Riddick	260 30	-	334 00	11 23	63 04	22 56	37 60	-	-	-	-	-	24 753 73	753 73
Graenville	25	Leslie Gilliam	927 00	25 46	927 00	67 84	293 35	43 12	37 60	28 20	14 10	-	-	-	25 1817 00	1817 00
Greene	26	John W. Taylor	214 19	1 80	310 03	11 75	63 03	33 84	18 80	-	-	-	-	-	26 653 91	653 91
Halifax	27	James Simmons	884 71	1 97	904 09	36 48	189 88	109 04	94 00	-	-	-	-	-	27 2270 17	2270 17
Hertford	28	Richard G. Cowper	313 72	23 17	366 79	19 74	204 92	48 84	56 40	28 20	-	-	-	-	28 1051 78	1051 78
Hyde	29	Henry S. Spencer	154 38	-	216 33	3 70	63 80	48 83	37 60	-	-	-	-	-	29 507 01	507 01
Haywood	30	Nelson G. Russell	311 76	9 31	400 85	10 45	37 60	18 80	-	-	-	-	-	-	30 890 79	890 79
Hendell	31	Henry Caldwell	201 57	12 26	470 02	21 15	115 44	18 80	94 00	28 20	-	-	-	-	31 1172 82	1172 82
Jones	32	William Hoggies	223 21	3 21	270 53	7 53	50 70	15 04	18 80	-	-	-	-	-	32 504 71	504 71
Johannston	33	Eliza Harrison	547 72	9 26	601 92	12 43	63 04	26 32	37 60	-	-	-	-	-	33 957 31	957 31
Lincoln	34	Thomas Ward	761 17	-	699 74	44 18	218 16	60 16	188 00	28 20	14 10	-	-	-	34 2045 77	2045 77
Lenoir	35	John Davis	311 71	7 78	440 55	10 46	43 12	-	18 80	-	-	-	-	-	35 645 05	645 05
Macon	36	George M'Donald	172 82	0 04	507 55	16 92	39 48	53 84	-	-	-	4 70	-	-	36 478 53	478 53
Madison	37	James Fruit	51 96	6 77	141 19	24 41	20 68	30 80	18 80	-	-	-	-	-	37 336 92	336 92
Montgomery	38	John M. Allen	247 11	2 60	803 61	5 64	109 04	11 28	56 40	-	-	14 10	-	-	38 749 98	749 98
Mecklenburg	39	Joseph M'Connaughey	640 48	49 19	730 88	47 94	224 66	30 80	56 40	28 20	-	-	-	-	39 1827 63	1827 63
Marion	40	Charles S. Shepherd	277 06	-	344 00	28 80	105 40	48 83	37 60	-	-	-	-	-	40 839 74	839 74
New Hanover	41	Samuel W. Morris	277 06	218 56	374 40	3 70	201 43	18 80	37 60	28 20	-	4 70	470 00	18 80	41 2657 13	2657 13
Nash	42	Samuel W. Vick	292 62	-	420 46	50 08	103 48	41 56	37 60	-	-	-	-	-	42 914 52	914 52
Northampton	43	James H. Wood	762 73	3 85	723 87	77 03	164 64	41 56	112 80	-	-	4 70	-	-	43 1875 03	1875 03
Onslow	44	Peter Harrell	231 35	3 54	288 09	27 86	60 04	33 84	37 60	-	-	-	-	-	44 683 43	683 43
Orange	45	James C. L'arrantia	913 53	64 77	945 83	73 32	224 66	60 16	56 40	28 20	-	-	-	-	45 2508 37	2508 37
Person	46	John A. Barnett	259 92	-	472 82	42 30	69 56	30 32	37 60	88 50	-	-	-	-	46 974 29	974 29
Perquimans	47	Joshua Bond	371 01	30 02	365 78	17 86	36 96	30 80	56 40	-	-	-	-	-	47 1072 30	1072 30
Pitt	48	Howard Alderson	531 12	21 17	549 96	-	112 80	26 32	56 40	-	-	-	-	-	48 1256 77	1256 77
Perquimans	49	James Long	242 83	8 35	318 40	14 57	96 38	15 04	61 10	28 20	-	9 40	-	-	49 789 27	789 27
Rowan	50	Fleeting Slater	698 69	79 39	759 35	45 71	199 28	26 32	18 80	28 20	-	-	-	-	50 1853 72	1853 72
Randolph	51	George Hoover	356 93	4 83	308 32	17 99	97 76	-	37 60	-	14 10	-	-	-	51 850 53	850 53
Rockingham	52	Marion Roberts	391 41	-	504 40	18 80	150 40	52 64	18 80	-	14 10	4 70	-	-	52 1193 25	1193 25
Robeson	53	James Storm	327 59	1 52	335 20	7 03	24 44	7 52	-	-	-	-	-	-	53 613 73	613 73
Richmond	54	William Crawford	262 40	5 42	342 91	13 16	71 44	-	18 80	-	-	9 40	-	-	54 723 53	723 53
Rutherford	55	William Carson	450 90	14 72	548 38	35 93	161 68	120 39	206 80	56 40	28 20	4 70	-	-	55 1654 23	1654 23
Sampson	56	Curtis Thompson	296 36	1 49	433 90	15 98	39 48	18 80	94 00	-	-	-	-	-	56 900 01	900 01
Sorry	57	Thomas H. Wright	409 41	7 22	386 54	28 45	75 90	50 08	-	36 40	14 10	-	-	-	57 1007 38	1007 38
Stokes	58	Salathiel Stone	471 09	42 02	444 06	32 40	127 52	18 80	37 60	-	28 20	-	-	-	58 1275 05	1275 05
Tyrrell	59	Hereskiah G. Sprill	139 38	-	184 05	10 92	33 84	22 56	18 80	-	-	-	-	-	59 434 35	434 35
Washington	60	John D. Bennett	108 80	19 27	169 20	5 64	134 42	26 32	-	36 40	-	-	-	-	60 520 05	520 05
Wilkes	61	John J. Bryna	209 21	15 27	256 88	60 16	32 56	18 80	28 20	14 10	-	-	-	-	61 605 08	605 08
Wake	62	Paschal B. Jure	712 28	105 12	889 43	80 84	333 70	75 20	37 60	-	-	-	-	-	62 2254 17	2254 17
Warren	63	William G. Burt	522 36	-	716 66	41 85	169 20	45 12	-	56 40	28 20	-	-	-	63 1525 37	1525 37
Wayne	64	William Thompson	424 60	9 93	298 19	20 08	76 76	20 08	-	-	-	-	-	-	64 969 36	969 36
			32772 80	1637 95	22043 62	1499 40	3723 94	2417 08	2571 75	1034 00	211 3	98 70	470 00	18 80	70388 04	70388 04

A Statement of the nett amount of that branch of the Revenue which is receivable by the Auctioneers for duties on Sales at Auction, for the year 1833-34, and from the Banks of Newbern and Cape Fear, for the year 1833-34, &c. &c.

Names of Auctioneers.	County and Year.	Shewings of Sales paid to Auctioneers.	Dolls. Cts.	Dolls. Cts.
John C. Wiat	Wake county for 1833-34	8 08	1 05	
Stephen Hirdall	Do do	25 74	25 74	
George W. Davis	Do do	20 36	20 36	
Talbot Barr	Do do	43 07	43 07	
Nathaniel J. Oliver	Do do	91 05	91 05	
Robert W. Williams	Do do	217 20	217 20	
Joseph Fowler	Do do	16 32	16 32	
Thomas Vaughn	Do do	50 11	50 11	
		416 85	556 74	

RECAPITULATION OF RECEIPTS.		Dolls. Cts.
Revenue paid by Sheriffs, for 1833		\$70,388 04
Paid by sheriffs on additional returns		219 40
Deduct Tavern Tax, belonging to Literary Fund		76,007 44
		\$2,410 00
Sales of Land and Negroes		69,100 36
Ten of Public Lands		10 00
Charles Mandy, for bond for Machine trust of Land		25 84
John Holloway, bond		438 80
John L. Henderson, Clerk Supreme Court, Act of 1831		355 00
John Miller, Clerk County Court of Beaufort		672 08
State Bank of N. C. (dividend Dividends)		88,276 00
Bank of Newbern		35,260 00
Bank of Cape Fear (unpaid 3 per cent, on 10 shares)		30 00
Bank Tax, Newbern		2,236 38
Do, Cape Fear		2,041 56
Sales of Furniture at Government House		4,311 91
		352 62
Balance due North Carolina on 1st Nov. 1833		208,127 28
		99,591 11

LITERARY FUND.		Dolls. Cts.
Land Entries		4,409 36
Survey Tax		645 05
Auction Tax		336 74
Bank of N. C. (Dividends)		2,024 00
Bank of Cape Fear		2,236 00
Bank of Newbern		2,820 00
Balance due Literary Fund, 1st Nov. 1833		22,275 18
		117,024 51
Amount paid for stock of the Bank of the State		120,000 00
		19,403 99

FUND FOR INTERNAL IMPROVEMENT.		
Amount received on Cherokee Bonds	1,733	23
Bank of Cape Fear, (Dividends)	4,074	00
	5,807	23
Balance due 1st Nov. 1868	979	05
	6,786	28
Deduct disbursements	246	89
		6,539
Amount amt of Cash in hands of Pub. Treasurer 1st Nov. 1868		94,876

















